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EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

# Study on the functioning of judicial systems in the EU Member States

## Facts and figures from the CEPEJ questionnaires 2010 to 2018

Study prepared under the authority of the Working Group on the evaluation of judicial systems (CEPEJ-GT-EVAL) for the attention of the European Commission (Directorate General Justice)

### Part 1 - Data tables per indicator for all EU member States

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# Abstract

The European Commission has requested the European Commission for the Efficiency of Justice (CEPEJ), Council of Europe to conduct a study by collecting and providing data on the functioning of judicial systems in the EU member States. This study is based on the facts and figures collected, processed and analyzed by the CEPEJ according to its own methodology and it aims at providing objective, reliable and comparable information to be used by the European Commission in the “EU justice Scoreboard”.

The methodology used for this report is fully based on the methodology used by the CEPEJ for its biennial evaluation cycles, using its questionnaire for evaluating judicial systems to be filled by the CEPEJ's national correspondents (main contact point within national judicial systems), whose responses are statistically processed analyzed and validated by the evaluation working group (GT-EVAL) of the CEPEJ.

Following the technical specifications provided by the European Commission, the study is structured in two main parts: the first part examines the judicial systems in the European Union member States providing data tables per indicator for the member States, and the second part contains separate sheet per country.

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La Commission européenne a demandé à la Commission européenne pour l'efficacité de la justice (CEPEJ) du Conseil de l'Europe de réaliser une étude visant à collecter et à fournir des données relatives au fonctionnement des systèmes judiciaires dans les Etats membres de l'UE. Cette étude, basée sur des faits et chiffres collectés, traités et analysés par la CEPEJ selon sa propre méthodologie et vise à fournir une information objective, fiable et comparable qui sera utilisée par la Commission européenne dans son « Tableau de bord de la justice de l'UE ».

La méthodologie utilisée pour le présent rapport se base en totalité sur celle que la CEPEJ emploie pour ses cycles d'évaluation biennaux, en utilisant un questionnaire d'évaluation des systèmes judiciaires. Ce questionnaire est rempli par les correspondants nationaux de la CEPEJ (qui sont les points de contact au sein de chaque système judiciaire national) et les réponses fournies font l'objet d'un traitement statistique, d'une analyse et d'une validation par le groupe de travail évaluation (GT-EVAL) de la CEPEJ.

Conformément à la note technique de la Commission Européenne, l'étude est divisée en deux parties, la première examinant les systèmes judiciaires des Etats membres de l'Union européenne à l'aide de tableaux de données par indicateur pour les Etats membres et la seconde contient des fiches par pays.

# Executive summary

## English version

The European Commission has requested the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe, relying on its own methodology for evaluating the functioning of the judicial systems of Council of Europe member States, to conduct a study aimed at analysing the situation of the judicial systems in the EU member States.

This study is based on the processing and analysing data and comments provided by member States through five evaluation cycles (2010, 2012, 2014, 2016 and 2018) and three specific questionnaires (2013, 2015 and 2017). It will constitute one of the sources used by the European Commission for the « EU justice Scoreboard ».

## Structure of the study

Following the technical specifications provided by the European Commission, the study, based on 2018 data and also presenting the evolution in relation to 2010, 2012, 2013, 2014, 2015, 2016 and 2017 data, is structured in two main parts:

- the first part examines the judicial systems in the European Union (EU) member States providing data tables per indicator for the member States ;
- the second part contains country sheets, with a contextual analysis.

## Main elements

The study provides an overview of the functioning of the justice public service based on the main elements, which, according to the CEPEJ, are constitutive of the effectiveness and quality of systems.

### *Budget of judicial systems*

To start with, it has to be distinguished the two concepts used by the CEPEJ for the analysis of the resources allocated to justice in order to obtain an overview of the EU member States budgets.

There are indeed, depending on the State, common or separate financing mechanisms for the courts, the prosecution services and legal aid. Nevertheless, these three elements have been broken down as far as possible to allow comparisons, not only of the resources allocated to the prosecutorial or trial functions, despite the difference in the organisation of systems, but also of the amounts budgeted for access to justice.

Thus, the budget allocated to the « judicial system » consists of the addition of resources allocated:

- to courts;
- to legal aid;
- to the prosecution service.

It must be emphasized that the judicial system budget and the court budget, as precisely defined by the CEPEJ methodology to provide the most rigorous assessment of the effort of the member States, is not comparable with other indicators available by other European institutions.

The CEPEJ obtains a wider analysis of justice system with another calculation: the budgets of other services involved in the functioning of the public service of justice (prison, system of enforcement of court decisions, judicial protection of juveniles, etc.) are added to the judicial system budget to evaluate the « whole justice system ».

For a closer insight into the budgets allocated to judicial systems, the different components of these budgets were examined with different entries singled out: gross salaries of staff, information technologies (computers, software, investments and maintenance), justice expenses (such as remuneration of interpreters or experts), costs for the rental and running of premises, real estate investments and training.

Specifically between 2010 and 2018, the analysis of the data sent by the member States shows that a wide majority of the EU States have increased the contribution to their judicial system (in absolute value), even in a persistent context of control of public expenditure.

In general, the evolution of the exchange rate in 8 countries outside the euro zone, which is indicated on the table related to the general data, has been incorporated in a separate table in all the budgetary comparisons between 2010 and 2018.

### *Human resources*

Different categories of judges (permanent, occasional, non-professional) can serve the justice system. The 2018 study focused on professional judges sitting permanently, whose number has an European average of 21,5 judges per 100 000 inhabitants (the median is 24,1 judges per 100 000 inhabitants). These indicators have slightly increased between 2017 and 2018 and trend of the distribution of the evolution (increase / decrease) between the countries is more in favour of the increase. The number of judges per 100 000 inhabitants has decreased in 10 member States ; conversely this number has increased or remained the same in 17 member States.

Moreover, this number varies considerably from country to country according to the organisation of the judicial system and the existence of occasional judges, non-professional judges or even Rechtspfleger.

In almost all member States, judges receive initial training given the extent of the necessary knowledge to exercise this function. Only in Sweden the initial training is optional only. Following that countries then propose through the course of a career in-service general or specialised training in order to maintain a high level of legal expertise. These trainings are mandatory in less than half of the member States (around 8 countries).

The existence alongside judges of competent staff with defined functions and a recognised status is essential for the quality and efficiency of a judicial system. A difference is made between the five types of non-judge staff:

- the "Rechtspfleger" function (defined by the European Union of Rechtspfleger (EUR) as an independent judicial body),
- the non-judge staff whose function is to assist judges directly,
- the staff responsible for administrative matters such as court management,
- the technical staff,
- and other types of non-judge staff that fall outside of all the categories mentioned above.

Two observations can be made following an analysis of data provided by the member States. Firstly, the average for the number of non-judge staff per 100 000 inhabitants in 2018 has decreased compared with 2010 . Secondly, 13 countries have staff with "Rechtspfleger" functions (or equivalent - no modification between 2010 and 2018). The average number of staff in this specialised body has increased within the studied period while the average number of assistant to judge decreased.

### *Judicial organisation*

The study distinguishes three types of courts:

- ordinary courts of first instance with jurisdiction in all matters for which jurisdiction has not been assigned to a specialised court – their enumeration is made as legal entities
- specialised courts of first instance (also considered as legal entities)
- courts (at all levels) as geographic locations

The geographical locations per 100 000 inhabitants has decreased in most of the member States (the median was 1,69 in 2010; 1,52 courts per 100 000 inhabitants in 2015 and 1,30 in 2018). Since 2010, 17 countries have reduced their number of geographical locations, 4 have same number and the rest increased this number). Between 2017 and 2018 4 countries reduced number of courts.

As regards to the distribution of the disputes between legal entities, almost all the States have specialised courts of first instance.

The existing specialised courts deal mainly with administrative cases, commercial cases and with disputes related to the application of labour legislation. However there are countries that have many specialised courts for different matters like Sweden.

### *Legal aid*



Legal aid is one of the fundamental elements guaranteeing equal access to justice for all individuals. It is intended to provide, particularly for citizens without sufficient financial resources, the benefit of legal assistance for free or limited expenses.

Legal aid comprises two aspects, clearly distinguished by certain States:

- on the one hand, aid for access to law (legal information and advice, aid for an alternative to trial – ADR alternative dispute resolution),
- on the other hand, aid in asserting one's rights in the context of a judicial action as applicant or defendant in a trial.

Consequently, the CEPEJ drew up the following typology to quantify the resources allocated to legal aid:

- cases not brought to court with regards to aid for access to law
- cases brought to court with regards to aid for assistance or representation within a framework of litigation.

Concerning cases brought to court, it must be stressed that only a few States were able to distinguish within the overall budget the amounts allocated to legal aid in civil or criminal matters (6 countries out of 27).

In the tables concerning this indicator are presented budgetary data of legal aid in member States in terms of absolute value and per inhabitant in order to obtain a standardisation of the communicated data. This analytical method indicates quite large differences between States, with a group of northern European countries allocating considerable budgets in comparison with other surveyed countries. It must be borne in mind that certain states in fact have few cases that are eligible for legal aid but grant a large amount per case, whereas other states make the opposite choice to limit the amounts granted per case while making the conditions of admission to legal aid more open.

The average amount allocated per inhabitant has increased between 2010 and 2018 (from 5,7 € to 8,1 €) and also between 2017 and 2018 (from 7,6 to 8,1 €).

### *Lawyers*

After a continuous increase between 2010 and 2015 and decrease in 2016 the average number of lawyers per 100 000 inhabitants in the EU member States seems to be stabilized now. Between 2010 and 2018 there is an increase of 14,1% and between 2017 and 2018 only a slight increase of both median and average.

Even if the southern States seem to have larger bars (number of lawyers per 100 000 inhabitants), the wide dispersal of values, also verifiable with the number of lawyers per professional judge, is also likely to indicate a considerable heterogeneity within the tasks actually carried out by qualified persons and persons entitled to plead in accordance with national law, to act on behalf of his clients, to practice law, to take part in judicial proceedings or to advise and to represent their clients in legal matters (Definition of the lawyers' legal practice in accordance with the Recommendation Rec(2000)21 of the Committee of Ministers, Council of Europe).

### *ADR - Alternative Dispute Resolution measures*

In various European countries, the use of alternative dispute resolution (ADR) measures is now widely accepted among the public and legal professionals. It contributes to the improvement of effectiveness of justice by providing courts users with alternatives to a regular judicial procedure.

There are different types of ADR in the member countries:

- Mediation: refers to a voluntary trial in a non-binding private dispute settlement in which an impartial and independent third party assists the parties in facilitating discussions aiming to resolve their difficulties and to reach an agreement.
- Judicial mediation: within this type of mediation, there's always an intervention of a judge and of a prosecutor who facilitates, advises, decides and/or approves the procedure.
- Conciliation: the main objective of a conciliator is to reconcile, most of the time he/she will do so by seeking for concessions. He/she may make suggestions to the parties aimed to settle a dispute. The conciliator has more power and plays a more proactive role in comparison with the mediator.
- Arbitration: the parties choose a neutral third party - an arbitrator whose final decision is binding. The parties may present evidences and testimonies to the arbitrators. Sometimes, several arbitrators are appointed to work as a court. Arbitration is most widely used for commercial disputes settlements because it provides a greater confidentiality.

Judicial mediation exists in almost all States, essentially in civil and commercial spheres. Non-judicial mediation and arbitration exist in all the surveyed countries.

It could be noted that the average number of accredited or registered mediators per 100 000 inhabitants has strongly increased between 2010 and 2018 (respectively 6,5 in 2010 to 14,3 in 2018). It may contribute to confirm the awareness of the member States to have high level trained mediators to support the policy of enhancement of ADR.

#### *Performance of the courts*

One of the essential components of the proper functioning of courts is related to the respect of the fair trial principle within a reasonable time (Article 6 of the European Convention on Human Rights). This should fully be taken into account when considering the workload of the court, the length of procedures and the specific measures to reduce the length of delays in proceedings and to improve the efficiency.

The CEPEJ has chosen to develop efficiency court indicators on the European level. The first indicator is the Clearance Rate which indicates precisely the courts capacity and the judicial system to deal with the flow of incoming cases.

The second indicator is the calculated Disposition Time of pending cases and it measures in terms of number of days the estimated time required to close a pending case.

Looking at the productivity of courts of first instance in 2010 to 2018 in other than criminal cases, by only taking into account these two quantitative angles, it should be acknowledged that the median of the Clearance Rate has improved between 2010 and 2014 and is now stable (99,9% in 2010, and 100,6 in 2018). Consequently, there is a decrease of the median regarding Disposition Time between 2010 and 2018 (140 days in 2010 and 91 in 2018).

Administrative cases have highest Disposition time of 366 days in average and those are longer than the civil and commercial cases that need 243 days in average.

This performance must be contextualised with regard to the evolution of the total number of incoming other than criminal cases per 100 inhabitants, for which the median increased between 2010 and 2018 (6,9 cases per 100 inhabitants in 2010 versus 7,5 in 2018). Despite, the median number of incoming litigious civil and commercial cases per 100 inhabitants (decreased between 2010 and 2018 (2,3 in 2010 and 2,0 in 2018). The median number of new administrative cases per 100 inhabitants is relatively stable (0,3 in 2010 and 0,2 in 2018).

The median number of other than criminal pending cases in courts which was relatively stable between 2013 and 2016 increased significantly between 2017 and 2018 (respectively 2,8 and 3,3). On the other hand for the civil and commercial litigious cases the median number is going down between 2010 and 2018 (respectively 1,7 and 1,3). The trend is the same for the administrative cases (0,2 since 2010).

#### *System for measuring and evaluating the functioning of courts*

In a lot of countries many fields of courts activity (incoming or postponed cases, courts' decisions, length of proceedings) are currently undergoing evaluation and follow-up procedures. In terms of court management, arrangements for regular monitoring of the activity are made everywhere in Europe; These are intended to review the day-to-day activity of courts through data gathering and statistical analyses. A majority of States indicate to disseminate these elements in an annual activity report.

These systems increasingly exceed the simple periodic restitution of the courts performance, to offer the management staff a longer-term view, which includes the definition of objectives and is based on indicators to achieve useful projections in allocating budgetary or human resources.

Nowadays, the majority of countries use performance or activity indicators at court level while, on the other hand, the definition of qualitative standards remain low. In fact the European Court of Human Rights recalls that it is crucial that the courts of a democratic society should inspire confidence to court users.

#### *The use of information technology (IT) in courts and for the benefit of court users*

While initially acting as a simple support tool for productivity, the information technology (IT) is always one of the major levers for improve the efficiency of the courts. The increasingly strategic approach by the ministries of justice and of the management staff in the functioning of the courts, essentially inspired by new public management policies, is indeed based on the extraordinary possibilities of the automation of IT tasks in order to make budgetary and human resources available.

Compared previous cycles, no major changes should be noticed in the 27 evaluated member States, most of the justice systems have already develop IT to assist the judges and their staff, to administrate their courts and to communicate with their users. The electronic case management systems and the communication with users seem to have been improved in a lot of countries. There is slight increase in the evaluation for some countries that is logical in IT development. The decrease noted in other is due to more precise questionnaire that resulted in clarifying the development for certain countries.

## **French version**

La Commission européenne a demandé à la Commission européenne pour l'efficacité de la justice (CEPEJ) du Conseil de l'Europe de réaliser une étude ayant pour objet l'analyse de la situation des systèmes judiciaires dans les Etats membres de l'UE, en se basant sur la méthodologie utilisée dans le cadre l'évaluation du fonctionnement des systèmes judiciaires des Etats membres du Conseil de l'Europe.

Cette étude s'appuie sur le traitement et l'analyse des données et commentaires communiqués par les Etats membres au travers de quatre cycles d'évaluation (2010, 2012, 2014 et 2016) et de trois questionnaires spécifiques (2013, 2015 et 2017). Elle sera l'une des sources utilisées par la Commission Européenne pour rédiger le « Tableau de bord de la justice de l'UE ».

## **Structure du rapport**

Conformément à la note technique de la Commission Européenne, l'étude, porte sur les données de 2017 et leur évolution par rapport aux données de 2010, de 2012, de 2013, de 2014, 2015 et 2016. Elle est divisée en deux parties :

- la première décrit les systèmes judiciaires des Etats membres de l'Union européenne (UE) à l'aide de tableaux de données par indicateur pour les Etats membres ;
- la seconde contient des fiches par pays, qui réalisent une analyse contextualisée.

## **Principaux éléments**

L'étude dresse un état des lieux relatif au fonctionnement du service public de la justice sur la base des éléments qui, d'après la CEPEJ, sont principalement constitutifs de l'efficacité et de la qualité des systèmes.

### *Le budget des systèmes judiciaires*

A titre liminaire, il convient de distinguer les deux notions utilisées par la CEPEJ pour l'analyse des moyens alloués à la justice afin d'obtenir une vue globale des budgets des Etats membres de l'UE.

Il existe en effet, selon les Etats, des modes de financement communs ou distincts des juridictions, des ministères publics et de l'aide judiciaire. Ces trois éléments ont toutefois été décomposés au maximum pour permettre des comparaisons, non seulement des moyens alloués aux fonctions de poursuite ou de jugement, malgré la différence d'organisation des systèmes, mais aussi des montants attribués à l'accès à la justice.

Ainsi, le budget alloué au « système judiciaire » se compose de l'addition des moyens affectés :

- aux tribunaux;
- à l'aide judiciaire;
- au le ministère public.

Il doit être souligné que le budget des systèmes judiciaires et des tribunaux, tel que défini précisément par la méthodologie de la CEPEJ pour fournir une évaluation rigoureuse de l'effort des Etats membres, n'est pas comparable à d'autres indicateurs disponibles au sein d'autres institutions européennes.

La CEPEJ obtient une analyse plus large du système de justice avec un autre calcul : les budgets des autres services concourant au fonctionnement du service public de la justice (prison, service d'exécution des décisions, protection judiciaire de la jeunesse etc.) sont additionnés à celui du système judiciaire pour évaluer le « système de justice dans son ensemble ».

Afin d'appréhender les budgets alloués aux systèmes judiciaires de façon plus fine, les différentes composantes de ces budgets ont été examinées en distinguant différents postes : les salaires bruts des personnels, les technologies de l'information (ordinateurs, logiciels, investissements et maintenance), les frais de justice (comme la rémunération des interprètes ou des experts), les coûts de location et de fonctionnement des bâtiments, les investissements immobiliers, la formation.

Spécifiquement entre 2010 et 2017, l'analyse des données communiquées par les Etats membres révèle qu'une large majorité des Etats de l'UE ont augmenté (en valeur absolue) la contribution à leur système judiciaire, en dépit d'un contexte persistant de contrôle des dépenses publiques.

De manière générale, l'évolution du taux de change dans 8 pays hors de la zone euro, indiquée dans le tableau relatifs aux données générales, a été intégrée dans des tables séparées de toutes les comparaisons budgétaires entre 2010 et 2017.

### *Ressources humaines*

Plusieurs catégories de juges (permanents, occasionnels, non professionnels) peuvent concourir au système judiciaire. L'étude 2017 s'est concentrée sur les juges professionnels siégeant à titre permanent, dont le nombre s'élève en moyenne à 21,3 juges pour 100 000 habitants (la médiane est à 23,9 juges pour 100 000 habitants). Même si ces indicateurs ont légèrement augmenté entre 2016 et 2017, la distribution de l'évolution (hausse / baisse) entre les pays est assez égale : le nombre de juges pour 100 000 habitants a baissé dans 12 Etats membres ; inversement ce nombre a augmenté dans 14 Etats membres.

Ce nombre varie toutefois considérablement d'un Etat à l'autre en fonction de l'organisation des systèmes judiciaires et de l'existence de juges occasionnels, non-professionnels ou même de Rechtspfleger.

Dans la plupart des Etats membres, les juges bénéficient d'une formation initiale au vu de l'étendue des connaissances nécessaires à l'exercice de la fonction. La quasi-totalité des pays proposent ensuite en cours de carrière des formations continues généralistes ou spécialisées afin de maintenir un haut niveau de technicité juridique. Ces formations ne se révèlent toutefois obligatoires que dans moins de la moitié des Etats membres (autour de 12 pays).

L'existence aux côtés des juges d'un personnel compétent avec des fonctions définies et un statut reconnu est une condition essentielle pour la qualité et l'efficacité d'un système judiciaire. Une différence est opérée entre cinq types de personnels non-juges :

- la fonction de "Rechtspfleger" (définie par L'Union Européenne des Greffiers de Justice et Rechtspfleger (EUR) comme un organe judiciaire indépendant),
- le personnel non-juge dont la fonction est d'assister directement les juges,
- les personnes responsables de tâches administratives telles que la gestion des tribunaux
- le personnel technique
- les personnels non-juges n'entrant dans aucune de ces catégories.

Deux constats peuvent être dressés à l'issue d'une analyse des données communiquées par les Etats membres.

En premier lieu, le nombre de personnels non-juges pour 100 000 habitants est resté relativement stable entre 2012 et 2017 malgré des variations au cours de cette période. En second lieu, 13 pays ont des personnels avec des fonctions de "Rechtspfleger" (ou équivalent - pas de modification entre 2012 et 2017). Le nombre moyen de personnel dans ce corps spécialisé a augmenté durant la période étudiée alors que le nombre moyen d'assistants des juges moins spécialisés a décliné.

### *Organisation judiciaire*

L'étude distingue trois types de tribunaux :

- les tribunaux de droit commun de première instance compétents dans toutes les matières pour lesquelles la compétence n'a pas été donnée à une juridiction spécialisée – leur dénombrement est effectué en tant qu'entités juridiques
- les tribunaux spécialisés de première instance, compris également comme entités juridiques
- les tribunaux (tous niveaux confondus) en tant qu'implantations géographiques

Le nombre d'implantations géographiques par 100 000 habitants a décliné dans la plupart des Etats membres (la médiane était de 1,52 tribunal pour 100 000 habitants en 2015 et 1,42 en 2017). Depuis 2015, 7 pays ont réduit leur nombre d'implantations géographiques (et 4 ont légèrement augmenté ce nombre). La tendance est plus forte depuis 2010: 15 ont réduit le nombre d'implantations géographiques ce qui démontre clairement la poursuite des réformes des cartes judiciaires.

En ce qui concerne la répartition des contentieux entre entités juridiques, presque tous les Etats disposent de tribunaux de première instance spécialisés.

Les tribunaux spécialisés existants traitent majoritairement des affaires administratives, commerciales et de contentieux relatif à l'application de la législation de travail.

### *Aide judiciaire*

L'aide judiciaire est un des éléments fondamentaux garantissant un égal accès à la justice pour tous les individus. Elle doit permettre, en particulier pour les citoyens qui n'ont pas de moyens financiers suffisants de pouvoir bénéficier gratuitement ou à moindre coût d'une assistance juridique.

L'aide judiciaire comporte deux aspects, que distinguent clairement certains Etats :

- d'une part, l'aide à l'accès au droit (information et conseil juridique, aide pour une alternative au procès – ADR alternative dispute resolution),
- d'autre part l'aide pour faire valoir ses droits dans le cadre d'une action en justice en tant que demandeur ou défendeur dans un procès civil.

En conséquence, la CEPEJ a dressé la typologie suivante pour quantifier les moyens alloués à l'aide judiciaire :

- les affaires non portées devant les tribunaux en ce qui concerne l'aide à l'accès au droit
- les affaires portées devant les tribunaux en ce qui concerne l'aide à l'assistance ou à la représentation dans un cadre contentieux.

Dans le cadre contentieux, il doit être relevé qu'un faible nombre d'Etat a été en capacité de distinguer dans le budget total les montants attribués à une aide judiciaire en matière civile ou pénale (5 pays sur 27).

Dans les tableaux concernant cet indicateur, sont présentées les données budgétaires de l'aide judiciaire dans les Etats membres en valeur absolue et par habitant afin d'obtenir une standardisation des données communiquées. Cette méthode d'analyse révèle des différences assez nettes entre les Etats, avec un groupe de pays d'Europe du nord allouant des moyens considérables par rapport aux autres pays étudiés. Il convient de garder à l'esprit que dans certains Etats peu d'affaires sont éligibles à l'aide judiciaire, mais qu'un montant élevé est accordé pour chacune d'entre elles. D'autres Etats font le choix opposé de limiter le montant par affaire tout en élargissant les conditions d'admission à l'aide judiciaire.

Le montant médian alloué par habitant a légèrement augmenté entre 2010 et 2017 (de 2,5 € à 2,9 €) et est stable entre 2016 et 2017 (de 2,9 €).

### *Avocats*

Après une augmentation continue entre 2010 et 2015, et une diminution en 2015, le nombre moyen d'avocats par 100 000 habitants dans les Etats membres de l'UE semble maintenant stabilisé. Entre 2010 et 2017, une augmentation de 14% du nombre moyen d'avocats par 100 000 habitants peut être constatée et entre 2016 et 2017 uniquement une légère augmentation de 2,5% .

Même si les Etats du sud paraissent avoir des barreaux plus importants (nombre d'avocat pour 100 000 habitants), la forte dispersion des valeurs, également vérifiable avec le nombre d'avocats par juge professionnel, est également susceptible de révéler une grande hétérogénéité dans les tâches effectivement exercées par des personnes qualifiées et habilitées conformément au droit national à plaider, à agir au nom de ses clients, à pratiquer le droit, à ester en justice ou à conseiller et représenter leurs clients en matière juridique (Définition de l'activité d'avocat au regard de la Recommandation Rec(2000)21 du Comité des Ministres du Conseil de l'Europe).

### *Mesures alternatives au règlement des litiges (ADR - alternative dispute resolution)*

Dans différents pays européens, l'utilisation des mesures alternatives au règlement des litiges (ADR) est maintenant largement acceptée par le public et les professionnels du droit. Ces mesures contribuent à l'amélioration de l'efficacité de la justice en fournissant aux usagers des alternatives à une procédure judiciaire régulière.

Il existe différents types d'ADR dans les pays membres :

- La médiation: il s'agit d'un procès volontaire, non contraignant de règlement des litiges privés dans lequel un tiers impartial et indépendant aide les parties à faciliter la discussion afin de les aider à résoudre leurs difficultés et de parvenir à un accord

- La médiation judiciaire : dans ce type de médiation, il y a toujours intervention d'un juge, d'un procureur qui facilite, conseille, décide ou/et approuve la procédure.
- La conciliation: le principal objectif du conciliateur est de concilier, la plupart du temps en recherchant des concessions. Il/Elle peut proposer aux parties des suggestions pour le règlement d'un litige. Par rapport au médiateur, le conciliateur a plus de pouvoir et il est davantage proactif.
- L'arbitrage: les parties choisissent un tiers impartial - un arbitre, dont la décision définitive est contraignante. Les parties peuvent présenter des preuves et des témoignages devant les arbitres. Parfois, il y a plusieurs arbitres désignés qui travaillent en tant que juridiction. L'arbitrage est le plus souvent utilisé pour la résolution des litiges commerciaux car il offre une plus grande confidentialité.

La médiation judiciaire existe dans presque tous les Etats, essentiellement en matière civile ou commerciale. La médiation autre que judiciaire et l'arbitrage existent dans tous les pays étudiés.

Il peut être relevé que la moyenne et la médiane du nombre pour 100 000 habitants de médiateurs accrédités ou enregistrés a fortement augmenté entre 2012 et 2017 (respectivement 9,9 et 9,5 en 2012 ; 14,4 et 13,2 en 2017). Cela peut contribuer à confirmer l'attention des Etats membres à disposer de médiateurs hautement qualifiés au support des politiques d'extension des ADR.

### *Performance des tribunaux*

Un des éléments essentiels du bon fonctionnement des tribunaux est lié au respect du principe fondamental du procès équitable dans un délai raisonnable (Article 6 de la Convention Européenne des Droits de l'Homme). Il convient d'en tenir pleinement compte lorsque l'on considère la charge de travail du tribunal, la durée des procédures et les mesures spécifiques pour en réduire la longueur et en améliorer l'efficacité.

La CEPEJ a choisi de développer des indicateurs d'efficacité des tribunaux au niveau européen. Le premier indicateur est le taux de variation du stock d'affaires pendantes (Clearance Rate) qui montre précisément la capacité du tribunal et du système judiciaire à faire face aux flux d'affaires nouvelles.

Le second indicateur est la durée estimée d'écoulement du stock d'affaires pendantes (calculated Disposition Time) et il mesure en nombre de jours la durée nécessaire estimée pour qu'une affaire pendante soit terminée.

En observant, sous ces deux seuls angles quantitatifs, la productivité des tribunaux de première instance en 2010, 2012, 2013, 2014, 2015, 2016 et 2017 en matière autre que pénale, il doit être relevé que la médiane du Clearance Rate s'est améliorée entre 2010 et 2014 et s'est maintenant stabilisée (99,9% en 2010, 100,5% en 2012, 100,7% en 2013, 101,9% en 2014, 101,4% en 2015, 101,5 % en 2016 et 99,75% en 2017). Dans le même temps, il y a eu une baisse de la médiane du Disposition Time entre 2010 et 2017 (140 jours en 2010, 133 jours en 2012, 119 jours en 2013, 133 jours en 2014, 129 jours en 2015, 113 en 2016 et 114 en 2017).

La plupart des pays arrivent à faire face au flux d'affaires autres que pénales, contentieuses ou non contentieuses. Comme en 2016, seuls deux Etats cumulent en première instance un Clearance Rate supérieur à 100% et un Disposition Time supérieur à 365 jours, révélant un important stock à évacuer. Plus généralement, le calcul du Disposition Time met en évidence seulement deux pays pour lesquels le délai d'écoulement du stock est supérieur à 365 jours.

Cette performance est également à contextualiser au regard de l'évolution du nombre médian total d'affaires nouvelles autres que pénales pour 100 habitants, dont la médiane s'est accrue entre 2010 et 2017 (6,9 affaires pour 100 habitants en 2010 contre 7,35 en 2017). Au contraire, le nombre médian d'affaires contentieuses civiles et commerciales nouvelles pour 100 habitants a diminué entre 2010 et 2017 (2,3 en 2010 et 1,9 en 2017). Le nombre médian d'affaires administratives nouvelles pour 100 habitants est quant à lui relativement stable (0,3 en 2010 et 0,2 en 2017).

Le nombre médian d'affaires pendantes autres que pénales dans les tribunaux, qui était relativement stable entre 2013 et 2016, a considérablement augmenté entre 2016 et 2017 (respectivement 2,8 et 3,6) pour revenir au niveau de 2010. En revanche, pour les affaires civiles et commerciales contentieuses, le nombre médian est stable entre 2010 et 2017 (respectivement 1,7 et 1,6). La tendance est la même pour les affaires administratives (0,2 en 2010 et 0,3 pour les autres années).

### *Système pour mesurer et évaluer le fonctionnement des tribunaux*

De nombreux domaines d'activité des tribunaux (affaires nouvelles ou renvoyées, décisions rendues, durée des procédures) font actuellement l'objet, dans de nombreux pays, de procédures d'évaluation et de suivi. En matière d'administration judiciaire, un suivi régulier de l'activité est mis en place partout en Europe ; ces dispositifs sont censés analyser l'activité quotidienne des tribunaux au travers de collectes de données et d'analyses statistiques. Une majorité d'Etats indique qu'ils restituent ces éléments dans un rapport annuel d'activité.

Ces systèmes dépassent de plus en plus la simple restitution périodique de la performance des tribunaux, pour offrir aux personnels de direction une vision à plus long terme, qui intègre la notion d'objectifs et s'appuie sur des indicateurs pour réaliser des projections utiles à l'affectation des moyens budgétaires ou humains.

La majorité des pays utilisent aujourd'hui des indicateurs de performance ou d'activité au niveau des tribunaux alors que la définition de standards qualitatifs demeure en retrait.

Par ailleurs, la Cour Européenne des Droits de l'Homme rappelle qu'il est fondamental que les tribunaux d'une société démocratique inspirent confiance aux justiciables.

#### *L'utilisation des technologies de l'information (TI) dans les tribunaux et au bénéfice des usagers des juridictions*

De simple support à la productivité, les technologies de l'information (TI) sont devenues progressivement l'un des leviers majeurs de modernisation des juridictions. L'approche de plus en plus stratégique des ministères de la justice et des personnels de direction dans la gestion des juridictions, inspirée essentiellement par les politiques de nouvelle gestion publique, s'est en effet fondée sur les extraordinaires possibilités d'automatisation de tâches de l'informatique afin de libérer des moyens budgétaires et humains.

Comparé aux cycles précédents, aucun changement majeur n'est à relever dans les 27 Etats membres évalués, la plupart des systèmes judiciaires ayant déjà investi dans les TI pour assister les juges et leurs personnels, pour administrer leurs tribunaux et communiquer avec les usagers. Les systèmes électroniques de gestion des affaires et la communication avec les usagers semblent s'être améliorées dans de nombreux pays. 17 Etats membres ont déclaré conduire des études spécifiques pour évaluer les bénéfices de leur système informatique : cette pratique semble devoir être encouragée pour mesurer l'impact des politiques publiques dans ce champ, notamment la bonne utilisation des budgets d'informatisation.

# Methodology

The methodology used for this study is completely following CEPEJ methodology for its biennial evaluation using a questionnaire for evaluating judicial systems. This Scheme is filled by the CEPEJ's national correspondents (main interlocutor for the Secretariat within national judicial systems), whose responses are statistically processed and analysed by the Secretariat of the CEPEJ.

With the data collected, the CEPEJ has built a database to compare situations and developments between the member states (when such comparisons are scientifically consistent).

Such inter-governmental work requires permanent dialogue and full transparency with the member States of the Council of Europe.

- **Data collection, validation and analysis**

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

From a methodological point of view, and with a commitment to quality, consistency and comparability of the data supplied, data collection is primarily assigned to the CEPEJ's national correspondents. The national correspondents are the unique interlocutors of the Secretariat when collecting new data. States providing such data are liable for the quality of data used in the survey.

According to 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 time in order to guarantee the reliability of the quantitative and qualitative data to be finally presented to EU.

The report is based on data from 2018. In order to be able to follow trends, data from 2010, 2012, 2013, 2014, 2015, 2016 and 2017 have also been provided in certain cases.

- **The quality of data**

The reader should bear in mind and always interpret statistical figures presented (including in the country fiches) in the light of their attached narrative comments.

The CEPEJ has chosen to process and present only the data which offered a high level of quality and accountability: it decided to disregard figures which were too different from one country to another or from one exercise to another, or when they did not present sufficient guarantees of reliability. For some issues covered by this study, no data could be provided. This could mean that none were available, that the data could not be collected as such or that no data meeting these requirements had been provided within the deadline set.

It should also be noted that, in order to constantly improve the data quality, some of the data appear as "Not Available" ("NA") for this exercise while, in the same situation, quantified figures were given in previous exercises.

- The following abbreviations have been used in this report:

NA: data not available;

NAP: data non applicable;

CR: Clearance Rate;

DT: Disposition Time.

## **Methodological disclaimer**



1) The data analysed have been provided by the member states until end of October 2019 and have then been validated during quality control finalised in November 2019. Amendments provided by member states after the delivery of this study may appear in future reports, as CEPEJ's database is regularly updated. This also explains why 2010, 2012, 2013, 2014, 2015, 2016 and 2017 data updated as for day of publishing, may not always coincide with the data published in previous CEPEJ reports and studies.

The validation has been made according to CEPEJ's methodology. However, the full reliability of data depends mostly on the data providers. It should be kept in mind that the accuracy of some entries was confirmed by national correspondents without specific explanation on potential discrepancies.

Germany provided the last set of data for 2018 beginning of December. The quality control ended the 19 of December. Following CEPEJ methodology, due to unavailability of data for some landers, some answers were replaced by "NA" . This is to insure the completeness of information for the whole country instead of presenting partial data.

2) Some data cannot be compared with previous data since the questionnaire was modified between the different evaluation cycles.

3) It should be noted that some budgetary data or its variations may be explained by the exchange rates between different national currencies and the Euro.

4) For better understanding of some variations between budgets over years the inflation rate was included only as a reference value,

5) It should also be noted that the minimum, maximum, average and median values in certain tables are calculated with quantified data (excluding answers "NA" or "NAP").

6) Data and comments in country sheet correspond to 2018. The state of play of reforms was reported at the end of September 2018 and may therefore not be fully up to date.

**General data: economic and demographic data in 2018, in absolute values and variation of exchange rate between years (Q1, Q3, Q5)**

States	Population in 2018	GDP* per capita (in €) in 2018	Exchange rate** in 2010	Exchange rate** in 2012	Exchange rate** in 2013	Exchange rate** in 2014	Exchange rate** in 2015	Exchange rate** in 2016	Exchange rate** in 2017	Exchange rate** in 2018	Variation of exchange rate	
			(on 1st Jan. 2011)	(on 1st Jan. 2013)	(on 1st Jan. 2014)	(on 1st Jan. 2015)	(on 1st Jan. 2016)	(on 1st Jan. 2017)	(on 1st Jan. 2018)	(on 1st Jan. 2019)	2017-2018	2010-2018
Austria	8 822 267	43 680 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Belgium	11 431 406	39 500 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Bulgaria	7 000 039	7 855 €	1,95583	1,95583	1,95583	1,95583	1,95583				NAP	NAP
Croatia	4 076 246	12 593 €	7,38430	7,54659	7,62726	7,65771	7,63500				NAP	NAP
Cyprus	875 900	23 202 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	10 649 800	19 489 €	25,06000	25,14000	27,42500	27,72500	27,02500				NAP	NAP
Denmark	5 806 081	51 280 €	7,45310	7,46040	7,45840	7,44360	7,46010				NAP	NAP
Estonia	1 319 133	19 737 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Finland	5 521 773	42 340 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
France	66 992 699	34 978 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Germany	83 019 200	40 852 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Greece	10 741 165	16 736 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Hungary	9 591 495	12 500 €	278,85000	292,96000	296,91000	315,00000	315,68000				NAP	NAP
Ireland	4 857 000	66 716 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	60 359 546	29 071 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Latvia	1 919 968	15 136 €	0,70280	0,70280	0,70280	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Lithuania	2 794 184	16 158 €	3,45280	3,45280	3,45280	3,45280		NAP	NAP	NAP	NAP	NAP
Luxembourg	613 900	95 943 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Malta	475 701	25 556 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Netherlands	17 282 163	45 052 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Poland	38 412 000	12 960 €	3,9603	4,0882	-	4,2623	-				NAP	NAP
Portugal	10 276 617	19 614 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Romania	19 405 156	10 400 €	4,28480	4,41530	4,48470	4,48210	4,52450				NAP	NAP
Slovakia	5 450 421	16 550 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Slovenia	2 080 908	22 182 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Spain	47 007 367	25 703 €	NAP	NAP	-	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Sweden	10 230 185	46 117 €	8,95000	8,56880	8,86130	9,43230	9,19840				NAP	NAP
<b>Sum</b>	447 012 320	811 900 €										
<b>Average</b>	16 556 012	30 070 €										
<b>Median</b>	8 822 267	23 202 €										
<b>Standard deviation</b>		19 828 €										
<b>Minimum</b>	475 701	7 855 €										
<b>Maximum</b>	83 019 200	95 943 €										
<b>Nb of values</b>	27	27										
<b>% of NA</b>	0%	0%										
<b>% of NAP</b>	0%	0%										

\* In current prices

\*\* Local currency needed to obtain 1 €

Latvia: Euro is the national currency since 1st Jan.2014

# General data

## Comments provided by the national correspondents

General data: economic and demographic data in 2018, in absolute values and variation of exchange rate between years (Q1, Q3, Q5)

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

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

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

### Belgium

**Q1 (2016):** Number of inhabitants 1/1/2017

**Q3 (2017):** Gross domestic product at market prices

### Bulgaria

**Q3 (2018):** NSI data

**Q3 (2016):** No explanation.

### Cyprus

**Q1 (2018):** this is the number on 1st January 2019

**Q3 (2016):** Per Capita GDP (current prices)

Total GDP (current prices)

The revised figures provided by the statistical service are

Per Capita GDP (current prices) Total GDP (current prices 2015 20.931 euro 17.742,0 million euro

2016 21.282 euro 18.122,5 million euro

### Czech Republic

**Q3 (2016):** The Czech economy is doing well + the exchange rate.

### Denmark

**Q1 (2017):** Per January 1, 2018

**Q3 (2017):** Source: Eurostat [http://appsso.eurostat.ec.europa.eu/nui/show.do?query=BOOKMARK\\_DS-420898\\_QID\\_CE733B3\\_UID\\_-3F171EB0&layout=TIME,C,X,0;GEO,L,Y,0;UNIT,L,Z,0;NA\\_ITEM,L,Z,1;INDICATORS,C,Z,2;&zSelection=DS-420898INDICATORS,OBS\\_FLAG;DS-420898NA\\_ITEM,B1GQ;DS-420898UNIT,CP\\_EUR\\_HAB;&rankName1=UNIT\\_1\\_2\\_-1\\_2&rankName2=INDICATORS\\_1\\_2\\_-1\\_2&rankName3=NA-ITEM\\_1\\_2\\_-1\\_2&rankName4=TIME\\_1\\_0\\_0\\_0&rankName5=GEO\\_1\\_2\\_0\\_1&sortC=ASC\\_-1\\_FIRST&rStp=&cStp=&rDCh=&cDCh=&rDM=true&cDM=true&footnes=false&empty=false&wai=false&time\\_mode=ROLLING&time\\_most\\_recent=false&lang=EN&cfo=%23%23%23%2C%23%23%23.%23%23%23](http://appsso.eurostat.ec.europa.eu/nui/show.do?query=BOOKMARK_DS-420898_QID_CE733B3_UID_-3F171EB0&layout=TIME,C,X,0;GEO,L,Y,0;UNIT,L,Z,0;NA_ITEM,L,Z,1;INDICATORS,C,Z,2;&zSelection=DS-420898INDICATORS,OBS_FLAG;DS-420898NA_ITEM,B1GQ;DS-420898UNIT,CP_EUR_HAB;&rankName1=UNIT_1_2_-1_2&rankName2=INDICATORS_1_2_-1_2&rankName3=NA-ITEM_1_2_-1_2&rankName4=TIME_1_0_0_0&rankName5=GEO_1_2_0_1&sortC=ASC_-1_FIRST&rStp=&cStp=&rDCh=&cDCh=&rDM=true&cDM=true&footnes=false&empty=false&wai=false&time_mode=ROLLING&time_most_recent=false&lang=EN&cfo=%23%23%23%2C%23%23%23.%23%23%23)

**Q5 (2017):** Source: <https://www.ecb.europa.eu/stats/exchange/eurofxref/shared/pdf/2018/01/20180102.pdf>

European Central Bank

### Estonia

**Q3 (2017):** Economic growth accelerated

### Finland

**Q1 (2018):** Number of inhabitants on 31 December 2018.

### France

**Q1 (General Comment):** Source: INSEE, estimation of population

**Q1 (2017):** Estimation INSEE on 1 January 2018

**Q1 (2016):** Source: INSEE, demographic balance 2016 (population at 1 January 2017)

**Q3 (General Comment):** Source: INSEE, national accounts

**Q3 (2017):** INSEE national accounts

**Q3 (2016):** Source : INSEE, national accounts

### Germany

**Q1 (2017):** Die Ergebnisse ab Berichtsjahr 2016 sind aufgrund methodischer Änderungen und technischer Weiterentwicklungen nur bedingt mit den Vorjahres-werten vergleichbar.

**Q1 (2014):** The data for 2013 and 2014 is the same reference. Because no significant difference has been expected for the year 2014, 2013 data is provided in the frame of the present evaluation.

**Q1 (2012):** The information refers to the number of inhabitants on 31 December 2012 determined on the basis of the 2011 census.

**Q3 (2016):** The circumstances have changed since the last campaign.

**Q3 (2014):** The data for 2013 and 2014 is the same reference. Because no significant difference has been expected for the year 2014, 2013 data is provided in the frame of the present evaluation.

### Greece

**Q3 (2018):** The data provided correspond to 2017. The data for 2018 will be available on summer 2020 ([http://www.statistics.gr/news-announcements/-/asset\\_publisher/oj6VK3PQ0oCe/content/nws-gdp-oct](http://www.statistics.gr/news-announcements/-/asset_publisher/oj6VK3PQ0oCe/content/nws-gdp-oct)).

**Q3 (2017):** Data published on October 17, 2018.

### Hungary

**Q5 (2016):** Source: Magyar Nemzeti Bank (Hungarian National Bank) exchange rate of 02. January 2017

<https://www.mnb.hu/arfolyam->

[tablazat?deviza=rbCurrencyActual&devizaSelected=EUR&datefrom=2017.01.01.&datetill=2017.01.02.&order=1](https://www.mnb.hu/arfolyam-?deviza=rbCurrencyActual&devizaSelected=EUR&datefrom=2017.01.01.&datetill=2017.01.02.&order=1)

### Ireland

**Q1 (2018):** Taken from Population and Migration Estimates April 2018 release of 28 August 2018

<https://www.cso.ie/en/releasesandpublications/er/pme/populationandmigrationestimatesapril2018/>

**Q1 (2017):** Figure of 4729500 as at April 2017. The population number for 2017 based on the GDP figure below for 2017 is 4,793. Taken from Population and Migration Estimates April 2017 release date 28 September 2017.

<https://www.cso.ie/en/releasesandpublications/er/pme/populationandmigrationestimatesapril2017/>

**Q1 (2016):** The population number for 2016 based on the GDP figure below for 2016 is 4,673,700 Taken from Population and Migration Estimates April 2016 release date 23 August 2016.

<http://www.cso.ie/en/releasesandpublications/er/pme/populationandmigrationestimatesapril2016/>

**Q3 (2018):** Taken from Table A of the National Income and Expenditure 2018 release of 11 July 2019

<https://www.cso.ie/en/statistics/nationalaccounts/nationalincomeandexpenditureannualresults/>

The 3rd block of data shows data at Per head of population.

GDP @ current Market prices per NIE2018 = € million 324,328

Population 2018 = 4,857,000 The National Income and Expenditure data each year is subject to revisions.

**Q3 (2017):** GDP per capita @ current market prices for 2017 = €61,369

Taken from the National Income and Expenditure Annual Results 2017. Release date 14 July 2018. Table A. (main aggregates). <https://www.cso.ie/en/releasesandpublications/ep/p-nie/nie2017/>

The National Income and Expenditure data each year is subject to revisions

**Q3 (2016):** Taken from the National Income and Expenditure Annual Results 2016.

The National Income and Expenditure data each year is subject to revisions.

The following is an extract from the National Income and Expenditure 2016 methodology note

...The estimates for 2016 are based upon indicators for the different aggregates and must be regarded as tentative. The provisional nature of the estimates for 2014 and 2015 must also be borne in mind. In particular, the estimates for the year 2016 must be regarded as preliminary. Many of the inquiries upon which the basic compilations rest are incomplete and to the extent that figures given for 2014 and 2015 are still partly subject to revision, projections for the year 2016 are also affected. While no guarantee can be given that published figures will remain unaltered as inquiries proceed and as sources and methods are reviewed, it is expected that any changes made in future in relation to years earlier than 2011 will have a relatively insignificant effect on the year-to-year trend in these data. ...

See Link to the National Income and Expenditure 2016 methodology note on the CSO website

<http://www.cso.ie/en/media/csoie/methods/nationalincomeandexpenditureannualresults/NIE2016MethodologyNote.pdf>

The GDP figure increased significantly in 2015. The scale of increase was unprecedented. Therefore the GDP per capita increased. Please see link to the Press Statement of 12 July 2016

[http://www.cso.ie/en/media/csoie/newsevents/documents/pr\\_GDPexplanatorynote.pdf](http://www.cso.ie/en/media/csoie/newsevents/documents/pr_GDPexplanatorynote.pdf)

Link to the National Income and Expenditure Annual Results 2016 release on the CSO website.

<http://www.cso.ie/en/releasesandpublications/er/nie/niear2016/>

Please scroll down to Table A Main Aggregates, 2011-2016 The 3rd block of data shows data at Per head of population. See GDP at current market prices first line under Per head of population for years 2011 to 2016

**Q3 (2015):** The 2015 GDP figure was considerable higher compared to other years and at the time of release attracted a lot of media attention and continues to do so.

#### Latvia

**Q1 (2017):** 01.01.2017.- 1 950 116

01.01.2018.- 1 934 379

**Q1 (2016):** On 2016 1st January - 1 968 957

On 2017 1st January - 1 950 116

#### Lithuania

**Q5 (2017):** Lithuania is in an Euro zone.

**Q5 (2016):** Lithuania is in an Euro zone.

#### Luxembourg

**Q1 (2018):** Total population at the date of 31.12.2018

#### Malta

**Q1 (2017):** The discrepancy is mainly due to the increase in population in Malta.

**Q3 (2018):** The quoted figure has been confirmed by NSO and can be verified at [https://nso.gov.mt/en/nso/Selected\\_Indicators/National\\_Accounts/Documents/2018/GDP\\_capita\\_Q4-2018.pdf](https://nso.gov.mt/en/nso/Selected_Indicators/National_Accounts/Documents/2018/GDP_capita_Q4-2018.pdf)

#### Netherlands

**Q1 (2018):** Number of inhabitants on 1 January, 2019

**Q1 (2016):** The figures for state level include regional level and social security institutions. They cannot be separated due to transfers from state level to regional level (and to a lesser extent the other way around). Public expenditure according to EU-definition also includes official social security institutions. This is neither state nor regional level. Transfers from state level to official social security institutions are also possible. According to EU-rules the figures are revised up to 30 months after the end of the reporting period. Compared to previous questionnaires (before 2014) these figures have been adjusted according to new rules of the European system of national accounts (illegal activities are now included)

**Q3 (2018):** gdp 2018: 774.039.000.000

divided by the number of inhabitants on 1 January, 2018

**Q3 (2017):** the gdp is 3.2% percent higher than in 2016. see also <https://www.cbs.nl/nl-nl/achtergrond/2018/19/de-nederlandse-economie-in-2017>.

**Q3 (2016):** The per capita GDP is calculated by dividing total GDP by the average population (= [population on jan 1st current year+ population on jan 1st next year]/2). Note: the explanatory notes say anything on how to calculate per capita GDP.

#### Poland

**Q1 (2016):** Source: Concise Statistical Yearbook of Poland 2017

**Q3 (2016):** Source: Concise Statistical Yearbook of Poland 2017

**Q5 (2016):** Source: National Bank of Poland

## Romania

**Q1 (General Comment):** The data refers to the population established on 1 January of the year following the reported year. All the data were provided officially by the National Institute of Statistics by the method of components using sources of administrative data for the external migration. These sources do not cover the entire migration phenomenon, especially at the level of emigration. As such, there is a severe under-evaluation of the population of Romania.

Data used for establishing the population comes from two sources: administrative sources (the Directorate for Personal Records and Database Administration – National Registry for People and the General directorate for passports) and statistical sources concerning the results of exhaustive statistical research on birth and death rates, based on administrative sources.

**Q1 (2018):** Provisional data (which will be completed when the National Institute of Statistics will finalize population data). The revised data will be available in the TEMPO database of the National Institute of Statistics ([www.insse.ro](http://www.insse.ro)).

**Q1 (2017):** Provisional data which will be completed when the National Institute of Statistics will finalize population data.

**Q1 (2016):** Provisional data which will be completed when the National Institute of Statistics will finalize population data - (19638309 -as communicated in September 2017).

Update:

After reviewing/completing of population data by the National Institute of Statistics, in accordance with the methodology of calculation, the revised data are as follows- for January 1, 2015, the number of inhabitants (as revised) is 19875542; for January 1, 2016, the number of inhabitants (final data) is 19760314; for January 1, 2017, the number of inhabitants (final data) is 19644350.

Methodological explanations:

Reference moments for statistically determining the usual resident population are January 1st and July 1st, t year. The data on usual resident population at the moment of January 1st, t year are available on August (provisional data) and on January, t+1 year (final data). Usual resident population represents all persons of Romanian nationality, foreign or stateless who have their usual residence in Romania. Usual residence is the place where a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage. The usual residence may be the same as the domicile or may differ from it, for the persons who choose to establish their usual residence in a locality other than the locality of domicile in the country or abroad. It is considered having their usual residence in a specific geographic area just people who have lived in that usual residence for a continuous period of at least 12 months prior to reference moment. The resident population includes the persons who immigrated to Romania but excludes the persons who emigrated from Romania. In order to carry out international comparisons, it will be used only the usual resident population, calculated according to European regulations (Regulation no. 1260/2013 of the European Parliament and of the Council on European demographic statistics and Regulation no. 205/2014 laying down uniformed conditions for the implementation of Regulation no. 1260/2013 on European demographic statistics as regards breakdowns of data, deadlines and data revisions). For the period between the last two censuses (2002-2011 period), data refers to usual resident population, re-estimated under comparability conditions with final results of the Population and Housing Census of 2011. After January 1st, 2012, the usual resident population on January 1st was estimated according to the usual residence criterion, using the components method.

The revised data are available in the TEMPO database of the National Institute of Statistics ([www.insse.ro](http://www.insse.ro)).

**Q3 (2017):** Provisional data provided by NIS

**Q3 (2016):** Provisional data

**Q3 (2014):** For the 2012 and 2014 evaluations, was used the resident population on 1 July of each year, estimated in terms of comparability with the final results of the Population and Housing Census – 2011.

**Q3 (2012):** For the 2012 and 2014 evaluations, was used the resident population on 1 July of each year, estimated in terms of comparability with the final results of the Population and Housing Census – 2011.



# **Indicator 1: The budget and resources of courts and the justice system**



**Table 1.1.1(2018) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2018, in € (Q1, Q6, Q7, Q12, Q13)**

States	Total annual approved budget allocated to				Total annual approved public budget allocated to	
	€ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita
Austria	NA	19 500 000 €	NA	1 075 637 980 €	NA	121,9 €
Belgium	NA	100 370 000 €	NA	999 555 000 €	NA	87,4 €
Bulgaria	177 509 413 €	4 774 886 €	117 132 394 €	299 416 693 €	25,4 €	42,8 €
Croatia	170 319 576 €	13 338 643 €	48 037 039 €	231 695 258 €	41,8 €	56,8 €
Cyprus	37 363 569 €	2 305 000 €	20 478 203 €	60 146 772 €	42,7 €	68,7 €
Czech Republic	479 287 567 €	NA	115 530 744 €	594 818 311 €	45,0 €	55,9 €
Denmark	251 509 997 €	139 254 575 €	93 961 349 €	484 725 921 €	43,3 €	83,5 €
Estonia	47 491 983 €	4 131 000 €	12 936 652 €	64 559 635 €	36,0 €	48,9 €
Finland	272 138 000 €	93 700 000 €	45 042 000 €	410 880 000 €	49,3 €	74,4 €
France	3 404 122 368 €	487 085 357 €	848 000 592 €	4 739 208 317 €	50,8 €	70,7 €
Germany	NA	755 656 823 €	NA	NA	NA	NA
Greece	NA	21 323 380 €	NA	532 644 044 €	NA	49,6 €
Hungary	355 873 479 €	772 908 €	134 304 383 €	490 950 770 €	37,1 €	51,2 €
Ireland	137 575 000 €	89 577 000 €	43 502 000 €	270 654 000 €	28,3 €	55,7 €
Italy	3 484 242 772 €	317 861 899 €	1 556 454 804 €	5 358 559 475 €	57,7 €	88,8 €
Latvia	62 526 134 €	2 212 650 €	26 921 451 €	91 660 235 €	32,6 €	47,7 €
Lithuania	78 227 674 €	6 224 861 €	31 620 164 €	116 072 699 €	28,0 €	41,5 €
Luxembourg	NA	7 500 000 €	NA	100 365 534 €	NA	163,5 €
Malta	15 418 600 €	400 000 €	2 630 000 €	18 448 600 €	32,4 €	38,8 €
Netherlands	1 020 108 000 €	460 600 000 €	566 176 000 €	2 046 884 000 €	59,0 €	118,4 €
Poland	1 607 275 000 €	NA	566 825 248 €	NA	41,8 €	NA
Portugal	484 673 254 €	53 213 075 €	109 000 000 €	646 886 329 €	47,2 €	62,9 €
Romania	551 790 133 €	10 371 363 €	269 902 871 €	832 064 367 €	28,4 €	42,9 €
Slovakia	221 337 351 €	NA	98 894 576 €	320 231 927 €	40,6 €	58,8 €
Slovenia	174 182 015 €	2 700 000 €	21 348 447 €	198 230 462 €	83,7 €	95,3 €
Spain	3 761 667 196 €	299 789 366 €	293 102 752 €	4 354 559 314 €	80,0 €	92,6 €
Sweden	693 812 627 €	358 275 646 €	149 975 424 €	1 202 063 697 €	67,8 €	117,5 €
<b>Average</b>	794 929 623 €	135 455 768 €	235 080 777 €	1 021 636 774 €	45,4 €	73,5 €
<b>Median</b>	261 823 999 €	20 411 690 €	103 947 288 €	484 725 921 €	42,3 €	62,9 €
<b>Minimum</b>	15 418 600 €	400 000 €	2 630 000 €	18 448 600 €	25,4 €	38,8 €
<b>Maximum</b>	3 761 667 196 €	755 656 823 €	1 556 454 804 €	5 358 559 475 €	83,7 €	163,5 €
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	19%	11%	19%	7%	19%	7%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

**Czech Republic and Slovakia:** The legal aid budget is included in the budget of court and consequently the calculation of the budget of the judicial system is a sum of budget of courts and budget of prosecution system.

**Austria, Belgium, Greece and Luxembourg** can not separate the budget of courts from budget of prosecution system and calculation of the judicial system budget is based on question 7 on the joined budgets.

**Italy:** Since 2018 the regional administrative courts are included while regional audit commissions, local tax commissions and military courts are not taken into consideration

**Table 1.1.2(2018) Implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2018, in € (Q1, Q6, Q7, Q12-1, Q13)**

States	Total annual implemented budget allocated to				Total annual implemented public budget allocated to	
	€ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita
Austria	NA	19 828 000 €	NA	1 101 576 968 €	NA	124,9 €
Belgium	NA	102 929 000 €	NA	957 103 600 €	NA	83,7 €
Bulgaria	175 844 368 €	4 129 570 €	116 412 630 €	296 386 568 €	25,1 €	42,3 €
Croatia	169 594 062 €	13 243 256 €	48 003 998 €	230 841 316 €	41,6 €	56,6 €
Cyprus	37 543 355 €	1 713 791 €	19 706 797 €	58 963 943 €	42,9 €	67,3 €
Czech Republic	491 049 368 €	21 045 390 €	116 129 722 €	607 179 090 €	46,1 €	57,0 €
Denmark	255 563 041 €	112 470 945 €	112 402 737 €	480 436 723 €	44,0 €	82,7 €
Estonia	47 082 944 €	4 090 000 €	12 936 652 €	64 109 596 €	35,7 €	48,6 €
Finland	277 754 444 €	91 300 000 €	45 042 000 €	414 096 444 €	50,3 €	75,0 €
France	3 344 596 215 €	479 567 416 €	833 119 054 €	4 657 282 685 €	49,9 €	69,5 €
Germany	NA	647 411 572 €	NA	NA	NA	NA
Greece	NA	7 026 655 €	NA	559 774 120 €	NA	52,1 €
Hungary	391 214 974 €	648 746 €	150 355 723 €	542 219 443 €	40,8 €	56,5 €
Ireland	135 003 000 €	111 463 335 €	42 582 000 €	289 048 335 €	27,8 €	59,5 €
Italy	3 213 020 250 €	317 861 899 €	1 488 952 381 €	5 019 834 530 €	53,2 €	83,2 €
Latvia	61 805 831 €	1 726 526 €	26 860 729 €	90 393 086 €	32,2 €	47,1 €
Lithuania	78 108 072 €	6 220 085 €	31 607 079 €	115 935 236 €	28,0 €	41,5 €
Luxembourg	NA	NA	NA	NA	NA	NA
Malta	19 285 490 €	304 137 €	2 656 005 €	22 245 632 €	40,5 €	46,8 €
Netherlands	1 056 692 000 €	413 900 000 €	610 915 000 €	2 081 507 000 €	61,1 €	120,4 €
Poland	1 567 592 000 €	NA	563 400 019 €	NA	40,8 €	NA
Portugal	NA	54 522 686 €	131 069 729 €	NA	NA	NA
Romania	549 344 286 €	10 351 642 €	267 694 743 €	827 390 671 €	28,3 €	42,6 €
Slovakia	242 622 933 €	NA	101 256 967 €	343 879 900 €	44,5 €	63,1 €
Slovenia	174 904 609 €	3 980 358 €	21 283 779 €	200 168 746 €	84,1 €	96,2 €
Spain	3 700 111 306 €	296 294 718 €	NA	NA	78,7 €	NA
Sweden	690 378 611 €	364 053 128 €	147 464 139 €	1 201 895 878 €	67,5 €	117,5 €
<b>Average</b>	794 243 389 €	128 586 786 €	232 850 090 €	916 466 796 €	45,9 €	69,7 €
<b>Median</b>	255 563 041 €	20 436 695 €	112 402 737 €	447 266 584 €	42,9 €	61,3 €
<b>Minimum</b>	19 285 490 €	304 137 €	2 656 005 €	22 245 632 €	25,1 €	41,5 €
<b>Maximum</b>	3 700 111 306 €	647 411 572 €	1 488 952 381 €	5 019 834 530 €	84,1 €	124,9 €
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	22%	11%	22%	19%	22%	19%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

**Czech Republic and Slovakia:** The legal aid budget is included in the budget of court and consequently the calculation of the budget of the judicial system is a sum of budget of courts and budget of prosecution system.

**Austria, Belgium, Greece and Luxembourg** can not separate the budget of courts from budget of prosecution system and calculation of the judicial system budget is based on question 7 on the joined budgets.

**Italy:** Since 2018 the regional administrative courts are included while regional audit commissions, local tax commissions and military courts are not taken into consideration

**Table 1.1.1(2017) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2017, in € (Q1, Q6, Q7, Q12, Q13)**

States	Total annual approved budget allocated to				Total annual approved public budget allocated to	
	€ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita
Austria	NA	19 500 000 €	NA	1 022 390 201 €	NA	116,2 €
Belgium	NA	91 893 000 €	NA	974 089 204 €	NA	85,6 €
Bulgaria	169 977 302 €	4 785 010 €	111 702 235 €	286 464 547 €	24,1 €	40,6 €
Croatia	154 703 000 €	10 007 450 €	46 536 649 €	211 247 099 €	37,7 €	51,5 €
Cyprus	33 353 367 €	2 387 000 €	18 184 425 €	53 924 792 €	39,0 €	63,1 €
Czech Republic	462 329 274 €	NA	110 580 595 €	572 909 869 €	43,7 €	54,1 €
Denmark	251 780 438 €	135 994 117 €	110 570 966 €	498 345 521 €	43,6 €	86,2 €
Estonia	42 289 578 €	3 934 000 €	11 525 880 €	57 749 458 €	32,1 €	43,9 €
Finland	277 833 000 €	97 700 000 €	44 000 000 €	419 533 000 €	50,4 €	76,1 €
France	3 265 764 802 €	455 671 354 €	816 441 201 €	4 537 877 357 €	48,6 €	67,5 €
Germany	NA	NA	NA	NA	NA	NA
Greece	NA	18 501 360 €	NA	479 150 041 €	NA	44,5 €
Hungary	320 307 693 €	804 679 €	139 697 479 €	460 809 851 €	32,4 €	46,7 €
Ireland	140 080 000 €	89 010 000 €	41 094 000 €	270 184 000 €	29,2 €	56,4 €
Italy	3 033 300 274 €	285 534 786 €	1 490 299 039 €	4 809 134 099 €	50,2 €	79,5 €
Latvia	58 023 910 €	2 207 598 €	24 121 346 €	84 352 854 €	29,8 €	43,3 €
Lithuania	76 171 060 €	6 203 031 €	31 042 246 €	113 416 337 €	27,1 €	40,4 €
Luxembourg	NA	6 000 000 €	NA	94 987 213 €	NA	157,8 €
Malta	14 230 416 €	150 000 €	2 500 000 €	16 880 416 €	29,9 €	35,5 €
Netherlands	980 611 000 €	447 157 000 €	NA	NA	57,1 €	NA
Poland	1 564 087 000 €	57 628 000 €	588 482 409 €	2 210 197 409 €	40,7 €	57,5 €
Portugal	469 627 270 €	49 496 172 €	106 000 000 €	625 123 442 €	45,6 €	60,7 €
Romania	530 374 058 €	9 971 887 €	263 489 280 €	803 835 225 €	27,2 €	41,2 €
Slovakia	210 736 086 €	NA	95 273 918 €	306 010 004 €	38,7 €	56,2 €
Slovenia	173 082 269 €	3 200 000 €	20 309 563 €	196 591 832 €	83,7 €	95,1 €
Spain	3 360 059 468 €	281 031 297 €	288 087 745 €	3 929 178 510 €	72,0 €	84,1 €
Sweden	687 701 000 €	371 055 816 €	154 793 265 €	1 213 550 081 €	68,0 €	119,9 €
<b>Average</b>	739 837 376 €	102 075 982 €	214 987 250 €	969 917 294 €	43,2 €	68,1 €
<b>Median</b>	264 806 719 €	19 000 680 €	106 000 000 €	460 809 851 €	39,9 €	57,5 €
<b>Minimum</b>	14 230 416 €	150 000 €	2 500 000 €	16 880 416 €	24,1 €	35,5 €
<b>Maximum</b>	3 360 059 468 €	455 671 354 €	1 490 299 039 €	4 809 134 099 €	83,7 €	157,8 €
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	19%	11%	22%	7%	19%	7%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

**Czech Republic and Slovakia:** The legal aid budget is included in the budget of court and consequently the calculation of the budget of the judicial system is a sum of budget of courts and budget of prosecution system.

**Austria, Belgium, Greece and Luxembourg** can not separate the budget of courts from budget of prosecution system and calculation of the judicial system budget is based on question 7 on the joined budgets.

**Italy:** The regional administrative courts, regional audit commissions, local tax commissions and military courts are not taken into consideration

**Table 1.1.2(2017) Implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2017, in € (Q1, Q6, Q7, Q12-1, Q13)**

States	Total annual implemented budget allocated to				Total annual implemented public budget allocated to	
	€ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita
Austria	NA	18 860 000 €	NA	1 061 762 886 €	NA	120,7 €
Belgium	NA	88 269 746 €	NA	943 233 744 €	NA	82,9 €
Bulgaria	166 759 166 €	4 377 135 €	110 387 845 €	281 524 146 €	23,7 €	39,9 €
Croatia	154 702 383 €	10 002 517 €	46 524 690 €	211 229 590 €	37,7 €	51,5 €
Cyprus	28 996 071 €	1 636 640 €	31 872 434 €	62 505 145 €	33,9 €	73,1 €
Czech Republic	467 487 227 €	21 273 542 €	110 483 428 €	577 970 655 €	44,1 €	54,6 €
Denmark	250 529 990 €	120 344 241 €	108 228 822 €	479 103 053 €	43,3 €	82,9 €
Estonia	41 274 142 €	3 603 108 €	11 337 479 €	56 214 729 €	31,4 €	42,7 €
Finland	270 015 837 €	97 392 000 €	44 800 000 €	412 207 837 €	49,0 €	74,8 €
France	3 245 545 143 €	433 291 526 €	811 386 286 €	4 490 222 955 €	48,3 €	66,8 €
Germany	NA	NA	NA	NA	NA	NA
Greece	NA	4 177 398 €	NA	460 911 536 €	NA	42,8 €
Hungary	366 746 133 €	NA	NA	NA	37,1 €	NA
Ireland	133 163 000 €	100 622 672 €	40 094 000 €	273 879 672 €	27,8 €	57,1 €
Italy	2 833 437 294 €	285 534 786 €	1 413 360 888 €	4 532 332 968 €	46,8 €	74,9 €
Latvia	57 307 822 €	1 786 933 €	24 053 679 €	83 148 434 €	29,4 €	42,6 €
Lithuania	74 385 240 €	5 994 497 €	30 980 453 €	111 360 190 €	26,5 €	39,6 €
Luxembourg	NA	NA	NA	NA	NA	NA
Malta	16 001 846 €	249 326 €	2 484 390 €	18 735 562 €	33,6 €	39,4 €
Netherlands	1 020 515 000 €	433 005 000 €	NA	NA	59,4 €	NA
Poland	1 539 570 000 €	52 913 000 €	587 923 359 €	2 180 406 359 €	40,1 €	56,7 €
Portugal	NA	59 688 085 €	127 911 008 €	NA	NA	NA
Romania	528 383 790 €	9 962 207 €	259 590 883 €	797 936 880 €	27,1 €	40,9 €
Slovakia	210 556 808 €	NA	97 666 837 €	308 223 645 €	38,7 €	56,6 €
Slovenia	169 987 785 €	3 359 682 €	20 242 054 €	193 589 521 €	82,2 €	93,7 €
Spain	NA	275 567 743 €	NA	NA	NA	NA
Sweden	694 983 706 €	377 635 918 €	153 528 265 €	1 226 147 889 €	68,7 €	121,2 €
<b>Average</b>	613 517 419 €	104 762 944 €	212 255 621 €	893 459 400 €	41,4 €	64,5 €
<b>Median</b>	230 543 399 €	21 273 542 €	97 666 837 €	412 207 837 €	38,2 €	56,7 €
<b>Minimum</b>	16 001 846 €	249 326 €	2 484 390 €	18 735 562 €	23,7 €	39,4 €
<b>Maximum</b>	3 245 545 143 €	433 291 526 €	1 413 360 888 €	4 532 332 968 €	82,2 €	121,2 €
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	26%	15%	30%	22%	26%	22%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

**Czech Republic and Slovakia:** The legal aid budget is included in the budget of court and consequently the calculation of the budget of the judicial system is a sum of budget of courts and budget of prosecution system.

**Austria, Belgium, Greece and Luxembourg** can not separate the budget of courts from budget of prosecution system and calculation of the judicial system budget is based on question 7 on the joined budgets.

**Italy:** The regional administrative courts, regional audit commissions, local tax commissions and military courts are not taken into consideration

**Table 1.1.1(2016) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2016, in € (Q1, Q6, Q7, Q12, Q13)**

States	Total annual approved budget allocated to				Total annual approved public budget allocated to	
	☞ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita
Austria	NA	19 500 000 €	NA	937 499 939 €	NA	107,3 €
Belgium	NA	82 869 725 €	NA	931 834 849 €	NA	82,3 €
Bulgaria	154 970 220 €	4 202 804 €	103 474 815 €	262 647 839 €	21,8 €	37,0 €
Croatia	166 408 056 €	10 810 000 €	45 315 977 €	222 534 033 €	40,1 €	53,6 €
Cyprus	28 107 307 €	2 076 200 €	21 953 972 €	52 137 479 €	33,1 €	61,5 €
Czech Republic	411 012 953 €	NA	93 217 029 €	504 229 982 €	38,9 €	47,7 €
Denmark	242 289 742 €	139 692 531 €	99 406 787 €	481 389 060 €	42,1 €	83,7 €
Estonia	41 340 192 €	3 835 000 €	11 533 359 €	56 708 551 €	31,4 €	43,1 €
Finland	285 425 000 €	89 400 000 €	46 243 000 €	421 068 000 €	51,9 €	76,5 €
France	3 238 063 225 €	365 684 483 €	809 515 806 €	4 413 263 514 €	48,3 €	65,9 €
Germany	NA	725 056 049 €	NA	NA	NA	NA
Greece	NA	10 321 925 €	NA	445 529 139 €	NA	41,3 €
Hungary	299 893 343 €	804 784 €	128 900 776 €	429 598 903 €	30,6 €	43,8 €
Ireland	113 172 000 €	82 390 000 €	38 886 000 €	234 448 000 €	24,2 €	50,2 €
Italy	2 910 468 241 €	233 477 724 €	1 400 480 991 €	4 544 426 956 €	48,0 €	75,0 €
Latvia	53 365 154 €	2 514 338 €	22 557 706 €	78 437 198 €	27,1 €	39,8 €
Lithuania	74 237 182 €	5 500 227 €	34 962 778 €	114 700 187 €	26,1 €	40,3 €
Luxembourg	NA	4 000 000 €	NA	92 895 711 €	NA	157,3 €
Malta	13 870 800 €	100 000 €	2 200 000 €	16 170 800 €	30,1 €	35,1 €
Netherlands	1 046 578 000 €	440 400 000 €	549 596 000 €	2 036 574 000 €	61,3 €	119,2 €
Poland	1 445 686 000 €	65 738 000 €	480 141 000 €	1 991 565 000 €	37,6 €	51,8 €
Portugal	441 024 845 €	31 816 000 €	110 412 452 €	583 253 297 €	42,8 €	56,6 €
Romania	392 582 194 €	10 306 534 €	194 760 300 €	597 649 028 €	20,0 €	30,4 €
Slovakia	186 576 657 €	NA	83 121 003 €	269 697 660 €	34,3 €	49,6 €
Slovenia	162 731 138 €	3 200 000 €	19 383 835 €	185 314 973 €	78,8 €	89,7 €
Spain	3 145 396 555 €	260 079 600 €	272 791 497 €	3 678 267 652 €	67,6 €	79,1 €
Sweden	697 033 550 €	332 168 392 €	156 090 472 €	1 185 292 414 €	69,7 €	118,6 €
<b>Average</b>	706 828 743 €	117 037 773 €	214 770 253 €	952 582 083 €	41,2 €	66,8 €
<b>Median</b>	263 857 371 €	19 500 000 €	96 311 908 €	437 564 021 €	38,2 €	55,1 €
<b>Minimum</b>	13 870 800 €	100 000 €	2 200 000 €	16 170 800 €	20,0 €	30,4 €
<b>Maximum</b>	3 238 063 225 €	725 056 049 €	1 400 480 991 €	4 544 426 956 €	78,8 €	157,3 €
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	19%	7%	19%	4%	19%	4%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

**Czech Republic and Slovakia:** The legal aid budget is included in the budget of court and consequently the calculation of the budget of the judicial system is a sum of budget of courts and budget of prosecution system.

**Austria, Belgium, Greece and Luxembourg** can not separate the budget of courts from budget of prosecution system and calculation of the judicial system budget is based on question 7 on the joined budgets.

**Italy:** The regional administrative courts, regional audit commissions, local tax commissions and military courts are not taken into consideration

**Sweden:** The increase of the legal aid budget this cycle is because of legal aid for cases involving aliens.



**Table 1.1.2(2016) Implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2016, in € (Q1, Q6, Q7, Q12-1, Q13)**

States	Total annual implemented budget allocated to				Total annual implemented public budget allocated to	
	€ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita
Austria	NA	19 700 000 €	NA	1 033 578 643 €	NA	118,3 €
Belgium	NA	82 832 591 €	NA	928 111 056 €	NA	82,0 €
Bulgaria	150 207 650 €	4 197 520 €	102 876 460 €	257 281 630 €	21,2 €	36,2 €
Croatia	165 459 629 €	10 809 907 €	45 263 844 €	221 533 380 €	39,8 €	53,3 €
Cyprus	24 232 459 €	1 907 617 €	36 139 641 €	62 279 717 €	28,6 €	73,4 €
Czech Republic	430 378 322 €	21 135 536 €	107 167 590 €	537 545 912 €	40,7 €	50,8 €
Denmark	243 066 115 €	129 857 618 €	110 435 917 €	483 359 650 €	42,3 €	84,1 €
Estonia	40 318 426 €	3 835 000 €	11 322 578 €	55 476 004 €	30,6 €	42,2 €
Finland	273 337 188 €	89 400 000 €	46 243 000 €	408 980 188 €	49,7 €	74,3 €
France	3 228 642 019 €	338 820 356 €	807 160 505 €	4 374 622 880 €	48,2 €	65,3 €
Germany	NA	676 027 512 €	NA	NA	NA	NA
Greece	NA	6 120 564 €	NA	450 328 632 €	NA	41,8 €
Hungary	351 868 612 €	1 140 272 €	133 882 353 €	486 891 237 €	35,9 €	49,7 €
Ireland	112 365 000 €	91 666 000 €	38 626 000 €	242 657 000 €	24,0 €	51,9 €
Italy	2 806 127 396 €	233 477 724 €	1 367 145 490 €	4 406 750 610 €	46,3 €	72,7 €
Latvia	52 936 937 €	2 035 197 €	22 533 408 €	77 505 542 €	26,9 €	39,4 €
Lithuania	71 082 338 €	5 494 755 €	34 948 538 €	111 525 631 €	25,0 €	39,2 €
Luxembourg	NA	NA	NA	NA	NA	NA
Malta	13 821 899 €	161 662 €	2 340 000 €	16 323 561 €	30,0 €	35,5 €
Netherlands	1 139 346 000 €	468 300 000 €	598 708 000 €	2 206 354 000 €	66,7 €	129,2 €
Poland	1 428 927 000 €	27 427 000 €	478 772 000 €	1 935 126 000 €	37,2 €	50,4 €
Portugal	NA	60 335 899 €	126 441 757 €	NA	NA	NA
Romania	389 594 829 €	10 173 620 €	192 213 562 €	591 982 011 €	19,8 €	30,1 €
Slovakia	211 612 191 €	NA	95 238 564 €	306 850 755 €	38,9 €	56,5 €
Slovenia	161 139 870 €	3 091 043 €	19 351 893 €	183 582 806 €	78,0 €	88,9 €
Spain	NA	262 316 223 €	NA	NA	NA	NA
Sweden	682 093 650 €	361 941 952 €	150 418 994 €	1 194 454 596 €	68,2 €	119,5 €
<b>Average</b>	598 827 877 €	116 488 223 €	215 582 385 €	894 482 671 €	39,9 €	64,5 €
<b>Median</b>	227 339 153 €	21 135 536 €	102 876 460 €	450 328 632 €	38,1 €	53,3 €
<b>Minimum</b>	13 821 899 €	161 662 €	2 340 000 €	16 323 561 €	19,8 €	30,1 €
<b>Maximum</b>	3 228 642 019 €	676 027 512 €	1 367 145 490 €	4 406 750 610 €	78,0 €	129,2 €
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	26%	7%	22%	15%	26%	15%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

**Czech Republic and Slovakia:** The legal aid budget is included in the budget of court and consequently the calculation of the budget of the judicial system is a sum of budget of courts and budget of prosecution system.

**Austria, Belgium, Greece and Luxembourg** can not separate the budget of courts from budget of prosecution system and calculation of the judicial system budget is based on question 7 on the joined budgets.

**Italy:** The regional administrative courts, regional audit commissions, local tax commissions and military courts are not taken into consideration

**Table 1.1.1(2015) Approved public budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2015, in € (Q1, Q6, Q7, Q12, Q13)**

States	Total annual approved budget allocated to				Total annual approved public budget allocated to	
	☞ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita
Austria	NA	19 000 000 €	NA	848 507 000 €	NA	97,5 €
Belgium	NA	77 891 000 €	NA	886 055 000 €	NA	78,6 €
Bulgaria	137 642 507 €	4 785 010 €	95 590 817 €	238 018 334 €	19,2 €	33,3 €
Croatia	164 695 034 €	11 529 667 €	40 018 315 €	216 243 016 €	39,3 €	51,6 €
Cyprus	26 616 189 €	NA	18 562 103 €	NA	31,4 €	NA
Czech Republic	366 091 233 €	NA	93 199 782 €	459 291 015 €	34,7 €	43,5 €
Denmark	242 248 763 €	129 435 262 €	99 140 896 €	470 824 921 €	42,4 €	82,5 €
Estonia	40 621 755 €	3 838 326 €	11 042 407 €	55 502 488 €	30,9 €	42,2 €
Finland	266 049 000 €	77 700 000 €	43 800 000 €	387 549 000 €	48,5 €	70,6 €
France	3 097 049 120 €	389 200 710 €	774 262 280 €	4 260 512 110 €	46,5 €	63,9 €
Germany	NA	673 149 670 €	NA	NA	NA	NA
Greece	NA	12 010 629 €	NA	427 689 615 €	NA	39,4 €
Hungary	286 826 137 €	788 773 €	126 336 480 €	413 951 390 €	29,2 €	42,1 €
Ireland	107 965 000 €	79 971 000 €	37 834 000 €	225 770 000 €	23,1 €	48,4 €
Italy	3 084 813 712 €	NA	1 582 477 640 €	NA	50,8 €	NA
Latvia	53 110 804 €	1 863 989 €	22 491 558 €	77 466 351 €	27,0 €	39,3 €
Lithuania	71 697 851 €	5 925 285 €	28 810 734 €	106 433 870 €	24,8 €	36,8 €
Luxembourg	NA	3 500 000 €	NA	84 178 350 €	NA	149,5 €
Malta	13 575 554 €	51 000 €	2 116 000 €	15 742 554 €	30,1 €	35,0 €
Netherlands	1 087 375 000 €	417 100 000 €	525 593 000 €	2 030 068 000 €	64,0 €	119,6 €
Poland	-	-	-	-	-	-
Portugal	418 190 844 €	35 466 326 €	96 054 391 €	549 711 561 €	40,4 €	53,2 €
Romania	469 843 530 €	8 877 666 €	228 155 155 €	706 876 351 €	23,8 €	35,8 €
Slovakia	160 877 873 €	NA	76 888 494 €	237 766 367 €	29,6 €	43,8 €
Slovenia	157 386 726 €	3 043 999 €	18 276 528 €	178 707 253 €	76,2 €	86,6 €
Spain	2 966 652 534 €	254 818 057 €	266 685 555 €	3 488 156 146 €	63,9 €	75,1 €
Sweden	NA	268 378 957 €	151 769 003 €	NA	NA	NA
<b>Average</b>	660 966 458 €	112 651 151 €	206 624 054 €	743 864 577 €	38,8 €	62,2 €
<b>Median</b>	203 471 899 €	15 505 315 €	93 199 782 €	400 750 195 €	33,0 €	50,0 €
<b>Minimum</b>	13 575 554 €	51 000 €	2 116 000 €	15 742 554 €	19,2 €	33,3 €
<b>Maximum</b>	3 097 049 120 €	673 149 670 €	1 582 477 640 €	4 260 512 110 €	76,2 €	149,5 €
<b>Nb of values</b>	26	26	26	26	26	26
<b>% of NA</b>	23%	15%	19%	15%	23%	15%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

**Czech Republic and Slovakia:** The legal aid budget is included in the budget of court and consequently the calculation of the budget of the judicial system is a sum of budget of courts and budget of prosecution system.

**Germany:** No information available for some Länder. Accordingly, the information provided here is incomplete. All data concerning the budget should be construed in the light of the federal State structure of Germany. Accordingly, variations for which no particular explanation has been notified are often due to the fact that for the different evaluation cycles a different number of Lander provided a reply. Owing to this peculiarity, the information remains most of the time incomplete. Figures include the federal budget as well as the budgets indicated by the respondent Landers.

**Italy:** Administrative justice is not taken into account concerning the budget in the above table

**Table 1.1.2(2015) Implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2015, in € (Q1, Q6, Q7, Q12-1, Q13)**

States	Total annual implemented budget allocated to				Total annual implemented public budget allocated to	
	€ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita
Austria	NA	20 800 000 €	NA	958 141 686 €	NA	110,1 €
Belgium	NA	81 734 000 €	NA	924 148 923 €	NA	82,0 €
Bulgaria	136 945 724 €	4 660 132 €	94 966 603 €	236 572 459 €	19,1 €	33,1 €
Croatia	162 814 137 €	11 529 654 €	39 923 058 €	214 266 849 €	38,9 €	51,1 €
Cyprus	24 546 841 €	NA	NA	NA	28,9 €	NA
Czech Republic	432 824 571 €	20 622 005 €	107 147 762 €	539 972 333 €	41,0 €	51,2 €
Denmark	241 823 481 €	135 270 967 €	101 749 306 €	478 843 754 €	42,4 €	83,9 €
Estonia	39 758 114 €	3 838 326 €	10 761 496 €	54 357 936 €	30,2 €	41,3 €
Finland	273 705 900 €	77 700 000 €	42 200 000 €	393 605 900 €	49,9 €	71,7 €
France	3 114 361 892 €	319 155 587 €	778 590 473 €	4 212 107 952 €	46,7 €	63,2 €
Germany	NA	711 636 303 €	NA	NA	NA	NA
Greece	NA	6 788 015 €	NA	452 072 343 €	NA	41,6 €
Hungary	295 148 802 €	NA	NA	NA	30,0 €	NA
Ireland	107 204 000 €	87 308 145 €	37 622 987 €	232 135 132 €	23,0 €	49,8 €
Italy	2 987 748 544 €	172 851 135 €	1 549 305 236 €	4 709 904 915 €	49,2 €	77,6 €
Latvia	52 685 854 €	1 691 382 €	22 478 776 €	76 856 012 €	26,8 €	39,0 €
Lithuania	67 860 535 €	5 917 807 €	28 810 734 €	102 589 076 €	23,5 €	35,5 €
Luxembourg	NA	NA	NA	NA	NA	NA
Malta	13 677 789 €	51 000 €	2 350 041 €	16 078 830 €	30,4 €	35,7 €
Netherlands	1 038 694 000 €	403 110 000 €	607 219 000 €	2 049 023 000 €	61,2 €	120,7 €
Poland	-	-	-	-	-	-
Portugal	NA	59 549 714 €	121 925 994 €	NA	NA	NA
Romania	466 267 785 €	8 824 399 €	225 564 926 €	700 657 110 €	23,6 €	35,5 €
Slovakia	187 420 014 €	NA	83 902 472 €	271 322 486 €	34,5 €	50,0 €
Slovenia	160 883 575 €	3 184 217 €	18 134 349 €	182 202 141 €	77,9 €	88,3 €
Spain	NA	NA	NA	NA	NA	NA
Sweden	686 514 080 €	276 604 518 €	147 410 202 €	1 110 528 800 €	69,7 €	112,7 €
<b>Average</b>	552 151 876 €	114 896 538 €	223 336 856 €	895 769 382 €	39,3 €	63,7 €
<b>Median</b>	187 420 014 €	20 800 000 €	89 434 538 €	422 839 122 €	34,5 €	51,1 €
<b>Minimum</b>	13 677 789 €	51 000 €	2 350 041 €	16 078 830 €	19,1 €	33,1 €
<b>Maximum</b>	3 114 361 892 €	711 636 303 €	1 549 305 236 €	4 709 904 915 €	77,9 €	120,7 €
<b>Nb of values</b>	26	26	26	26	26	26
<b>% of NA</b>	27%	19%	31%	23%	27%	23%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

**Czech Republic and Slovakia:** The legal aid budget is included in the budget of court and consequently the calculation of the budget of the judicial system is a sum of budget of courts and budget of prosecution system.

**Germany:** No information available for some Länder. Accordingly, the information provided here is incomplete. All data concerning the budget should be construed in the light of the federal State structure of Germany. Accordingly, variations for which no particular explanation has been notified are often due to the fact that for the different evaluation cycles a different number of Länder provided a reply. Owing to this peculiarity, the information remains most of the time incomplete. Figures include the federal budget as well as the budgets indicated by the respondent Länder.

**Italy:** Administrative justice is not taken into account concerning the budget in the above table



**Table 1.1.1(2014) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2014, in € (Q1, Q6, Q7, Q12, Q13)**

States	Total annual approved budget allocated to				Total annual approved public budget allocated to	
	☞ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita
Austria	NA	19 000 000 €	NA	823 053 000 €	NA	95,9 €
Belgium	NA	84 628 000 €	NA	873 740 000 €	NA	77,9 €
Bulgaria	136 407 333 €	4 306 647 €	93 698 490 €	234 412 470 €	18,9 €	32,5 €
Croatia	163 302 114 €	11 464 658 €	40 820 393 €	215 587 165 €	38,6 €	51,0 €
Cyprus	26 287 423 €	NA	15 798 704 €	NA	30,6 €	NA
Czech Republic	345 730 027 €	NA	85 213 339 €	430 943 366 €	32,8 €	40,9 €
Denmark	240 945 242 €	129 010 156 €	97 116 986 €	467 072 384 €	42,6 €	82,5 €
Estonia	38 589 501 €	3 835 000 €	10 627 825 €	53 052 326 €	29,4 €	40,4 €
Finland	277 295 000 €	65 276 000 €	46 223 000 €	388 794 000 €	50,7 €	71,1 €
France	3 123 051 554 €	366 887 166 €	780 762 888 €	4 270 701 608 €	47,1 €	64,4 €
Germany	NA	686 978 779 €	NA	NA	NA	NA
Greece	NA	10 225 994 €	NA	465 750 545 €	NA	42,9 €
Hungary	283 479 317 €	570 980 €	119 744 000 €	403 794 297 €	28,8 €	41,0 €
Ireland	104 565 000 €	80 126 000 €	37 813 000 €	222 504 000 €	22,6 €	48,1 €
Italy	2 945 513 378 €	NA	1 460 367 057 €	NA	48,4 €	NA
Latvia	51 305 248 €	1 650 291 €	21 771 366 €	74 726 905 €	25,6 €	37,3 €
Lithuania	62 969 474 €	5 900 767 €	28 563 485 €	97 433 726 €	21,6 €	33,4 €
Luxembourg	NA	3 000 000 €	NA	75 492 650 €	NA	134,1 €
Malta	13 115 766 €	70 000 €	1 900 000 €	15 085 766 €	29,8 €	34,3 €
Netherlands	1 068 474 000 €	430 000 000 €	568 734 000 €	2 067 208 000 €	63,2 €	122,3 €
Poland	1 405 850 000 €	25 029 000 €	437 424 395 €	1 868 303 395 €	36,5 €	48,5 €
Portugal	414 114 841 €	33 403 315 €	88 786 150 €	536 304 306 €	39,9 €	51,7 €
Romania	533 090 063 €	9 518 975 €	238 801 232 €	781 410 270 €	23,9 €	35,1 €
Slovakia	151 291 595 €	NA	70 099 751 €	221 391 346 €	27,9 €	40,8 €
Slovenia	164 850 383 €	3 414 646 €	16 730 967 €	184 995 996 €	80,0 €	89,8 €
Spain	3 050 594 663 €	237 581 907 €	270 480 209 €	3 558 656 779 €	65,7 €	76,6 €
Sweden	NA	244 442 713 €	138 456 474 €	NA	NA	NA
<b>Average</b>	695 277 234 €	106 796 565 €	212 269 714 €	796 974 535 €	38,3 €	60,5 €
<b>Median</b>	240 945 242 €	19 000 000 €	86 999 745 €	403 794 297 €	32,8 €	48,5 €
<b>Minimum</b>	13 115 766 €	70 000 €	1 900 000 €	15 085 766 €	18,9 €	32,5 €
<b>Maximum</b>	3 123 051 554 €	686 978 779 €	1 460 367 057 €	4 270 701 608 €	80,0 €	134,1 €
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	22%	15%	19%	15%	22%	15%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

**Czech Republic and Slovakia:** The calculation of the budget of the judicial system is a sum of budget of courts and budget of prosecution system since the court budget already includes the Legal Aid

**Italy:** Administrative justice is not taken into account concerning the budget in the above table

**Table 1.1.2(2014) Implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2014, in € (Q1, Q6, Q7, Q12-1, Q13)**

States	Total annual implemented budget allocated to				Total annual implemented public budget allocated to	
	€ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita
Austria	NA	21 070 101 €	NA	NA	NA	NA
Belgium	NA	91 998 158 €	NA	873 707 000 €	NA	77,9 €
Bulgaria	135 443 721 €	4 796 175 €	93 356 800 €	233 596 696 €	18,8 €	32,4 €
Croatia	162 524 318 €	10 939 335 €	40 782 068 €	214 245 721 €	38,5 €	50,7 €
Cyprus	24 843 386 €	895 700 €	NA	NA	29,0 €	NA
Czech Republic	364 825 574 €	20 433 489 €	85 249 102 €	450 074 676 €	34,7 €	42,8 €
Denmark	245 688 859 €	134 146 776 €	115 870 009 €	495 705 644 €	43,4 €	87,6 €
Estonia	37 893 295 €	3 989 764 €	9 774 016 €	51 657 075 €	28,9 €	39,3 €
Finland	269 771 805 €	65 276 000 €	46 223 000 €	381 270 805 €	49,3 €	69,7 €
France	3 173 252 685 €	381 268 078 €	793 313 171 €	4 347 833 934 €	47,8 €	65,6 €
Germany	NA	647 401 631 €	NA	NA	NA	NA
Greece	NA	7 348 223 €	NA	498 170 530 €	NA	45,9 €
Hungary	271 123 933 €	970 353 €	117 130 667 €	389 224 953 €	27,5 €	39,5 €
Ireland	105 399 000 €	85 346 304 €	37 675 000 €	228 420 304 €	22,8 €	49,4 €
Italy	2 845 480 557 €	143 915 571 €	1 428 912 997 €	4 418 309 125 €	46,8 €	72,7 €
Latvia	51 050 079 €	1 159 625 €	21 393 412 €	73 603 116 €	25,5 €	36,8 €
Lithuania	61 787 585 €	5 883 027 €	28 622 712 €	96 293 324 €	21,2 €	33,0 €
Luxembourg	NA	NA	NA	NA	NA	NA
Malta	NA	70 000 €	NA	NA	NA	NA
Netherlands	1 053 417 000 €	455 000 000 €	586 562 000 €	2 094 979 000 €	62,3 €	123,9 €
Poland	1 397 725 000 €	23 328 000 €	441 872 463 €	1 862 925 463 €	36,3 €	48,4 €
Portugal	NA	68 342 718 €	114 412 314 €	NA	NA	NA
Romania	530 035 828 €	9 511 348 €	236 693 083 €	776 240 259 €	23,8 €	34,8 €
Slovakia	165 291 143 €	NA	83 601 297 €	248 892 440 €	30,5 €	45,9 €
Slovenia	166 508 710 €	3 492 487 €	17 244 379 €	187 245 576 €	80,8 €	90,8 €
Spain	NA	NA	NA	NA	NA	NA
Sweden	609 190 589 €	257 883 019 €	138 875 248 €	1 005 948 856 €	62,5 €	103,2 €
<b>Average</b>	614 276 477 €	101 852 745 €	233 555 986 €	946 417 225 €	38,4 €	59,5 €
<b>Median</b>	245 688 859 €	20 751 795 €	93 356 800 €	419 649 815 €	34,7 €	48,9 €
<b>Minimum</b>	24 843 386 €	70 000 €	9 774 016 €	51 657 075 €	18,8 €	32,4 €
<b>Maximum</b>	3 173 252 685 €	647 401 631 €	1 428 912 997 €	4 418 309 125 €	80,8 €	123,9 €
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	30%	11%	30%	26%	30%	26%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

**Czech Republic and Slovakia:** The calculation of the budget of the judicial system is a sum of budget of courts and budget of prosecution system since the court budget already includes the Legal Aid

**Italy:** Administrative justice is not taken into account concerning the budget in the above table

**Table 1.1.1(2013) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2013, in € (Q1, Q6, Q7, Q12, Q13)**

States	Total annual approved budget allocated to				Total annual approved public budget allocated to	
	€ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita
Austria	NA	19 000 000 €	NA	836 500 000 €	NA	98,6 €
Belgium	NA	85 241 000 €	NA	968 018 000 €	NA	86,8 €
Bulgaria	129 931 055 €	4 588 828 €	83 191 279 €	217 711 162 €	17,9 €	30,0 €
Croatia	182 292 546 €	6 694 673 €	40 667 128 €	229 654 347 €	42,9 €	54,1 €
Cyprus	27 375 949 €	1 098 226 €	16 600 696 €	45 074 871 €	31,9 €	52,5 €
Czech Republic	355 754 925 €	20 805 554 €	83 826 142 €	439 581 067 €	33,8 €	41,8 €
Denmark	241 147 979 €	102 427 178 €	94 400 000 €	437 975 157 €	42,9 €	77,9 €
Estonia	33 212 717 €	3 835 000 €	9 798 246 €	46 845 963 €	25,2 €	35,6 €
Finland	250 978 604 €	71 208 000 €	45 947 000 €	368 133 604 €	46,0 €	67,5 €
France	2 970 817 971 €	369 270 787 €	742 704 493 €	4 082 793 251 €	45,1 €	62,0 €
Germany	7 943 572 314 €	345 878 597 €	510 067 405 €	8 799 518 316 €	98,3 €	108,9 €
Greece	NA	7 970 370 €	NA	NA	NA	NA
Hungary	299 097 315 €	612 980 €	128 848 473 €	428 558 768 €	30,3 €	43,4 €
Ireland	107 959 000 €	84 623 000 €	38 389 000 €	230 971 000 €	23,5 €	50,2 €
Italy	2 935 413 547 €	160 755 405 €	1 302 805 287 €	4 398 974 239 €	49,2 €	73,7 €
Latvia	48 157 273 €	962 294 €	20 498 625 €	69 618 192 €	23,8 €	34,4 €
Lithuania	53 120 077 €	4 561 226 €	25 428 485 €	83 109 788 €	18,0 €	28,2 €
Luxembourg	NA	3 000 000 €	NA	81 492 650 €	NA	148,2 €
Malta	12 278 300 €	49 500 €	1 757 000 €	14 084 800 €	28,6 €	32,8 €
Netherlands	1 039 027 000 €	498 200 000 €	627 057 000 €	2 164 284 000 €	61,7 €	128,6 €
Poland	-	-	-	-	NA	NA
Portugal	442 879 701 €	42 241 300 €	96 640 967 €	581 761 968 €	42,5 €	55,8 €
Romania	377 801 754 €	8 739 157 €	169 122 126 €	555 663 037 €	18,9 €	27,9 €
Slovakia	156 488 854 €	1 687 629 €	65 324 149 €	221 813 003 €	28,9 €	41,0 €
Slovenia	161 730 711 €	4 059 128 €	17 086 402 €	182 876 241 €	78,5 €	88,7 €
Spain	-	-	-	-	NA	NA
Sweden	640 850 593 €	255 679 979 €	142 719 691 €	1 039 250 263 €	66,4 €	107,8 €
<b>Average</b>	876 661 342 €	84 127 592 €	202 994 266 €	1 105 177 654 €	40,7 €	65,7 €
<b>Median</b>	241 147 979 €	8 739 157 €	83 191 279 €	398 346 186 €	33,8 €	54,9 €
<b>Minimum</b>	12 278 300 €	49 500 €	1 757 000 €	14 084 800 €	17,9 €	27,9 €
<b>Maximum</b>	7 943 572 314 €	498 200 000 €	1 302 805 287 €	8 799 518 316 €	98,3 €	148,2 €
<b>Nb of values</b>	25	25	25	25	27	27
<b>% of NA</b>	16%	0%	16%	4%	22%	11%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

**Czech Republic and Slovakia:** The calculation of the budget of the judicial system is a sum of budget of courts and budget of prosecution system since the court budget already includes the Legal Aid

**Italy:** Administrative justice is not taken into account concerning the budget in the above table

**Table 1.1.1(2012) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2012, in € (Q1, Q6, Q7, Q12, Q13)**

States	Total annual approved budget allocated to				Total annual approved public budget allocated to	
	€ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita
Austria	NA	19 000 000 €	NA	770 790 000 €	NA	91,2 €
Belgium	NA	87 024 000 €	NA	998 125 000 €	NA	89,4 €
Bulgaria	124 911 954 €	3 579 030 €	81 248 370 €	209 739 354 €	17,1 €	28,8 €
Croatia	156 601 458 €	8 071 016 €	42 040 323 €	206 712 797 €	36,7 €	48,5 €
Cyprus	30 611 480 €	1 526 738 €	17 971 759 €	50 109 977 €	35,4 €	57,9 €
Czech Republic	370 751 152 €	24 142 835 €	84 706 722 €	455 457 874 €	35,3 €	43,3 €
Denmark	243 294 736 €	83 643 048 €	94 400 000 €	421 337 784 €	43,4 €	75,2 €
Estonia	29 728 350 €	3 835 000 €	9 256 322 €	42 819 672 €	23,1 €	33,3 €
Finland	249 704 356 €	67 697 000 €	45 312 000 €	362 713 356 €	46,0 €	66,8 €
France	2 917 700 110 €	367 180 000 €	729 425 027 €	4 014 305 137 €	44,5 €	61,2 €
Germany	8 302 304 846 €	344 535 431 €	523 346 503 €	9 170 186 780 €	103,5 €	114,3 €
Greece	NA	8 300 000 €	NA	450 970 924 €	NA	40,8 €
Hungary	325 687 695 €	907 974 €	125 851 993 €	452 447 662 €	32,9 €	45,7 €
Ireland	107 090 000 €	83 159 000 €	40 528 000 €	230 777 000 €	23,3 €	50,3 €
Italy	2 986 521 397 €	153 454 322 €	1 435 025 477 €	4 575 001 196 €	50,0 €	76,7 €
Latvia	44 494 921 €	962 294 €	20 495 958 €	65 953 173 €	21,8 €	32,3 €
Lithuania	53 138 612 €	4 543 826 €	26 101 135 €	83 783 573 €	17,7 €	27,9 €
Luxembourg	NA	3 500 000 €	NA	79 964 334 €	NA	152,3 €
Malta	11 527 427 €	49 500 €	1 828 559 €	13 405 486 €	27,3 €	31,7 €
Netherlands	1 068 773 500 €	495 300 000 €	636 924 000 €	2 200 997 500 €	63,7 €	131,2 €
Poland	1 379 338 000 €	24 107 000 €	424 128 567 €	1 827 573 567 €	35,8 €	47,4 €
Portugal	476 924 836 €	55 184 100 €	97 551 326 €	629 660 262 €	45,5 €	60,0 €
Romania	324 611 610 €	7 958 050 €	148 321 292 €	480 890 952 €	15,2 €	22,6 €
Slovakia	152 715 786 €	1 771 287 €	60 309 536 €	213 025 322 €	28,2 €	39,4 €
Slovenia	160 526 569 €	5 514 089 €	17 655 253 €	183 695 911 €	78,0 €	89,2 €
Spain	3 258 327 418 €	253 034 641 €	211 352 960 €	3 722 715 019 €	70,8 €	80,9 €
Sweden	637 246 965 €	236 399 146 €	144 485 809 €	1 018 131 920 €	66,7 €	106,5 €
<b>Average</b>	1 017 936 225 €	86 828 864 €	218 185 517 €	1 219 677 464 €	41,8 €	64,6 €
<b>Median</b>	249 704 356 €	19 000 000 €	84 706 722 €	450 970 924 €	35,8 €	57,9 €
<b>Minimum</b>	11 527 427 €	49 500 €	1 828 559 €	13 405 486 €	15,2 €	22,6 €
<b>Maximum</b>	8 302 304 846 €	495 300 000 €	1 435 025 477 €	9 170 186 780 €	103,5 €	152,3 €
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	15%	0%	15%	0%	15%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

**Czech Republic and Slovakia:** The calculation of the budget of the judicial system is a sum of budget of courts and budget of prosecution system since the court budget already includes the Legal Aid

**Italy:** Administrative justice is not taken into account concerning the budget in the above table

**Table 1.1.1(2010) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2010, in € (Q1, Q6, Q7, Q12, Q13)**

States	Total annual approved budget allocated to				Total annual approved public budget allocated to	
	€ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita
Austria	NA	18 400 000 €	NA	709 980 000 €	NA	84,6 €
Belgium	NA	75 326 000 €	NA	934 837 000 €	NA	86,2 €
Bulgaria	112 211 184 €	3 867 730 €	79 203 203 €	195 282 117 €	15,2 €	26,5 €
Croatia	211 304 301 €	11 160 557 €	41 296 176 €	263 761 034 €	47,9 €	59,8 €
Cyprus	33 546 827 €	NA	15 964 412 €	NA	41,7 €	NA
Czech Republic	346 497 809 €	28 361 213 €	83 446 289 €	429 944 098 €	32,9 €	40,9 €
Denmark	216 795 693 €	87 896 311 €	NAP	NA	39,0 €	NA
Estonia	26 797 340 €	2 982 213 €	9 135 614 €	38 915 167 €	20,0 €	29,0 €
Finland	243 066 350 €	58 100 000 €	42 937 000 €	344 103 350 €	45,2 €	64,0 €
France	2 859 480 770 €	361 197 138 €	714 870 193 €	3 935 548 101 €	44,0 €	60,5 €
Germany	7 789 169 914 €	NA	479 916 106 €	NA	95,3 €	NA
Greece	NA	2 500 000 €	NA	623 500 911 €	NA	55,1 €
Hungary	259 501 133 €	304 823 €	102 321 320 €	362 127 276 €	26,0 €	36,3 €
Ireland	148 722 000 €	87 435 000 €	43 854 000 €	280 011 000 €	32,5 €	61,1 €
Italy	3 051 375 987 €	127 055 510 €	1 249 053 619 €	4 427 485 116 €	50,3 €	73,0 €
Latvia	36 919 820 €	842 985 €	15 913 545 €	53 676 350 €	16,6 €	24,1 €
Lithuania	50 567 945 €	3 906 105 €	29 555 000 €	84 029 050 €	15,6 €	25,9 €
Luxembourg	NA	3 000 000 €	NA	73 458 676 €	NA	143,5 €
Malta	8 355 400 €	85 000 €	2 569 000 €	11 009 400 €	20,0 €	26,4 €
Netherlands	993 086 000 €	481 655 000 €	615 642 000 €	2 090 383 000 €	59,6 €	125,5 €
Poland	1 365 085 000 €	23 244 000 €	312 514 570 €	1 700 843 570 €	35,7 €	44,5 €
Portugal	528 943 165 €	51 641 260 €	119 901 622 €	700 486 047 €	49,7 €	65,9 €
Romania	355 246 737 €	7 915 238 €	162 428 333 €	525 590 308 €	16,6 €	24,5 €
Slovakia	139 851 564 €	1 357 776 €	63 702 886 €	203 554 450 €	25,7 €	37,5 €
Slovenia	178 158 919 €	5 834 338 €	19 263 376 €	203 256 633 €	86,9 €	99,1 €
Spain	NA	237 898 199 €	NA	3 654 891 484 €	NA	79,5 €
Sweden	557 260 358 €	195 683 782 €	127 316 425 €	880 260 565 €	59,2 €	93,5 €
<b>Average</b>	886 906 555 €	75 106 007 €	206 228 795 €	946 955 613 €	39,8 €	61,1 €
<b>Median</b>	229 931 022 €	18 400 000 €	79 203 203 €	396 035 687 €	37,4 €	60,2 €
<b>Minimum</b>	8 355 400 €	85 000 €	2 569 000 €	11 009 400 €	15,2 €	24,1 €
<b>Maximum</b>	7 789 169 914 €	481 655 000 €	1 249 053 619 €	4 427 485 116 €	95,3 €	143,5 €
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	19%	7%	19%	11%	19%	11%
<b>% of NAP</b>	0%	0%	4%	0%	0%	0%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

**Czech Republic and Slovakia:** The calculation of the budget of the judicial system is a sum of budget of courts and budget of prosecution system since the court budget already includes the Legal Aid

**Italy:** Administrative justice is not taking into account concerning the budget in the above table



**Table 1.2.1 Variation of the approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) between 2017 and 2018, in % (Q1, Q5, Q6, Q7, Q12, Q13)**

States	Variation of total annual approved budget (in €)						Variation of total annual approved budget (in local currency for countries which are not in Euro zone)					
	€ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts* per capita	Judicial system** per capita	€ Courts*	(2) Legal aid	(3) Public prosecution system	Judicial system** (1) + (2) + (3)	Courts** per capita	Judicial system** per capita
Austria	NA	0,0%	NA	5,2%	NA	4,9%	NAP	NAP	NAP	NAP	NAP	NAP
Belgium	NA	9,2%	NA	2,6%	NA	2,1%	NAP	NAP	NAP	NAP	NAP	NAP
Bulgaria	4,4%	-0,2%	4,9%	4,5%	5,2%	5,3%	NAP	NAP	NAP	NAP	NAP	NAP
Croatia	10,1%	33,3%	3,2%	9,7%	10,9%	10,5%	NAP	NAP	NAP	NAP	NAP	NAP
Cyprus	12,0%	-3,4%	12,6%	11,5%	9,3%	8,9%	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	3,7%	NA	4,5%	3,8%	3,1%	3,2%	NAP	NAP	NAP	NAP	NAP	NAP
Denmark	-0,1%	2,4%	-15,0%	-2,7%	-0,5%	-3,1%	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	12,3%	5,0%	12,2%	11,8%	12,0%	11,5%	NAP	NAP	NAP	NAP	NAP	NAP
Finland	-2,0%	-4,1%	2,4%	-2,1%	-2,2%	-2,2%	NAP	NAP	NAP	NAP	NAP	NAP
France	4,2%	6,9%	3,9%	4,4%	4,5%	4,7%	NAP	NAP	NAP	NAP	NAP	NAP
Germany	NA	NA	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP
Greece	NA	15,3%	NA	11,2%	NA	11,4%	NAP	NAP	NAP	NAP	NAP	NAP
Hungary	11,1%	-3,9%	-3,9%	6,5%	14,4%	9,7%	NAP	NAP	NAP	NAP	NAP	NAP
Ireland	-1,8%	0,6%	5,9%	0,2%	-3,1%	-1,2%	NAP	NAP	NAP	NAP	NAP	NAP
Italy	14,9%	11,3%	4,4%	11,4%	15,1%	11,7%	NAP	NAP	NAP	NAP	NAP	NAP
Latvia	7,8%	0,2%	11,6%	8,7%	9,5%	10,4%	NAP	NAP	NAP	NAP	NAP	NAP
Lithuania	2,7%	0,4%	1,9%	2,3%	3,2%	2,9%	NAP	NAP	NAP	NAP	NAP	NAP
Luxembourg	NA	25,0%	NA	5,7%	NA	3,6%	NAP	NAP	NAP	NAP	NAP	NAP
Malta	8,3%	166,7%	5,2%	9,3%	8,3%	9,3%	NAP	NAP	NAP	NAP	NAP	NAP
Netherlands	4,0%	3,0%	NA	NA	3,4%	NA	NAP	NAP	NAP	NAP	NAP	NAP
Poland	2,8%	NA	-3,7%	NA	2,8%	NA	NAP	NAP	NAP	NAP	NAP	NAP
Portugal	3,2%	7,5%	2,8%	3,5%	3,3%	3,6%	NAP	NAP	NAP	NAP	NAP	NAP
Romania	4,0%	4,0%	2,4%	3,5%	4,7%	4,1%	NAP	NAP	NAP	NAP	NAP	NAP
Slovakia	5,0%	NA	3,8%	4,6%	4,9%	4,5%	NAP	NAP	NAP	NAP	NAP	NAP
Slovenia	0,6%	-15,6%	5,1%	0,8%	0,0%	0,2%	NAP	NAP	NAP	NAP	NAP	NAP
Spain	12,0%	6,7%	1,7%	10,8%	11,2%	10,1%	NAP	NAP	NAP	NAP	NAP	NAP
Sweden	0,9%	-3,4%	-3,1%	-0,9%	-0,2%	-2,0%	NAP	NAP	NAP	NAP	NAP	NAP
<b>Average</b>	5,5%	11,6%	3,0%	5,3%	5,4%	5,2%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
<b>Median</b>	4,1%	3,0%	3,8%	4,6%	4,6%	4,6%	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!	#NUM!
<b>Minimum</b>	-2,0%	-15,6%	-15,0%	-2,7%	-3,1%	-3,1%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
<b>Maximum</b>	14,9%	166,7%	12,6%	11,8%	15,1%	11,7%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	19%	15%	22%	11%	19%	11%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	100%	100%	100%	100%	100%	100%

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services

Malta: Budget of legal aid increased significantly because of expending the capacities of the Agency for legal aid established 2015

**Table 1.2.2 Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2010 to 2018 (Q1, Q5, Q6, Q7, Q12, Q13)**

States	2010		2012		2013		2014		2015		2016		2017		2018	
	Total annual approved budget allocated to judicial system*	Budget allocated to the judicial system* per capita	Total annual approved budget allocated to judicial system*	Budget allocated to the judicial system* per capita	Total annual approved budget allocated to judicial system*	Budget allocated to the judicial system* per capita	Total annual approved budget allocated to judicial system*	Budget allocated to the judicial system* per capita	Total annual approved budget allocated to judicial system*	Budget allocated to the judicial system* per capita	Total annual approved budget allocated to judicial system*	Budget allocated to the judicial system* per capita	Total annual approved budget allocated to judicial system*	Budget allocated to the judicial system* per capita	Total annual approved budget allocated to judicial system*	Budget allocated to the judicial system* per capita
Austria	709 980 000 €	84,6 €	770 790 000 €	91,2 €	836 500 000 €	98,6 €	823 053 000 €	95,9 €	848 507 000 €	97,5 €	937 499 939,0 €	107,3 €	1 022 390 201,0 €	116,2 €	1 075 637 980 €	121,9 €
Belgium	934 837 000 €	86,2 €	998 125 000,0 €	89,4 €	968 018 000 €	86,8 €	873 740 000 €	77,9 €	886 055 000 €	78,6 €	931 834 849,0 €	82,3 €	974 089 204,0 €	85,6 €	999 555 000 €	87,4 €
Bulgaria	195 282 117 €	26,5 €	209 739 354,0 €	28,8 €	217 711 162 €	30,0 €	234 412 470 €	32,5 €	238 018 334 €	33,3 €	262 647 839,0 €	37,0 €	286 464 547,0 €	40,6 €	299 416 693 €	42,8 €
Croatia	263 761 034 €	59,8 €	206 712 797,0 €	48,5 €	229 654 347 €	54,1 €	215 587 165 €	51,0 €	216 243 016 €	51,6 €	222 534 033,0 €	53,6 €	211 247 099,0 €	51,5 €	231 695 258 €	56,8 €
Cyprus	NA	NA	50 109 977,0 €	57,9 €	45 074 871 €	52,5 €	NA	NA	NA	NA	52 137 479,0 €	61,5 €	53 924 792,0 €	63,1 €	60 146 772 €	68,7 €
Czech Republic	429 944 098 €	40,9 €	455 457 874,0 €	43,3 €	439 581 067 €	41,8 €	430 943 366 €	40,9 €	459 291 015 €	43,5 €	504 229 982,0 €	47,7 €	572 909 869,0 €	54,1 €	594 818 311 €	55,9 €
Denmark	NA	NA	421 337 784,0 €	75,2 €	437 975 157 €	77,9 €	467 072 384 €	82,5 €	470 824 921 €	82,5 €	481 389 060,0 €	83,7 €	498 345 521,0 €	86,2 €	484 725 921 €	83,5 €
Estonia	38 915 167 €	29,0 €	42 819 672,0 €	33,3 €	46 845 963 €	35,6 €	53 052 326 €	40,4 €	55 502 488 €	42,2 €	56 708 551,0 €	43,1 €	57 749 458,0 €	43,9 €	64 559 635 €	48,9 €
Finland	344 103 350 €	64,0 €	362 713 356,0 €	66,8 €	368 133 604 €	67,5 €	388 794 000 €	71,1 €	387 549 000 €	70,6 €	421 068 000,0 €	76,5 €	419 533 000,0 €	76,1 €	410 880 000 €	74,4 €
France	3 935 548 101 €	60,5 €	4 014 305 137,0 €	61,2 €	4 082 793 251 €	62,0 €	4 270 701 608 €	64,4 €	4 260 512 110 €	63,9 €	4 413 263 514,0 €	65,9 €	4 537 877 357,0 €	67,5 €	4 739 208 317 €	70,7 €
Germany	NA	NA	9 170 186 780,0 €	114,3 €	8 799 518 316 €	108,9 €	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Greece	623 500 911 €	55,1 €	450 970 924,0 €	40,8 €	NA	NA	465 750 545 €	42,9 €	427 689 615 €	39,4 €	445 529 139,0 €	41,3 €	479 150 041,0 €	44,5 €	532 644 044 €	49,6 €
Hungary	362 127 276 €	36,3 €	452 447 662,0 €	45,7 €	428 558 768 €	43,4 €	403 794 297 €	41,0 €	413 951 390 €	42,1 €	429 598 903,0 €	43,8 €	460 809 851,0 €	46,7 €	490 950 770 €	51,2 €
Ireland	280 011 000 €	61,1 €	230 777 000,0 €	50,3 €	230 971 000 €	50,2 €	222 504 000 €	48,1 €	225 770 000 €	48,4 €	234 448 000,0 €	50,2 €	270 184 000,0 €	56,4 €	270 654 000 €	55,7 €
Italy	4 427 485 116 €	73,0 €	4 575 001 196,0 €	76,7 €	4 398 974 239 €	73,7 €	NA	NA	NA	NA	4 544 426 956,0 €	75,0 €	4 809 134 099,0 €	79,5 €	5 358 559 475 €	88,8 €
Latvia	53 676 350 €	24,1 €	65 953 172,9 €	32,3 €	69 618 192 €	34,4 €	74 726 905 €	37,3 €	77 466 351 €	39,3 €	78 437 198,0 €	39,8 €	84 352 854,0 €	43,3 €	91 660 235 €	47,7 €
Lithuania	84 029 050 €	25,9 €	83 783 573,0 €	27,9 €	83 109 788 €	28,2 €	97 433 726 €	33,4 €	106 433 870 €	36,8 €	114 700 187,0 €	40,3 €	113 416 337,0 €	40,4 €	116 072 699 €	41,5 €
Luxembourg	73 458 676 €	143,5 €	79 964 334,0 €	152,3 €	81 492 650 €	148,2 €	75 492 650 €	134,1 €	84 178 350 €	149,5 €	92 895 711,0 €	157,3 €	94 987 213,0 €	157,8 €	100 365 534 €	163,5 €
Malta	11 009 400 €	26,4 €	13 405 486,0 €	31,7 €	14 084 800 €	32,8 €	15 085 766 €	34,3 €	15 742 554 €	35,0 €	16 170 800,0 €	35,1 €	16 880 416,0 €	35,5 €	18 448 600 €	38,8 €
Netherlands	2 090 383 000 €	125,5 €	2 200 997 500,0 €	131,2 €	2 164 284 000 €	128,6 €	2 067 208 000 €	122,3 €	2 030 068 000 €	119,6 €	2 036 574 000,0 €	119,2 €	NA	NA	2 046 884 000 €	118,4 €
Poland	1 700 843 570 €	44,5 €	1 827 573 567,0 €	47,4 €	-	NA	1 868 303 395 €	48,5 €	-	-	1 991 565 000,0 €	51,8 €	2 210 197 409,0 €	57,5 €	NA	NA
Portugal	700 486 047 €	65,9 €	629 660 262,0 €	60,0 €	581 761 968 €	55,8 €	536 304 306 €	51,7 €	549 711 561 €	53,2 €	583 253 297,0 €	56,6 €	625 123 442,0 €	60,7 €	646 886 329 €	62,9 €
Romania	525 590 308 €	24,5 €	480 890 952,0 €	22,6 €	555 663 037 €	27,9 €	781 410 270 €	35,1 €	706 876 351 €	35,8 €	597 649 028,0 €	30,4 €	803 835 225,0 €	41,2 €	832 064 367 €	42,9 €
Slovakia	203 554 450 €	37,5 €	213 025 322,0 €	39,4 €	221 813 003 €	41,0 €	221 391 346 €	40,8 €	237 766 367 €	43,8 €	269 697 660,0 €	49,6 €	306 010 004,0 €	56,2 €	320 231 927 €	58,8 €
Slovenia	203 256 633 €	99,1 €	183 695 911,0 €	89,2 €	182 876 241 €	88,7 €	184 995 996 €	89,8 €	178 707 253 €	86,6 €	185 314 973,0 €	89,7 €	196 591 832,0 €	95,1 €	198 230 462 €	95,3 €
Spain	3 654 891 484 €	79,5 €	3 722 715 019,0 €	80,9 €	-	NA	3 558 656 779 €	76,6 €	3 488 156 146 €	75,1 €	3 678 267 652,0 €	79,1 €	3 929 178 510,0 €	84,1 €	4 354 559 314 €	92,6 €
Sweden	880 260 565 €	93,5 €	1 018 131 920,0 €	106,5 €	1 039 250 263 €	107,8 €	NA	NA	NA	NA	1 185 292 414,0 €	118,6 €	1 213 550 081,0 €	119,9 €	1 202 063 697 €	117,5 €
<b>Average</b>	946 955 613 €	61,1 €	1 219 677 464 €	64,6 €	1 105 177 654 €	65,7 €	796 974 535 €	60,5 €	743 864 576,9 €	62,2 €	952 582 083,2 €	66,8 €	969 917 294,5 €	68,1 €	1 021 636 773,6 €	73,5 €
<b>Median</b>	396 035 687 €	60,2 €	450 970 924 €	57,9 €	398 346 186 €	54,9 €	403 794 297 €	48,5 €	400 750 195,0 €	50,0 €	437 564 021,0 €	55,1 €	460 809 851,0 €	57,5 €	484 725 921,0 €	62,9 €
<b>Minimum</b>	11 009 400 €	24,1 €	13 405 486 €	22,6 €	14 084 800 €	27,9 €	15 085 766 €	32,5 €	15 742 554,0 €	33,3 €	16 170 800,0 €	30,4 €	16 880 416,0 €	35,5 €	18 448 600,0 €	38,8 €
<b>Maximum</b>	4 427 485 116 €	143,5 €	9 170 186 780 €	152,3 €	8 799 518 316 €	148,2 €	4 270 701 608 €	134,1 €	4 260 512 110,0 €	149,5 €	4 544 426 956,0 €	157,3 €	4 809 134 099,0 €	157,8 €	5 358 559 475,0 €	163,5 €
<b>Nb of values</b>	27	27	27	27	25	27	27	27	26	26	27	27	27	27	27	27
<b>% of NA</b>	11%	11%	0%	0%	4%	11%	15%	15%	15%	15%	4%	4%	7%	7%	7%	7%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

For some countries, the variation of the exchange rate (cf. General data table) between years may be also taken into account for comparison.

Malta: Budget of legal aid increased significantly because of expending the capacities of the Agency for legal aid established 2015

**Table 1.2.3 Approved public budget allocated to courts\* (in €) by components in 2018 (Q6)**

\*Budget allocated to the courts does not include legal aid and public prosecution services

States	Components of the total annual approved public budget allocated to all courts						
	Annual public budget allocated to (gross) salaries	Annual public budget allocated to computerisation (equipment, investments, maintenance)	Annual public budget allocated to justice expenses	Annual public budget allocated to buildings (maintenance, operation cost)	Annual public budget allocated to investments in new buildings	Annual public budget allocated to training and education	Other
Austria	NA	NA	NA	NA	NA	NA	NA
Belgium	NA	NA	NA	NA	NA	NA	NA
Bulgaria	144 980 332 €	293 540 €	2 065 000 €	10 311 021 €	0 €	29 993 €	19 829 527 €
Croatia	140 185 520 €	9 243 992 €	2 893 545 €	6 547 328 €	NAP	528 866 €	10 920 325 €
Cyprus	24 153 222 €	74 110 €	3 376 436 €	2 706 746 €	4 546 575 €	103 530 €	2 402 950 €
Czech Republic	402 952 834 €	4 530 156 €	NA	4 820 801 €	4 678 944 €	120 898 €	62 183 934 €
Denmark	152 138 103 €	22 449 800 €	12 535 323 €	52 165 829 €	NA	2 225 755 €	9 995 187 €
Estonia	36 765 094 €	400 083 €	1 107 000 €	6 468 717 €	986 166 €	257 895 €	1 507 028 €
Finland	NA	NA	NA	NA	NAP	NAP	NA
France	2 151 553 526 €	74 640 000 €	391 183 011 €	241 407 124 €	163 252 956 €	130 495 709 €	251 610 042 €
Germany	NA	NA	NA	NA	NA	NA	NA
Greece	NA	NA	NA	NA	NA	NA	NA
Hungary	170 695 036 €	16 199 647 €	40 098 765 €	5 724 707 €	25 165 911 €	1 044 231 €	96 945 182 €
Ireland	53 975 000 €	9 055 000 €	3 692 000 €	15 185 000 €	6 263 000 €	325 000 €	49 080 000 €
Italy	2 454 880 751 €	175 550 794 €	212 231 488 €	402 245 599 €	0 €	392 403 €	238 941 737 €
Latvia	46 719 966 €	2 000 380 €	2 181 514 €	10 152 026 €	NA	264 636 €	1 207 612 €
Lithuania	68 840 496 €	1 503 827 €	572 328 €	2 681 176 €	1 217 000 €	235 335 €	3 177 512 €
Luxembourg	NA	NA	NA	NA	NA	NA	NA
Malta	11 655 000 €	NA	1 415 500 €	1 850 000 €	NA	1 000 €	463 500 €
Netherlands	775 999 000 €	95 378 000 €	NA	112 143 000 €	NAP	NA	34 084 000 €
Poland	1 145 217 000 €	52 215 000 €	177 240 000 €	113 478 000 €	42 006 000 €	5 544 000 €	71 575 000 €
Portugal	425 895 938 €	3 723 557 €	1 200 000 €	44 014 955 €	NAP	164 100 €	NAP
Romania	433 158 301 €	471 923 €	1 147 109 €	25 484 680 €	3 787 174 €	38 594 €	87 702 352 €
Slovakia	119 183 075 €	16 193 782 €	10 734 946 €	25 660 517 €	0 €	805 015 €	48 760 016 €
Slovenia	125 385 869 €	4 887 612 €	24 921 145 €	14 914 069 €	3 212 225 €	861 095 €	NAP
Spain	2 463 711 504 €	209 595 045 €	55 469 354 €	NA	NA	16 875 099 €	NA
Sweden	NA	NA	NA	NA	NAP	NA	NA
<b>Average</b>	567 402 278 €	36 758 224 €	52 448 026 €	57 787 437 €	19 624 304 €	8 437 534 €	58 257 994 €
<b>Median</b>	148 559 218 €	9 055 000 €	3 534 218 €	14 914 069 €	3 787 174 €	325 000 €	34 084 000 €
<b>Minimum</b>	11 655 000 €	74 110 €	572 328 €	1 850 000 €	0 €	1 000 €	463 500 €
<b>Maximum</b>	2 463 711 504 €	209 595 045 €	391 183 011 €	402 245 599 €	163 252 956 €	130 495 709 €	251 610 042 €
<b>Nb of values</b>	27	27	27	27	27	27	27
<b>% of NA</b>	26%	30%	33%	30%	33%	26%	30%
<b>% of NAP</b>	0%	0%	0%	0%	19%	4%	7%

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

Italy: The regional administrative courts, regional audit commissions, local tax commissions and military courts are not taken into consideration.



**Table 1.3.1 Annual approved and implemented budgets allocated to the whole justice system and the judicial system in 2018, in € (Q6, Q12, Q12-1, Q13, Q15.1, Q15.2)**

States	Total annual approved budget allocated to the whole justice system	Total annual approved budget allocated to the judicial system*	% of the judicial system* budget in the whole justice system budget	% of the other elements in the whole justice system budget	Number of other elements** in the whole justice system budget	Total annual implemented budget allocated to the whole justice system
Austria	1 506 193 000 €	1 075 637 980 €	71,4%	28,6%	8	1 576 926 389 €
Belgium	1 941 900 000 €	999 555 000 €	51,5%	48,5%	8	1 869 237 000 €
Bulgaria	399 468 426 €	299 416 693 €	75,0%	25,0%	8	393 904 740 €
Croatia	340 708 593 €	231 695 258 €	68,0%	32,0%	9	335 637 277 €
Cyprus	310 468 854 €	60 146 772 €	19,4%	80,6%	13	295 571 674 €
Czech Republic	664 008 255 €	594 818 311 €	89,6%	10,4%	7	676 223 556 €
Denmark	2 056 060 748 €	484 725 921 €	23,6%	76,4%	12	2 071 073 672 €
Estonia	149 097 860 €	64 559 635 €	43,3%	56,7%	8	140 192 635 €
Finland	926 866 000 €	410 880 000 €	44,3%	55,7%	10	NA
France	9 399 793 877 €	4 739 208 317 €	50,4%	49,6%	13	9 271 415 202 €
Germany	17 079 829 012 €	NA	NA	NA	9	16 792 836 023 €
Greece	667 460 664 €	532 644 044 €	79,8%	20,2%	11	690 980 622 €
Hungary	1 612 253 232 €	490 950 770 €	30,5%	69,5%	11	NA
Ireland	2 698 476 000 €	270 654 000 €	10,0%	90,0%	13	2 681 016 000 €
Italy	9 175 774 389 €	5 358 559 475 €	58,4%	41,6%	9	8 744 055 046 €
Latvia	256 454 903 €	91 660 235 €	35,7%	64,3%	8	252 927 163 €
Lithuania	210 249 000 €	116 072 699 €	55,2%	44,8%	7	208 710 700 €
Luxembourg	162 949 120 €	100 365 534 €	61,6%	38,4%	14	NA
Malta	121 982 700 €	18 448 600 €	15,1%	84,9%	17	127 874 691 €
Netherlands	12 080 537 000 €	2 046 884 000 €	16,9%	83,1%	16	12 814 046 000 €
Poland	2 893 643 000 €	NA	NA	NA	11	2 884 275 000 €
Portugal	1 716 787 243 €	646 886 329 €	37,7%	62,3%	11	1 619 793 694 €
Romania	1 197 838 504 €	832 064 367 €	69,5%	30,5%	9	1 186 886 847 €
Slovakia	511 995 357 €	320 231 927 €	62,5%	37,5%	9	567 131 165 €
Slovenia	268 995 916 €	198 230 462 €	73,7%	26,3%	10	264 456 161 €
Spain	5 947 951 185 €	4 354 559 314 €	73,2%	26,8%	14	NA
Sweden	4 733 494 629 €	1 202 063 697 €	25,4%	74,6%	9	4 676 681 615 €
<b>Average</b>	2 927 082 869 €	1 021 636 774 €	49,7%	50,3%	11	3 049 645 777 €
<b>Median</b>	1 197 838 504 €	484 725 921 €	51,5%	48,5%	10	1 186 886 847 €
<b>Minimum</b>	121 982 700 €	18 448 600 €	10,0%	10,4%	7	127 874 691 €
<b>Maximum</b>	17 079 829 012 €	5 358 559 475 €	89,6%	90,0%	17	16 792 836 023 €
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	0%	7%	7%	7%	0%	15%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%

\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services

Table 1.3.2 Budgetary elements of the budget allocated to the whole justice system in 2018 (Q15.2)

States	Judicial system*			Whole justice system															Total number of elements
	Courts	Legal aid	Public prosecution services	Prison system	Probation services	High Judicial Council	Constitutional court	Judicial management body	State advocacy	Enforcement services	Notariat	Forensic services	Judicial protection of juveniles	Functioning of the Ministry of Justice	Refugees and asylum seekers services	Immigration Service	Some police services (e.g. : transfer, investigation.	Other	
Austria																			8
Belgium																			8
Bulgaria																			8
Croatia																			9
Cyprus																			13
Czech Republic																			7
Denmark																			12
Estonia																			8
Finland																			10
France																			13
Germany																			9
Greece																			11
Hungary																			11
Ireland																			13
Italy																			9
Latvia																			8
Lithuania																			7
Luxembourg																			14
Malta																			17
Netherlands																			16
Poland																			11
Portugal																			11
Romania																			9
Slovakia																			9
Slovenia																			10
Spain																			14
Sweden																			9
<b>Nb of Yes</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>26</b>	<b>23</b>	<b>16</b>	<b>9</b>	<b>17</b>	<b>7</b>	<b>12</b>	<b>5</b>	<b>16</b>	<b>12</b>	<b>25</b>	<b>4</b>	<b>3</b>	<b>10</b>	<b>18</b>	

\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services


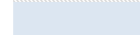
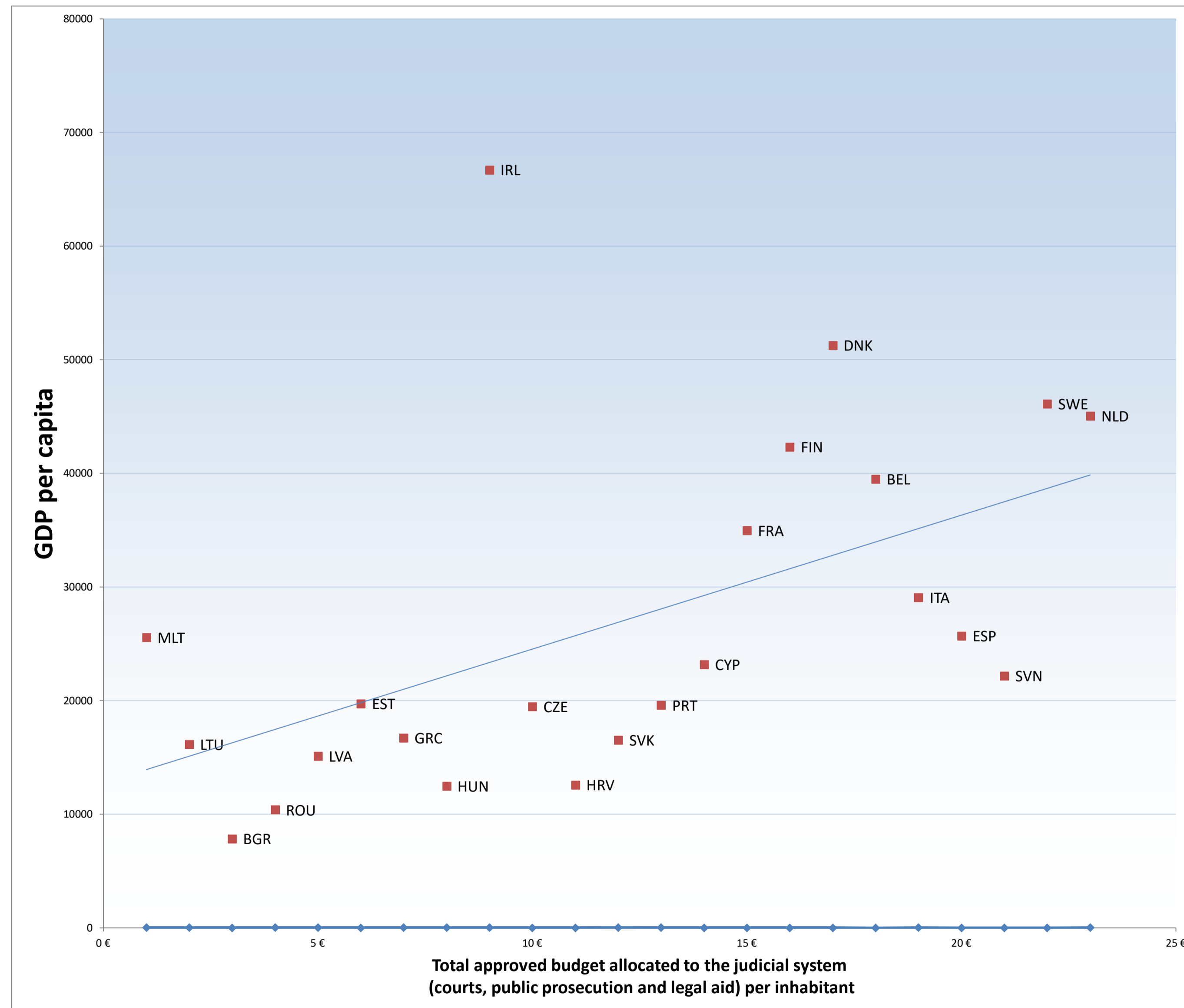
-  Data is non available (NA)
-  Element not included in the whole justice system (No or NAP)

Figure 1.4 Correlation between the GDP per capita and the total approved budget of judicial system (courts, legal aid and public prosecution) in 2018 (Q1, Q3, Q6, Q12, Q13)



States	GDP per Capita 2014	Budget of judicial systems per capita in 2017
MLT	25 556 €	38,8 €
LTU	16 158 €	41,5 €
BGR	7 855 €	42,8 €
ROU	10 400 €	42,9 €
LVA	15 136 €	47,7 €
EST	19 737 €	48,9 €
GRC	16 736 €	49,6 €
HUN	12 500 €	51,2 €
IRL	66 716 €	55,7 €
CZE	19 489 €	55,9 €
HRV	12 593 €	56,8 €
SVK	16 550 €	58,8 €
PRT	19 614 €	62,9 €
CYP	23 202 €	68,7 €
FRA	34 978 €	70,7 €
FIN	42 340 €	74,4 €
DNK	51 280 €	83,5 €
BEL	39 500 €	87,4 €
ITA	29 071 €	88,8 €
ESP	25 703 €	92,6 €
SVN	22 182 €	95,3 €
SWE	46 117 €	117,5 €
NLD	45 052 €	118,4 €
AUT	43 680 €	121,9 €
LUX	95 943 €	163,5 €
DEU	40 852 €	NA
POL	12 960 €	NA

Table 1.5 ICT: Computerisation budget as part of the total approved budget allocated to the courts\* in 2010 to 2018 (Q6)

States	2010			2012			2013			2014			2015			2016			2017			2018		
	Budget allocated to the courts	Computerisation budget	Part in %	Budget allocated to the courts	Computerisation budget	Part in %	Budget allocated to the courts	Computerisation budget	Part in %	Budget allocated to the courts	Computerisation budget	Part in %	Budget allocated to the courts	Computerisation budget	Part in %	Budget allocated to the courts	Computerisation budget	Part in %	Budget allocated to the courts	Computerisation budget	Part in %	Budget allocated to the courts	Computerisation budget	Part in %
Austria	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Belgium	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bulgaria	112 211 184 €	322 123 €	0,3%	124 911 954 €	375 878 €	0,3%	129 931 055 €	391 660 €	0,3%	136 407 333 €	848 593 €	0,6%	137 642 507 €	881 125 €	0,6%	154 970 220 €	2 251 935 €	1,5%	169 977 302 €	1 317 581 €	0,8%	177 509 413 €	293 540 €	0,2%
Croatia	211 304 301 €	11 684 416 €	3,9%	156 601 458 €	6 134 132 €	3,9%	182 292 546 €	9 034 210 €	5,0%	163 302 114 €	5 880 600 €	3,6%	164 695 034 €	6 490 963 €	3,9%	166 408 056 €	10 003 698 €	6,0%	154 703 000 €	9 087 218 €	5,9%	170 319 576 €	9 243 992 €	5,4%
Cyprus	33 546 827 €	116 180 €	0,4%	30 611 480 €	124 970 €	0,4%	27 375 949 €	71 080 €	0,3%	26 287 423 €	70 028 €	0,3%	26 616 189 €	53 310 €	0,2%	28 107 307 €	25 944 €	0,1%	33 353 367 €	63 910 €	0,2%	37 363 569 €	74 110 €	0,2%
Czech Republic	346 497 809 €	7 412 689 €	1,7%	370 751 152 €	6 332 315 €	1,7%	355 754 925 €	4 167 430 €	1,2%	345 730 027 €	1 345 503 €	0,4%	366 091 233 €	3 412 359 €	0,9%	411 012 953 €	3 351 381 €	0,8%	462 329 274 €	4 522 318 €	1,0%	479 287 567 €	4 530 156 €	0,9%
Denmark	216 795 693 €	17 053 306 €	6,6%	243 294 736 €	16 162 826 €	6,6%	241 147 979 €	16 311 393 €	6,8%	240 945 242 €	19 770 571 €	8,2%	242 248 763 €	18 333 464 €	7,6%	242 289 742 €	20 416 666 €	8,4%	251 780 438 €	20 042 330 €	8,0%	251 509 997 €	22 449 800 €	8,9%
Estonia	26 797 340 €	271 414 €	2,7%	29 728 350 €	812 487 €	2,7%	33 212 717 €	739 520 €	2,2%	38 589 501 €	93 140 €	0,2%	40 621 755 €	133 188 €	0,3%	41 340 192 €	122 425 €	0,3%	42 289 578 €	132 476 €	0,3%	47 491 983 €	400 083 €	0,8%
Finland	243 066 350 €	11 967 040 €	5,1%	249 704 356 €	12 726 529 €	5,1%	250 978 604 €	11 690 733 €	4,7%	277 295 000 €	NA	NA	266 049 000 €	NA	NA	285 425 000 €	NA	NA	277 833 000 €	NA	NA	272 138 000 €	NA	NA
France	2 859 480 770 €	38 468 900 €	1,4%	2 917 700 110 €	40 365 745 €	1,4%	2 970 817 971 €	42 272 000 €	1,4%	3 123 051 554 €	40 911 690 €	1,3%	3 097 049 120 €	41 505 353 €	1,3%	3 238 063 225 €	63 241 341 €	2,0%	3 265 764 802 €	74 440 000 €	2,3%	3 404 122 368 €	74 640 000 €	2,2%
Germany	7 789 169 914 €	161 650 654 €	2,1%	8 302 304 846 €	173 261 525 €	2,1%	7 943 572 314 €	143 596 561 €	1,8%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Greece	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	259 501 133 €	7 532 956 €	0,4%	325 687 695 €	1 195 000 €	0,4%	299 097 315 €	5 232 074 €	1,7%	283 479 317 €	5 556 563 €	2,0%	286 826 137 €	4 758 418 €	1,7%	299 893 343 €	5 512 977 €	1,8%	320 307 693 €	9 732 175 €	3,0%	355 873 479 €	16 199 647 €	4,6%
Ireland	148 722 000 €	5 457 000 €	5,2%	107 090 000 €	5 581 000 €	5,2%	107 959 000 €	4 381 000 €	4,1%	104 565 000 €	3 820 000 €	3,7%	107 965 000 €	4 820 000 €	4,5%	113 172 000 €	8 320 000 €	7,4%	140 080 000 €	10 320 000 €	7,4%	137 575 000 €	9 055 000 €	6,6%
Italy	3 051 375 987 €	58 083 534 €	2,2%	2 986 521 397 €	64 830 009 €	2,2%	2 935 413 547 €	62 643 101 €	2,1%	2 945 513 378 €	60 047 075 €	2,0%	3 084 813 712 €	105 230 573 €	3,4%	2 910 468 241 €	95 386 242 €	3,3%	3 033 300 274 €	103 523 240 €	3,4%	3 484 242 772 €	175 550 794 €	5,0%
Latvia	36 919 820 €	1 807 390 €	2,4%	44 494 921 €	1 049 170 €	2,4%	48 157 273 €	1 405 669 €	2,9%	51 305 248 €	2 167 737 €	4,2%	53 110 804 €	1 307 698 €	2,5%	53 365 154 €	1 387 988 €	2,6%	58 023 910 €	1 778 674 €	3,1%	62 526 134 €	2 000 380 €	3,2%
Lithuania	50 567 945 €	779 367 €	0,7%	53 138 612 €	397 069 €	0,7%	53 120 077 €	362 894 €	0,7%	62 969 474 €	806 013 €	1,3%	71 697 851 €	5 966 882 €	8,3%	74 237 182 €	5 729 000 €	7,7%	76 171 060 €	2 911 153 €	3,8%	78 227 674 €	1 503 827 €	1,9%
Luxembourg	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Malta	8 355 400 €	NAP	NAP	11 527 427 €	NA	NA	12 278 300 €	38 300 €	0,3%	13 115 766 €	33 600 €	0,3%	13 575 554 €	35 454 €	0,3%	13 870 800 €	32 700 €	0,2%	14 230 416 €	33 600 €	0,2%	15 418 600 €	NA	NA
Netherlands	993 086 000 €	87 769 000 €	7,9%	1 068 773 500 €	84 448 000 €	7,9%	1 039 027 000 €	66 569 000 €	6,4%	1 068 474 000 €	75 462 000 €	7,1%	1 087 375 000 €	91 734 000 €	8,4%	1 046 578 000 €	86 115 000 €	8,2%	980 611 000 €	125 859 000 €	12,8%	1 020 108 000 €	95 378 000 €	9,3%
Poland	1 365 085 000 €	10 512 000 €	4,1%	1 379 338 000 €	56 686 000 €	4,1%	-	-	-	1 405 850 000 €	53 535 000 €	3,8%	-	-	-	1 445 686 000 €	45 499 000 €	3,1%	1 564 087 000 €	46 292 000 €	3,0%	1 607 275 000 €	52 215 000 €	3,2%
Portugal	528 943 165 €	10 565 978 €	5,0%	476 924 836 €	23 857 353 €	5,0%	442 879 701 €	20 056 577 €	4,5%	414 114 841 €	13 177 591 €	3,2%	418 190 844 €	6 362 184 €	1,5%	441 024 845 €	9 499 613 €	2,2%	469 627 270 €	13 186 329 €	2,8%	484 673 254 €	3 723 557 €	0,8%
Romania	355 246 737 €	774 286 €	0,2%	324 611 610 €	682 766 €	0,2%	377 801 754 €	450 197 €	0,1%	533 090 063 €	809 219 €	0,2%	469 843 530 €	2 330 879 €	0,5%	392 582 194 €	2 627 777 €	0,7%	530 374 058 €	800 695 €	0,2%	551 790 133 €	471 923 €	0,1%
Slovakia	139 851 564 €	2 152 994 €	2,3%	152 715 786 €	3 555 096 €	2,3%	156 488 854 €	2 834 628 €	1,8%	151 291 595 €	2 754 090 €	1,8%	160 877 873 €	1 796 935 €	1,1%	186 576 657 €	346 390 €	0,2%	210 736 086 €	15 985 496 €	7,6%	221 337 351 €	16 193 782 €	7,3%
Slovenia	178 158 919 €	4 074 203 €	2,4%	160 526 569 €	3 841 867 €	2,4%	161 730 711 €	2 614 064 €	1,6%	164 850 383 €	1 763 606 €	1,1%	157 386 726 €	2 252 090 €	1,4%	162 731 138 €	2 171 864 €	1,3%	173 082 269 €	3 921 778 €	2,3%	174 182 015 €	4 887 612 €	2,8%
Spain	NA	NA	NA	3 258 327 418 €	NA	NA	-	-	-	3 050 594 663 €	NA	NA	2 966 652 534 €	NA	NA	3 145 396 555 €	NA	NA	3 360 059 468 €	226 034 157 €	6,7%	3 761 667 196 €	209 595 045 €	5,6%
Sweden	557 260 358 €	13 108 158 €	2,4%	637 246 965 €	15 379 625 €	2,4%	640 850 593 €	15 006 256 €	2,3%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	687 701 000 €	693 812 627 €	NA
Average	886 906 555 €	21 503 028 €	0 €	1 017 936 225 €	24 657 112 €	2,8%	876 661 342 €	19 517 540,3 €	2,5%	695 277 234 €	15 202 769 €	2,4%	660 966 458 €	16 522 493 €	2,7%	707 295 181 €	19 054 839 €	3,0%	739 837 376 €	33 499 207 €	3,7%	794 929 623 €	36 758 224 €	0 €
Median	229 931 022 €	7 532 956 €	0 €	249 704 356 €	6 134 132 €	2,4%	241 147 979 €	4 381 000,0 €	1,8%	240 945 242 €	2 754 090 €	1,8%	203 471 899 €	4 085 389 €	1,5%	242 289 742 €	5 512 977 €	2,0%	264 806 719 €	9 409 697 €	3,0%	261 823 999 €	9 055 000 €	0 €
Minimum	8 355 400 €	116 180 €	0 €	11 527 427 €	124 970 €	0,2%	12 278 300 €	38 300,0 €	0,1%	13 115 766 €	33 600 €	0,2%	13 575 554 €	35 454 €	0,2%	13 870 800 €	25 944 €	0,1%	14 230 416 €	33 600 €	0,2%	15 418 600 €	74 110 €	0 €
Maximum	7 789 169 914 €	161 650 654 €	0 €	8 302 304 846 €	173 261 525 €	7,9%	7 943 572 314 €	143 596 561,0 €	6,8%	3 123 051 554 €	75 462 000 €	8,2%	3 097 049 120 €	105 230 573 €	8,4%	3 238 063 225 €	95 386 242 €	8,4%	3 360 059 468 €	226 034 157 €	12,8%	3 761 667 196 €	209 595 045 €	0 €
Nb of values	27	27	27	27	27	27	25	25	25	27	27	27	26	26	26	27	27	27	27	27	27	27	27	27
% of NA	19%	19%	19%	15%	22%	22%	16%	16%	16%	22%	30%	30%	23%	31%	31%	22%	30%	30%	19%	26%	26%	19%	30%	30%
% of NAP	0%	4%	4%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

For concerned countries, the variation of the exchange rate (cf. General data table) between years may be also taken into account for comparison.

\* The budget of courts excludes legal aid and public prosecution services.

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

Germany: No information available for some Länder. Accordingly, the information provided here is incomplete. All data concerning the budget should be construed in the light of the federal State structure of Germany. Accordingly, variations for which no particular explanation has been notified are often due to the fact that for the different evaluation cycles a different number of Länder provided a reply. Owing to this peculiarity, the information remains most of the time incomplete. Figures include the federal budget as well as the budgets indicated by the respondent Länder.

Italy: Before 2018 the administrative justice is not taken into account

**Table 1.6 (EC) Budget for courts and judicial system\* in €, per inhabitant in 2010 to 2018 (Q1, Q6, Q7, Q12, Q13)**

States	EC Code	2010		2012		2013		2014		2015		2016		2017		2018	
		Budget for courts, per inh.	Budget for judicial system, per inh.	Budget for courts, per inh.	Budget for judicial system, per inh.	Budget for courts, per inh.	Budget for judicial system, per inh.	Budget for courts, per inh.	Budget for judicial system, per inh.	Budget for courts, per inh.	Budget for judicial system, per inh.	Budget for courts, per inh.	Budget for judicial system, per inh.	Budget for courts, per inh.	Budget for judicial system, per inh.	Budget for courts, per inh.	Budget for judicial system, per inh.
Austria	20	NA	84,6 €	NA	91,2 €	NA	98,6 €	NA	95,9 €	NA	97,5 €	NA	107,3 €	NA	116,2 €	NA	121,9 €
Belgium	1	NA	86,2 €	NA	89,4 €	NA	86,8 €	NA	77,9 €	NA	78,6 €	NA	82,3 €	NA	85,6 €	NA	87,4 €
Bulgaria	2	15,2 €	26,5 €	17,1 €	28,8 €	17,9 €	30,0 €	18,9 €	32,5 €	19,2 €	33,3 €	21,8 €	37,0 €	24,1 €	40,6 €	25,4 €	42,8 €
Croatia	11	47,9 €	59,8 €	36,7 €	48,5 €	42,9 €	54,1 €	38,6 €	51,0 €	39,3 €	51,6 €	40,1 €	53,6 €	37,7 €	51,5 €	41,8 €	56,8 €
Cyprus	13	41,7 €	NA	35,4 €	57,9 €	31,9 €	52,5 €	30,6 €	NA	31,4 €	NA	33,1 €	61,5 €	39,0 €	63,1 €	42,7 €	68,7 €
Czech Republic	3	32,9 €	40,9 €	35,3 €	43,3 €	33,8 €	41,8 €	32,8 €	40,9 €	34,7 €	43,5 €	38,9 €	47,7 €	43,7 €	54,1 €	45,0 €	55,9 €
Denmark	4	39,0 €	NA	43,4 €	75,2 €	42,9 €	77,9 €	42,6 €	82,5 €	42,4 €	82,5 €	42,1 €	83,7 €	43,6 €	86,2 €	43,3 €	83,5 €
Estonia	6	20,0 €	29,0 €	23,1 €	33,3 €	25,2 €	35,6 €	29,4 €	40,4 €	30,9 €	42,2 €	31,4 €	43,1 €	32,1 €	43,9 €	36,0 €	48,9 €
Finland	26	45,2 €	64,0 €	46,0 €	66,8 €	46,0 €	67,5 €	50,7 €	71,1 €	48,5 €	70,6 €	51,9 €	76,5 €	50,4 €	76,1 €	49,3 €	74,4 €
France	10	44,0 €	60,5 €	44,5 €	61,2 €	45,1 €	62,0 €	47,1 €	64,4 €	46,5 €	63,9 €	48,3 €	65,9 €	48,6 €	67,5 €	50,8 €	70,7 €
Germany	5	95,3 €	NA	103,5 €	114,3 €	98,3 €	108,9 €	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Greece	8	NA	55,1 €	NA	40,8 €	NA	NA	NA	42,9 €	NA	39,4 €	NA	41,3 €	NA	44,5 €	NA	49,6 €
Hungary	17	26,0 €	36,3 €	32,9 €	45,7 €	30,3 €	43,4 €	28,8 €	41,0 €	29,2 €	42,1 €	30,6 €	43,8 €	32,4 €	46,7 €	37,1 €	51,2 €
Ireland	7	32,5 €	61,1 €	23,3 €	50,3 €	23,5 €	50,2 €	22,6 €	48,1 €	23,1 €	48,4 €	24,2 €	50,2 €	29,2 €	56,4 €	28,3 €	55,7 €
Italy	12	50,3 €	73,0 €	50,0 €	76,7 €	49,2 €	73,7 €	48,4 €	NA	50,8 €	77,6 €	48,0 €	75,0 €	50,2 €	79,5 €	57,7 €	88,8 €
Latvia	14	16,6 €	24,1 €	21,8 €	32,3 €	23,8 €	34,4 €	25,6 €	37,3 €	27,0 €	39,3 €	27,1 €	39,8 €	29,8 €	43,3 €	32,6 €	47,7 €
Lithuania	15	15,6 €	25,9 €	17,7 €	27,9 €	18,0 €	28,2 €	21,6 €	33,4 €	24,8 €	36,8 €	26,1 €	40,3 €	27,1 €	40,4 €	28,0 €	41,5 €
Luxembourg	16	NA	143,5 €	NA	152,3 €	NA	148,2 €	NA	134,1 €	NA	149,5 €	NA	157,3 €	NA	157,8 €	NA	163,5 €
Malta	18	20,0 €	26,4 €	27,3 €	31,7 €	28,6 €	32,8 €	29,8 €	34,3 €	30,1 €	35,0 €	30,1 €	35,1 €	29,9 €	35,5 €	32,4 €	38,8 €
Netherlands	19	59,6 €	125,5 €	63,7 €	131,2 €	61,7 €	128,6 €	63,2 €	122,3 €	64,0 €	119,6 €	61,3 €	119,2 €	57,1 €	NA	59,0 €	118,4 €
Poland	21	35,7 €	44,5 €	35,8 €	47,4 €	NA	NA	36,5 €	48,5 €	-	-	37,6 €	51,8 €	40,7 €	57,5 €	41,8 €	NA
Portugal	22	49,7 €	65,9 €	45,5 €	60,0 €	42,5 €	55,8 €	39,9 €	51,7 €	40,4 €	53,2 €	42,8 €	56,6 €	45,6 €	60,7 €	47,2 €	62,9 €
Romania	23	16,6 €	24,5 €	15,2 €	22,6 €	18,9 €	27,9 €	23,9 €	35,1 €	23,8 €	35,8 €	20,0 €	30,4 €	27,2 €	41,2 €	28,4 €	42,9 €
Slovakia	25	25,7 €	37,5 €	28,2 €	39,4 €	28,9 €	41,0 €	27,9 €	40,8 €	29,6 €	43,8 €	34,3 €	49,6 €	38,7 €	56,2 €	40,6 €	58,8 €
Slovenia	24	86,9 €	99,1 €	78,0 €	89,2 €	78,5 €	88,7 €	80,0 €	89,8 €	76,2 €	86,6 €	78,8 €	89,7 €	83,7 €	95,1 €	83,7 €	95,3 €
Spain	9	NA	79,5 €	70,8 €	80,9 €	NA	NA	65,7 €	76,6 €	63,9 €	75,1 €	67,6 €	79,1 €	72,0 €	84,1 €	80,0 €	92,6 €
Sweden	27	59,2 €	93,5 €	66,7 €	106,5 €	66,4 €	107,8 €	NA	NA	69,7 €	112,7 €	69,7 €	118,6 €	68,0 €	119,9 €	67,8 €	117,5 €

\* The budget of courts excludes legal aid and public prosecution

\*\* The budget of judicial systems is the sum of the budget allocated to courts, legal aid and public prosecution services.

Within the meaning of the CEPEJ's methodology:

- As the budget for courts is a subset of the judicial system budget, data cannot be mixed together. Hence, NA values of "Budget for courts, per capita" cannot be replaced by values of "Budget for judicial system, per capita" and are not comparable.

- For concerned countries, the variation of the exchange rate (cf. General data table) between years may be also taken into account for comparison.

Italy: Since 2018 the regional administrative courts are included while regional audit commissions, local tax commissions and military courts are not taken into consideration



**Table 1.7 Evolution of annual income from court taxes and fees in 2010 to 2018 in € (Q1, Q9)**

States	Annual income of court taxes							Annual income of court taxes per inhabitant						
	2010	2012	2014	2015	2016	2017	2018	2010	2012	2014	2015	2016	2017	2018
Austria	779 840 000 €	834 870 000 €	915 619 924 €	1 036 336 100 €	1 099 812 161 €	1 055 137 551 €	1 194 414 981 €	92,97 €	98,78 €	106,65 €	119,11 €	125,84 €	119,97 €	135,39 €
Belgium	34 408 250 €	34 917 000 €	35 781 147 €	40 931 536 €	46 522 120 €	39 692 111 €	30 576 386 €	3,17 €	3,13 €	3,19 €	3,63 €	4,11 €	3,49 €	2,67 €
Bulgaria	58 354 136 €	61 595 758 €	53 967 580 €	51 616 390 €	49 902 118 €	50 399 948 €	47 134 906 €	7,92 €	8,46 €	7,49 €	7,22 €	7,03 €	7,15 €	6,73 €
Croatia	25 168 311 €	28 759 251 €	26 359 795 €	19 468 903 €	17 300 109 €	NA	NA	5,70 €	6,75 €	6,24 €	4,65 €	4,16 €	NA	NA
Cyprus	9 802 960 €	11 377 030 €	7 851 964 €	9 166 370 €	8 221 486 €	7 762 843 €	7 660 563 €	12,18 €	13,14 €	9,15 €	10,81 €	9,69 €	9,08 €	8,75 €
Czech Republic	37 452 793 €	59 014 432 €	47 868 874 €	47 312 657 €	45 005 572 €	44 571 798 €	44 810 915 €	3,56 €	5,62 €	4,55 €	4,48 €	4,25 €	4,21 €	4,21 €
Denmark	95 933 236 €	98 520 187 €	57 764 476 €	55 924 183 €	56 367 754 €	57 368 901 €	58 121 218 €	17,25 €	17,58 €	10,21 €	9,80 €	9,81 €	9,92 €	10,01 €
Estonia	12 909 414 €	7 219 348 €	13 801 463 €	14 161 498 €	10 014 384 €	16 752 981 €	18 754 345 €	9,63 €	5,61 €	10,51 €	10,76 €	7,61 €	12,73 €	14,22 €
Finland	31 284 003 €	33 833 367 €	33 455 279 €	32 416 004 €	35 596 248 €	46 906 025 €	45 297 274 €	5,82 €	6,23 €	6,11 €	5,91 €	6,47 €	8,51 €	8,20 €
France	NAP	NAP	NAP	NAP	NAP	NAP	29 902 926 €	NAP	NAP	NAP	NAP	NAP	NAP	0,45 €
Germany	3 515 706 357 €	3 567 436 506 €	3 600 787 657 €	3 442 704 519 €	4 336 886 963 €	NA	4 322 388 298 €	43,00 €	44,46 €	44,57 €	42,10 €	52,78 €	NA	52,06 €
Greece	88 340 000 €	99 050 000 €	145 783 667 €	114 591 422 €	106 539 586 €	126 728 593 €	128 674 943 €	7,81 €	8,95 €	13,44 €	10,55 €	9,88 €	11,77 €	11,98 €
Hungary	17 274 015 €	6 159 824 €	6 691 245 €	7 396 653 €	8 625 404 €	NA	NA	1,73 €	0,62 €	0,68 €	0,75 €	0,88 €	NA	NA
Ireland	47 325 000 €	43 720 000 €	44 302 000 €	44 136 000 €	47 780 000 €	44 734 000 €	47 969 000 €	10,33 €	9,52 €	9,58 €	9,46 €	10,22 €	9,33 €	9,88 €
Italy	326 163 179 €	465 147 222 €	463 052 628 €	453 626 000 €	513 761 705 €	497 840 407 €	464 172 751 €	5,38 €	7,79 €	7,62 €	7,48 €	8,48 €	8,23 €	7,69 €
Latvia	17 650 016 €	16 573 777 €	16 697 327 €	14 460 678 €	14 460 678 €	13 834 936 €	12 806 080 €	7,92 €	8,11 €	8,34 €	7,34 €	7,34 €	7,09 €	6,67 €
Lithuania	6 950 880 €	7 600 585 €	7 695 204 €	7 399 000 €	10 119 000 €	8 644 520 €	9 763 600 €	2,14 €	2,53 €	2,63 €	2,56 €	3,55 €	3,08 €	3,49 €
Luxembourg	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Malta	6 702 000 €	6 399 974 €	6 583 082 €	6 665 908 €	6 904 081 €	7 750 204 €	6 897 841 €	16,05 €	15,15 €	14,97 €	14,80 €	15,00 €	16,29 €	14,50 €
Netherlands	190 743 000 €	237 570 000 €	217 194 000 €	198 293 000 €	194 428 000 €	205 181 000 €	160 462 000 €	11,45 €	14,16 €	12,85 €	11,68 €	11,38 €	11,94 €	9,28 €
Poland	530 161 000 €	408 787 000 €	407 715 000 €	-	415 418 000 €	470 593 000 €	426 883 000 €	13,88 €	10,61 €	10,59 €	-	10,81 €	12,24 €	11,11 €
Portugal	217 961 874 €	207 899 840 €	171 890 423 €	137 412 266 €	148 596 268 €	158 596 963 €	129 093 962 €	20,49 €	19,82 €	16,57 €	13,29 €	14,41 €	15,41 €	12,56 €
Romania	46 177 039 €	54 301 587 €	60 935 285 €	56 498 813 €	59 499 517 €	62 920 565 €	67 018 671 €	2,15 €	2,55 €	2,74 €	2,86 €	3,03 €	3,22 €	3,45 €
Slovakia	57 661 794 €	53 448 064 €	49 053 890 €	NA	NA	NA	NA	10,61 €	9,88 €	9,05 €	NA	NA	NA	NA
Slovenia	50 858 000 €	40 461 043 €	41 131 998 €	36 992 780 €	33 239 643 €	31 843 153 €	29 976 803 €	24,81 €	19,65 €	19,96 €	17,92 €	16,09 €	15,41 €	14,41 €
Spain	173 486 000 €	172 950 000 €	304 416 000 €	214 613 000 €	117 458 000 €	42 777 000 €	37 321 000 €	3,77 €	3,76 €	6,56 €	4,62 €	2,52 €	0,92 €	0,79 €
Sweden	4 469 274 €	5 134 908 €	9 011 588 €	13 480 605 €	12 802 008 €	12 551 020 €	11 357 962 €	0,47 €	0,54 €	0,92 €	1,37 €	1,28 €	1,24 €	1,11 €
<b>Average</b>	255 311 301 €	262 509 868 €	269 816 460 €	263 287 143 €	308 135 867 €	142 980 358 €	318 759 105 €	13,6 €	13,7 €	13,8 €	14,1 €	14,4 €	13,9 €	15,2 €
<b>Median</b>	47 325 000 €	53 448 064 €	47 868 874 €	44 136 000 €	47 151 060 €	44 734 000 €	45 297 274 €	7,9 €	8,5 €	9,0 €	7,5 €	8,0 €	9,1 €	8,7 €
<b>Minimum</b>	4 469 274 €	5 134 908 €	6 583 082 €	6 665 908 €	6 904 081 €	7 750 204 €	6 897 841 €	0,5 €	0,5 €	0,7 €	0,8 €	0,9 €	0,9 €	0,4 €
<b>Maximum</b>	3 515 706 357 €	3 567 436 506 €	3 600 787 657 €	3 442 704 519 €	4 336 886 963 €	1 055 137 551 €	4 322 388 298 €	93,0 €	98,8 €	106,7 €	119,1 €	125,8 €	120,0 €	135,4 €
<b>Nb of values</b>	27	27	27	26	27	27	27	27	27	27	26	27	27	27
<b>% of NA</b>	0%	0%	0%	4%	4%	15%	11%	0%	0%	0%	4%	4%	15%	11%
<b>% of NAP</b>	7%	7%	7%	8%	7%	7%	4%	7%	7%	7%	8%	7%	7%	4%

Italy: Since 2018 the regional administrative courts are included while regional audit commissions, local tax commissions and military courts are not taken into consideration

**Table 1.8 Participation of the annual income of court taxes and fees in the budget of the judicial system for 2010 to 2018 in €**

States	Annual income of court taxes						
	2010	2012	2014	2015	2016	2017	2018
Austria	109,8%	108,3%	111,2%	122,1%	117,3%	103,2%	111,0%
Belgium	3,7%	3,5%	4,1%	4,6%	5,0%	4,1%	3,1%
Bulgaria	29,9%	29,4%	23,0%	21,7%	19,0%	17,6%	15,7%
Croatia	9,5%	13,9%	12,2%	9,0%	7,8%	NA	NA
Cyprus	NA	22,7%	NA	NA	15,8%	14,4%	12,7%
Czech Republic	8,7%	13,0%	11,1%	10,3%	8,9%	7,8%	7,5%
Denmark	NA	23,4%	12,4%	11,9%	11,7%	11,5%	12,0%
Estonia	33,2%	16,9%	26,0%	25,5%	17,7%	29,0%	29,0%
Finland	9,1%	9,3%	8,6%	8,4%	8,5%	11,2%	11,0%
France	NAP	NAP	NAP	NAP	NAP	NAP	0,6%
Germany	NA	38,9%	NA	NA	NA	NA	NA
Greece	14,2%	22,0%	31,3%	26,8%	23,9%	26,4%	24,2%
Hungary	4,8%	1,4%	1,7%	1,8%	2,0%	NA	NA
Ireland	16,9%	18,9%	19,9%	19,5%	20,4%	16,6%	17,7%
Italy	7,4%	10,2%	NA	NA	11,3%	10,4%	8,7%
Latvia	32,9%	25,1%	22,3%	18,7%	18,4%	16,4%	14,0%
Lithuania	8,3%	9,1%	7,9%	7,0%	8,8%	7,6%	8,4%
Luxembourg	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Malta	60,9%	47,7%	43,6%	42,3%	42,7%	45,9%	37,4%
Netherlands	9,1%	10,8%	10,5%	9,8%	9,5%	NA	7,8%
Poland	31,2%	22,4%	21,8%	-	20,9%	21,3%	NA
Portugal	31,1%	33,0%	32,1%	25,0%	25,5%	25,4%	20,0%
Romania	8,8%	11,3%	7,8%	8,0%	10,0%	7,8%	8,1%
Slovakia	28,3%	25,1%	22,2%	NA	NA	NA	NA
Slovenia	25,0%	22,0%	22,2%	20,7%	17,9%	16,2%	15,1%
Spain	4,7%	4,6%	8,6%	6,2%	3,2%	1,1%	0,9%
Sweden	0,5%	0,5%	NA	NA	1,1%	1,0%	0,9%
<b>Average</b>	22,2%	21,7%	21,9%	21,0%	18,6%	19,7%	17,4%
<b>Median</b>	11,9%	18,9%	19,9%	11,9%	11,7%	15,3%	12,0%
<b>Minimum</b>	0,5%	0,5%	1,7%	1,8%	1,1%	1,0%	0,6%
<b>Maximum</b>	109,8%	108,3%	111,2%	122,1%	117,3%	103,2%	111,0%
<b>Nb of values</b>	27	27	27	26	27	27	27
<b>% of NA</b>	11%	0%	15%	19%	7%	19%	19%
<b>% of NAP</b>	7%	7%	7%	8%	7%	7%	4%

**Table 1.9 Taxes or fees to start a court procedure in 2018 (Q8, Q8-2)**

	Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction		Amount of fees needed to start a n action for 3000 recovery
	for criminal cases	for other than criminal cases	
Austria			171 €
Belgium			NAP
Bulgaria			120 €
Croatia			76 €
Cyprus			48 €
Czech Republic			150 €
Denmark			54 €
Estonia			275 €
Finland			NAP
France			NAP
Germany			324 €
Greece			NA
Hungary			180 €
Ireland			25 €
Italy			98 €
Latvia			355 €
Lithuania			90 €
Luxembourg			NAP
Malta			54 €
Netherlands			476 €
Poland			150 €
Portugal			204 €
Romania			175 €
Slovakia			180 €
Slovenia			195 €
Spain			150 €
Sweden			274 €
<b>Average</b>			173,8
<b>Median</b>			160,5
<b>Minimum</b>			25,0
<b>Maximum</b>			476,0
<b>Nb of Yes</b>	<b>5</b>	<b>24</b>	

France: Court tax is required only for the Court of Appeal



# Indicator 1: The budget and resources of courts and the justice system

## Comments provided by the national correspondents

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

*Question 7. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:*

*Question 9. Annual income of court fees received by the State (in €):*

*Question 12. Annual approved public budget allocated to legal aid, in €.*

*Question 12-1. Annual implemented public budget allocated to legal aid, in €.*

*Question 13. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.*

*Question 14. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):*

*Question 15-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)*

*Question 15-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)*

*Question 15-3. Other budgetary elements*

### Austria

**Q6 (General Comment):** In Austria the budget for courts cannot be separated from the budget of the prosecution services and legal aid and for that reason only the budget of judicial system as per CEPEJ definition is available.

**Q7 (General Comment):** With regard to the sub-category “annual public budget allocated to training”, the indicated figures include trainings for judges, public prosecutors, judicial officers (“Rechtspfleger”) and other staff working within courts or public prosecution services. A separate disclosure of the figures respectively for judges, judicial officers and staff working within courts is not possible. In 2010, the representation of data changed compared to the previous exercises. As a result, several operating expenses that had been previously included in the category “justice expenses” were subsumed in the category “other”, while only the expenses paid because of a statutory duty (for translation, experts, lay judges, witnesses) were considered as “justice expenses”. Besides, since 2010, the budget allocated to court buildings encompassed not only rent and running costs, but also cleaning, security and energy expenses.

Figures provided for the previous evaluation cycles correspond to the implemented budget.

**Q7 (2018):** Rising costs in the area of independent jurisdiction (eg expert fees).

**Q7 (2014):** Category “other”, it covers in 2014 – postal services (€ 35,57 Mio approved/€ 34,64 Mio implemented), Trustee-Attorney (€ 32,28 Mio approved/€ 33,98 Mio implemented), victims assistance (€ 5,59 Mio approved/€ 7,30 Mio implemented).

**Q7 (2013):** Category “other”, it covers in 2013 – postal services (€ 42,25 Mio), Trustee-Attorney (€ 32,28 Mio), victims assistance (€ 5,59 Mio);

**Q7 (2012):** Category “other”, it covers in 2012 – postal services (€ 37,3 Mio), traineeship (€ 13,9 Mio), office equipment, lump-sum payment for legal representation (€ 19,0 Mio) , travel expenses, other small expenses;

**Q9 (2016):** As far as civil cases are concerned, according to § 64 of the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) legal aid may cover a provisional exemption from court fees, fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer.

In criminal cases:

According to sec 391 par 1 CCP the enforcement of the court's decision on costs has to take into account the ability of the convicted person to bear the costs for the daily life for him/herself and the family as well as the obligation of compensation in regard of the offence. The court may, if the costs cannot be enforced because of an impecunious defendant, declare the costs unrecoverable. If the court assumes that in the future the costs will be recoverable but for the time being they are not, the economic capacity of the person concerned has to be re-examined after a certain period. The statute for limitation to recover the costs is five years after the final decision in the proceeding. If the court decides that the convicted person has to bear the costs of the proceeding and further on he or she is not able to pay the costs the authorities, responsible to recover costs, may prolong the payment deadline, allow to pay instalments, or to abate the costs.

In principle every person who retains a defence lawyer or another representative has to bear the costs him or herself even if the lawyer was appointed ex officio (sec 393 par 1 of CCP). According to sec 61 para 2 CCP the court has to decide on total or partial legal aid on the request of the defendant if the defendant cannot bear the total costs for the defence lawyer without impairment of his/her own or his/her family's maintenance which enables him/her to a simple lifestyle and if it is necessary in the interest of justice in particular in the interest of an adequate defence. In any case legal aid has to be granted during the whole procedure if and as long as the defendant is held in pre trial detention;

- during the entire procedure on the confinement in an institution for mentally abnormal offenders;
- during the trial on the confinement in an institution for addicted offenders in need of curing and on the confinement in a institution for dangerous subsequent offender;
- during the trial in front of a jury or of a court of lay assessors;
- during the trial in front of a single judge if the sentence which may be imposed is more than three years of deprivation of liberty;
- during the appeal procedure against a verdict of a court of jury or a court of lay assessors, in case the European Court of Human Rights has determined a violation of the European Convention on Human Rights or an additional Protocol to it for conducting the request for the reopening of the procedure and for the trial in public;
- if the defendant is blind, deaf, mute or otherwise handicapped or is not able to conduct the defense by him/herself because he/she can do not understand the language at court,
- for the appeal procedure,
- if the factual and legal position is difficult.

Where in any case the defendant needs a defense lawyer, the court has to decide on legal aid ex officio even if the defendant does not request for it but further requirements to provide legal aid are given.

With regard to the decision on legal aid the court has to examine the defendant's economic capacity to bear the costs for a defense lawyer. The economic capacity is determined by the maintenance which enables the defendant and his/her family to a simple lifestyle, and can be identified at the bases of the minimum living wage which may not be garnished given by sec 5 of

**Q12 (General Comment):** The indicated sum includes only the lump sum paid to the bar for representation of parties 'pro bono'. It does not include court fees or fees for translation or experts, which are also covered by legal aid, but not isolated within the budget. Accordingly, no figures can be provided as regards the whole regime of legal aid.

The amount of 19.500.000/19.828.000 Euro is already included in the specified total annual budget allocated to all courts, the public prosecutions services and legal aid together (Q 7).

**Q12 (2018):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for "pro bono" representation of parties. The implemented public budget for payment to the bar for "pro bono" representation of parties is € 19.828.000. The difference between these two figures is mainly due to advance payments to the bar for "pro bono" representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12 (2017):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for "pro bono" representation of parties. The implemented public budget for payment to the bar for "pro bono" representation of parties is € 18.860.000 Mio. The difference between these two figures is mainly due to advance payments to the bar for "pro bono" representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12 (2016):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for "pro bono" representation of parties. The implemented public budget for payment to the bar for "pro bono" representation of parties is € 19.700.000. The difference between these two figures is mainly due to advance payments to the bar for "pro bono" representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12-1 (General Comment):** The indicated sum includes only the lump sum paid to the bar for representation of parties 'pro bono'. It does not include court fees or fees for translation or experts, which are also covered by legal aid, but not isolated within the budget. Accordingly, no figures can be provided as regards the whole regime of legal aid.

The amount of 19.500.000/19.828.000 Euro is already included in the specified total annual budget allocated to all courts, the public prosecutions services and legal aid together (Q 7).

**Q12-1 (2018):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for "pro bono" representation of parties. The implemented public budget for payment to the bar for "pro bono" representation of parties is € 19.828.000. The difference between these two figures is mainly due to advance payments to the bar for "pro bono" representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12-1 (2017):** A lump sum of € 19500000 represents the approved public budget for payment to the bar for "pro bono" representation of parties. The implemented public budget for payment to the bar for "pro bono" representation of parties is € 18860000 Mio. The difference between these two figures is mainly due to advance payments to the bar for "pro bono" representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12-1 (2016):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for "pro bono" representation of parties. The implemented public budget for payment to the bar for "pro bono" representation of parties is € 19.700.000. The difference between these two figures is mainly due to advance payments to the bar for "pro bono" representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12-1 (2015):** A lump sum of € 19.000.000 represents the approved public budget for payment to the bar for "pro bono" representation of parties. The implemented public budget for payment to the bar for "pro bono" representation of parties is € 20.800.000. The difference between these two figures is mainly due to advance payments to the bar for "pro bono" representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12-1 (2014):** In the frame of the 2014 exercise, a lump sum of € 19 Mio represents the approved public budget for payment to the bar for "pro bono" representation of parties. The implemented public budget in this respect is € 21 070 101. The difference between these two figures is mainly due to advance payments to the bar for "pro bono" representation in overlong cases.

**Q13 (General Comment):** In Austria the budget for courts cannot be separated from the budget of the prosecution services and legal aid and for that reason only the budget of judicial system as per CEPEJ definition is available.

**Q13 (2018):** See Nr. 7.

**Q13 (2016):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for "pro bono" representation of parties. The implemented public budget for payment to the bar for "pro bono" representation of parties is € 19.700.000. The difference between these two figures is mainly due to advance payments to the bar for "pro bono" representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q13 (2015):** The total sum in Question 6 includes the Public Prosecution services and legal aid. The presidents of the higher regional court administrate the budget of the public prosecution services."

"Other: e.g. postal services (35.571.000 € approved / 35.790.326 € implemented), „Sachwalter- und Patientenanwaltschaft“ (32.284.000 € approved / 34.756.627 € implemented), „Opferhilfe“ (5.589.000 € approved / 5.998.449 € implemented).

**Q14 (General Comment):** The category "other" refers to the Ministry of Finance which is involved in the preparation of the total court budget. The Minister of Justice splits the budget allocated by the Federal Financial Law – among others – to the Supreme Court and the Higher Regional courts. The president of the Supreme Court and the presidents of the four Higher Regional courts manage and evaluate the allocated court budget.

The so-called Federal Financial Framework Law including the limit for federal spending for the following four financial years is the basis for the annually drawn up Federal Financial Law including the federal budget for a financial year. Usually the Minister of Finance draws up the draft of the Federal Financial Law after negotiations with every minister. The draft of the Federal Financial Law is submitted to the Federal Government and to the National Council of the Austrian Parliament. The Council of Ministers and the National Council of the Austrian Parliament approve the budget.

**Q14 (2018):** "other ministry": Ministry of Finance

„other“: Higher regional Courts

The Minister of Justice splits the budget allocated by the Federal Financial Law – among others – to the Supreme Court and the Higher regional courts. The president of the Supreme Court and the presidents of the four Higher regional courts manage and evaluate the allocated court budget.

**Q14 (2016):** "other ministry": Ministry of Finance

„other“: Higher regional Courts

The Minister of Justice splits the budget allocated by the Federal Financial Law – among others – to the Supreme Court and the Higher regional courts. The president of the Supreme Court and the presidents of the four Higher regional courts manage and evaluate the allocated court budget.

"Other": The provincial government (Länder), Ministry of Finance, Minister for arts and culture, constitution and media;  
Changes to previous cycle results of newly incorporated Administrative Courts.

**Q14 (2015):** Description of the competences of the different authorities responsible for the budget process:

The so-called Federal Financial Framework Law including the limit for federal spendings for the following four financial years is the basis for the annually drawn up Federal Financial Law including the federal budget for a financial year. Usually the Minister of Finance draws up the draft of the Federal Financial Law after negotiations with every minister. The draft of the Federal Financial Law is submitted to the Federal Government and to the National Council of the Austrian Parliament. The Council of Ministers and the National Council of the Austrian Parliament approve the budget.

**Q15-1 (2018):** The higher figure of the implemented budget compared to the approved budget is mainly a result of an increase in costs for health care and hospitalization in the prison System, interpretation, drug rehabilitation, medical or therapeutic follow-up care for former prisoners on probation. In addition, there was also an increase in costs for interpreters and experts in court proceedings.

**Q15-1 (2017):** The higher figure of the implemented budget compared to the approved budget is mainly a result of an increase in costs for health care and hospitalization in the prison system, interpretation, drug rehabilitation, medical or therapeutic follow-up care for former prisoners on probation. In addition, there was also an increase in costs for interpreters and experts in court proceedings.

**Q15-1 (2016):** The higher figure of the implemented budget compared to the approved budget is mainly a result of an increase in costs for health care and hospitalization in the prison system, interpretation, drug rehabilitation, medical or therapeutic follow-up care for former prisoners on probation.

**Q15-1 (2015):** The higher figure of the implemented budget compared to the approved budget is mainly a result of an increase in costs for interpretation, drug rehabilitation, medical or therapeutic follow-up care for former prisoners on probation. In 2015 there was also a non-budgeted increase in salaries.

**Q15-2 (2015):** Q15.1

The higher figure of the implemented budget compared to the approved budget is mainly a result of an increase in costs for health care and hospitalization in the prison system, interpretation, drug rehabilitation, medical or therapeutic follow-up care for former prisoners on probation. In 2015 there was also a non-budgeted increase in salaries.

Source 15-1 and 15-2: "Bundesrechnungsabschluss 2015," dated June 29th 2015

**Q15-3 (2018):** The budget of the whole justice system also includes state funding concerning guardianship (EUR 48.417.000 approved and implemented) and grants to victim assistance facilities (EUR 7.943.000 approved/EUR 7.906.259,21 implemented), as well as the data protection authority (= Datenschutzbehörde) (EUR 1.939.000 approved/ EUR 2.070.864,95 implemented).

**Q15-3 (2017):** The budget of the whole justice system also includes state funding concerning guardianship (EUR 38.030.000 approved and implemented) and grants to victim assistance facilities (EUR 7.943.000 approved/ EUR 7.482.514,83 implemented)

**Q15-3 (2016):** This cycle the budget of the whole justice system also includes state funding concerning guardianship (EUR 35.853.000 approved/EUR 36.143.000 implemented) and grants to victim assistance facilities (EUR 5.589.000 approved/EUR 6.850.674 implemented).

## Belgium

**Q6 (General Comment):** .

**Q6 (2017):** The indicated budget includes budgets for courts and public prosecution services. Currently, there are no separate budgets for the courts and public prosecution services.

**Q6 (2016):** The budgets mentioned include the budgets for courts and prosecutor's offices. At present, there is no separate budget for the courts and the public prosecutor's office.

The difference between the 2016 budget and the 2015 budget (notably in the budget allocated to legal costs) is due to a punctual "catch-up" of the backlogs that were paid in 2015.

**Q6 (2015):** The budget of courts includes public prosecution services, but it does not include legal aid.

**Q7 (2018):** Due to transfer of competence of child protection services to the regions 6 million euro is drawn from the budget in 2018

budget includes the provisions attributed to the justice department for the fight against terrorism

**Q7 (2014):** 2014: The annual public budget allocated to the functioning of all courts includes the budget allocated to the public prosecution services.

2012, 2013, 2014: the category 'other' includes attendance fees, mediation, legal aid, the financial information processing unit and the National technical support unit (which handles the payment of telephone tapping set up by the police).

**Q7 (2013):** 2010, 2012, 2013: The annual public budget allocated to the functioning of all courts includes the budgets allocated to the public prosecution services and to legal aid.

2012, 2013, 2014: the category 'other' includes attendance fees, mediation, legal aid, the financial information processing unit and the National technical support unit (which handles the payment of telephone tapping set up by the police).

**Q7 (2012):** 2010, 2012, 2013: The annual public budget allocated to the functioning of all courts includes the budgets allocated to the public prosecution services and to legal aid.

2012, 2013, 2014: the category 'other' includes attendance fees, mediation, legal aid, the financial information processing unit and the National technical support unit (which handles the payment of telephone tapping set up by the police).

**Q9 (2018):** The decrease of this amount for the 2018 cycle is due to the entry into force of a new tax law.

**Q9 (2016):** Legislative amendment on the registry roles.

**Q12 (2012):** 2010: The 25% increase of the approved budget allocated to legal aid between 2008 and 2010 can be explained by an increase in costs and expenses.

**Q12-1 (2016):** Intervention in the costs related to the organization of legal aid offices and payment for lawyers responsible for legal aid greater than the initial budget

**Q13 (General Comment):** Belgium is currently not in a position to make the distinction.

**Q13 (2017):** Belgium currently does not have separate budgets for public prosecution services and the functioning of courts.

**Q13 (2016):** Belgium is currently unable to make the distinction between Public Prosecution and Courts in the budget.

**Q13 (2015):** In 2015, the judicial budget has been allocated several million euros following the transfer of competence, for example from the houses of justice (75 million euro in 2014) from the national level to the federated states (Flemish, French and German-speaking)

**Q14 (General Comment):** La catégorie "autre ministère" se réfère au ministère du Budget et son inspection des Finances.

**Q14 (2018):** Le ministre du budget et son inspection des Finances dispose également de compétence (catégorie "autre")

Le parlement possède quant à lui une compétence formelle d'approbation des comptes.

**Q15-1 (2018):** The appropriations for investments and/or rentals of buildings are part of the budget of the Régie des bâtiments, the body responsible for the federal authority's housing stock; the budget includes provisions allocated to the courts for the fight against terrorism.

**Q15-1 (2017):** Budget dedicated to investments and/or rentals of buildings is part of the budget of the "Régie des bâtiments", the body responsible for the federal authority's housing stock, and not part of the Justice budget.

**Q15-1 (2016):** Total commitments adjusted to credits 2016

The credits for investments and or rentals of buildings are part of the budget of the "Régie des bâtiments", the body responsible for the real estate of the federal authority;

**Q15-2 (2015):** budget for personnel responsible for the transfer of prisoners and prisoners security in the court is included in the budget of the prison system

en 2015, le budget de la justice a été imputé de au moins 75 million d'euro suite au transfert de la compétence des maison de la justice du niveau national vers les états fédérés (communautés flamande, française et germanophones)

two judicial management bodies are created in 2014.

**Q15-2 (2014):** 2014: Two services of management system have been created by a law in 2014, but the two colleges, on one hand for courts and tribunals and on another hand for the public prosecution service, are formally made up only at the end of 2014 and do not function yet as autonomous managers.

**Q15-2 (2012):** The National Institute of Criminalistics and Criminology is partly financed by the budget of Justice.

**Q15-3 (2018):** Specialized Commissions: e.g. Information Centre, Harmful Sectarian Organizations, Bioethics Commission and Euthanasia Commission, Victims' Assistance Commission, Gambling Commission, National Commission on the Rights of Children, Federal Mediation Commission

State Security

Cults and secularism

**Q15-3 (2017):** "other": specialised commissions: e.g. Information Centre on Harmful Sectarian Organisations, Bioethics Commission and Euthanasia Commission, Victims' Assistance Commission, Gaming Commission, Arbitration - Disputes - Construction and Rental, National Commission on the Rights of the Child, Federal Mediation Commission, State Security, Cults and Secularism. The budget for staff responsible for the transfer of prisoners and prisoners security in the court is included in the budget of the prison system.

**Q15-3 (2016):** Specialized Commission: eg Information Center, Harmful Sectarian Organisations, Commission of Bioethics and Euthanasia Commission, Commission to help victims, Gambling Commission, Arbitration - Construction and Rental Litigation, National Commission for the Rights of the Child, Federal Mediation Commission, State security, Cults and secularism. The budget for staff responsible for the transfer of prisoners and prisoners in the prison system. Probation Services (Houses of Justice) are transferred to the regional authorities.

## **Bulgaria**

**Q6 (General Comment):** The answers on budgetary questions for 2010, 2012 and 2013 evaluation cycles are based on implemented budget and not on approved budget due to unavailability of data in sub-categories.

**Q6 (2018):** In line "Annual public budget allocated to computerisation" the data in columns "Approved budget" and "Implemented budget" are significantly lower than the figures given when filling in the questionnaire in 2018, with reference year 2017, due to the fact that in 2017 369823 Euros were provided for and spent for the computerization of the new building for the needs of the Regional Court of Sofia and 691350 Euros – for the purchase of computer equipment for the needs of the courts, paid at the expense of the SJC's budget. Computerization of a whole building in 2018 was not carried out, nor was a centralized delivery of computer equipment for the needs of the courts due to the replacement in 2017 of a significant part of the depreciated and obsolete equipment.

As can be seen from the figures mentioned above, the data regarding computerization in 2018, the Columns Approved Budget and Implemented Budget are almost the same with the data for the reference year 2017 when deducting the amounts for the Regional Court of Sofia (one-time cost) and the purchase of computers for the needs of the courts at the expense of the SJC.

In 2018 no investment costs (purchase or construction) were made in new court buildings. When completing the questionnaire in 2018 when the reference year was 2017 in the column Approved budget for new buildings is indicated the amount of EUR 443 290 - the sum is provided for the construction of a new building for the needs of the Administrative Court of Pazardzhik and has not been utilized. The procedures under the Spatial Development Act and the Public Procurement Act (PPA) have been suspended in 2018 and by 31 of December 2018 no funds have been approved for acquiring new buildings for the needs of the courts.

In "Other" are stated the amounts for compensations under the Labour Code (LC) and Judiciary System Act (JSA), costs for apparel, social and cultural services and payments for sickness absence that has been paid at the expense of the employer, as well as the amounts paid for major repairs of court buildings, respectively 2 064 625 Euros, that include 909800 Euro used for courts, at the expense of the budget of the SJC in column Implemented Budget, and 2733032 Euros in column Approved Budget. In 2018 has been spent 1 573 384 BGN more (2064625 Euro - 491241 euro) for major repairs due to the completion of procedures under the PPA that started in 2017. The compensations paid under the LC and JSA in 2018 are by 802470 EUR less than in 2017 but on the other hand there is an increase in the amount of the funds used for major repairs.

The difference between the Approved and the Implemented Budget in the column "Other" is due to the under-execution of the planned major repairs due to unfinished procedures under the Public Procurement Act and the implementation of procedures and activities under the Spatial Development Act and other co-ordination procedures with competent authorities. This is also the reason why there is a significant difference between the TOTAL Approved and Implemented Annual Budget.

**Q6 (2017):** In section Annual public budget allocated to computerisation and for columns Approved budget and Implemented budget the amount of 691350 euro has been included, which is used for purchase of computers for the courts which was paid from the budget of the Supreme Judicial Council.

Also are included 369823 euros, which were used for computerization of a new building for the needs of the Sofia Regional Court. The increase of funds is due not only to the purchased equipment for the needs of Sofia Regional Court but also to the replacement of amortised and obsolete computer equipment for the needs of the courts. In 2016, the approved budget for computerization was considerably higher - 2 251 935 euros but only 1 031 772 euros was spent, due to unfinished procedures under the Public Procurement Act.

The increase with 24% of the Annual public budget allocated to court buildings, column Implemented budget, in comparison with the same indicator for 2016 reference year, is due not only to the rise in prices of electricity, heat, fuel, services but also to the entry into service and the payment of maintenance costs of the new building of the largest court - Sofia Regional Court.

In section Annual public budget allocated to investments in new buildings, column Approved Budget, the stated amount has not been absorbed due to the implementation of procedures and activities under the Spatial Development Act and other co-ordination procedures with competent authorities related to the acquisition of buildings. In 2017 no expenditure on investment in new buildings was made.

In section Other, the amounts for compensations under the Labor Code and the Judiciary System Act, costs for apparel, social and cultural services and payments paid for sickness absence paid at the expense of the employer, as well as the amounts for major repairs of court buildings - 491241 euro, including 348 971 euros used for courts at the expense of the budget of the Supreme Judicial Council in column Implemented budget, and 2 946 331 euros in the column Approved budget.

The data in section Other, column Approved budget, is 27,5% higher than the indicator for the reference year 2016 due to the planning and payment of 591000 euros more than the previous period as compensations under the Labor Code and the Judiciary System Act, as well as of the envisaged funds amounting to over 2 500 000 EUR more than the previous period for major repairs. The difference between the Approved and the Implemented Budget in section Other is due to the under-execution of the envisaged funds for major repairs because of unfinished procedures under the Public Procurement Act and the implementation of procedures and activities under the Spatial Development Act and other co-ordination procedures with competent authorities. This is also the reason why there is a significant difference between the Total Approved and the Implemented Annual Budget.

**Q6 (2016):** In Category 2 Annual public budget allocated to computerisation (approved and implemented) the amount of 631830 euro has been included, which is used for purchase of computers for the courts from the budget of the Supreme Judicial Council. The significant difference between approved and implemented budget allocated to computerisation comes from the impossibility of spending the ensured funds for purchase of computers, because of pending procedures under the Public Procurement Act.

The difference between the approved budget for computerisation between 2014 and 2016 is a result of the additional funds of 631830 euro that have been included for purchase of computers for the courts from the budget of the Supreme Judicial Council, as well as other investments in IT. However due to the delays in procurement procedures, these funds were not spent and this is reflected also in the difference with implemented budget for computerisation for 2016.

The increase in the annual state budget (approved and implemented) for justice expenses – expert opinions, translations, etc. is due to a change in the way of determining the remunerations of court experts. According to the Ordinance in force until the middle of 2015, the court experts shall receive BGN 5 per hour and according to the amendment, the remuneration paid shall be 2.3% of the minimum wage. This is an increase of 75% of the remuneration per hour in 2015 and 93% in 2016, with a minimum wage as of 01.07.2015 amounting to BGN 380 and with a minimum wage as of 01.01.2016, amounting to BGN 420. The increase in the annual state budget (approved and implemented) for court expenditures – expert opinions, translations, etc. - in 2016 compared to 2014 is 36.09%. Besides, the amount of court expenditures (approved and implemented budget) has been influenced also by the cases related to the flow of refugees, passing or remaining on the territory of Bulgaria. This is due to the need for specific knowledge in foreign languages, the need for translators/interpreters, special expert opinions and etc. The fact, that the number of cases, their type and the carrying out of expertise for which specific knowledge is needed depends on the situation, the situation in the respective year in the country, is not insignificant in determining the amount of court expenditures. The presence or absence of significant cases, cases involving the interrogation of many witnesses or others also have a direct impact on the amount of these expenditures. The increase in the annual state budget (approved and implemented) for training in 2016 and in 2015 compared to 2014 is due to the fact that in 2014 most of the trainings were carried out through European Union funds under the Operational Programme “Administrative Capacity”. In Category 7 Other, the amounts for compensations under the Employment Code and Judiciary System Act, costs for apparel, social and cultural services and payments paid for sickness absence has been paid at the expense of the employer. For 2016 this category also includes the amounts for major renovations of court buildings - respectively 119690 euro in implemented budget column and 142954 in approved budget column. The last is due to the amendments in the Judiciary System Act according to which the budget for investments in new (court) buildings and for major renovations of court buildings is allocated to the Judiciary, not to the Ministry of Justice.

Regarding the approved annual public budget to “court buildings” the increase between 2014 and 2016 is due to the necessary amounts for the maintenance and running costs for the newly acquired building for Sofia regional court (Sofia first instance court) on “Tsar Boris” boulevard, which is used for first time for a full year .

**Q6 (2015):** Under item 3 - The difference in the amount compared to the previous evaluation cycle appears due to the entry into force in July 2015 of a new Ordinance on Registration, Qualification and Remuneration of Court Experts, pursuant to which is increased the hourly rate of remuneration of court experts.

Under item 6 - The difference in the amount compared to the previous evaluation cycle appears due to the approved funds for the courts by the Act for the State Budget of the Republic of Bulgaria for 2015 which allows spending more money for training in comparison to 2014.

Under item “other” are included the amounts for benefits/compensations due under the Labour Code and the Judiciary System Act, expenses for clothing, SWCS (social, welfare and cultural services) and benefits for temporary disability of workers on the expense of the employer.



**Q6 (2014):** In the frame of the 2013 exercise, several explanations have been provided.

With regard to the budget allocated to “new court buildings”, the sum of 7402177 € (which is not encompassed in the table) was allocated by the State budget to the Ministry of Justice.

It has been specified that the approved annual public budget allocated to the functioning of the courts is a common value (114 102 964 € for 2013) and no breakdown of salaries, court costs, buildings, expertise, insurance and others can be carried out. The indicated total in the table is the executed budget because data related to the different components are taken from the cash account report for the budget implementation of the judiciary.

Besides, for 2012 and 2013 the budget of the Judiciary, including this allocated to courts, has been increased pursuant to Decrees of the Council of Ministers.

It is noteworthy that for the 2012 cycle, the amount allocated to the social insurance contributions is included in the item 'other', while for the 2013 exercise it is encompassed in the “gross salaries”. As a result of this new distribution, in 2013, the annual public budget allocated to the category “other” has considerably decreased, while the budget of the category “gross salaries” has increased.

Finally, it should be noticed that for 2010, the budget allocated to “justice expenses” subsumes amounts for expertise and ongoing maintenance of buildings, while the budget allocated to “court buildings” encompasses only the cost of current repair of buildings. On the contrary, for 2012 and 2013, the former includes only amounts for expertise, while ongoing maintenance of buildings and the cost of current repair of buildings are included in the latter. Consequently, the important decrease of the budget allocated to “justice expenses” between 2010 and 2013 and the meaningful increase of the budget allocated to “court buildings” for the same period are only the consequence of the transfer of the costs of current repair and on-going maintenance of buildings from one category to another.

In the frame of the 2014 exercise, several clarifications have been provided.

As for the budget allocated to gross salaries, the variation observed for the period 2013-2014 has two justifications. On the one hand, the Public Social Insurance Budget Act has been modified in 2014. Accordingly, the maximum amount of social security income has been raised. On the other hand, the Military Courts of Varna and Pleven were closed.

With regard to the category “computerization”, the difference in the amount compared to the previous evaluation cycle is justified by the renewal of the obsolete computer equipment and the replacement of the one that is not beyond repair.

As for the category “investments in new court buildings”, the sum was allocated by the State budget to the Ministry of Justice under Investments of Judiciary Bodies Programme.

Finally, in respect of the category “other”, the variation between 2013 and 2014 is justified by the amount of benefits due under the Labour Code and the Law on the Judiciary, paid at a higher rate. Over the years, this amount varies depending on the number of persons leaving the system and the time they have worked in it. The amount of benefits paid during the previous evaluation cycle is € 1 667 350, and in this evaluation cycle - € 3 368 650. The benefits paid in connection with the closing of the two military courts also have an impact.

**Q6 (2013):** In the frame of the 2013 exercise, several explanations have been provided.

With regard to the budget allocated to “new court buildings”, the sum of 7402177 € (which is not encompassed in the table) was allocated by the State budget to the Ministry of Justice.

It has been specified that the approved annual public budget allocated to the functioning of the courts is a common value (114 102 964 € for 2013) and no breakdown of salaries, court costs, buildings, expertise, insurance and others can be carried out. The indicated total in the table is the executed budget because data related to the different components are taken from the cash account report for the budget implementation of the judiciary.

Besides, for 2012 and 2013 the budget of the Judiciary, including this allocated to courts, has been increased pursuant to Decrees of the Council of Ministers.

It is noteworthy that for the 2012 cycle, the amount allocated to the social insurance contributions is included in the item 'other', while for the 2013 exercise it is encompassed in the “gross salaries”. As a result of this new distribution, in 2013, the annual public budget allocated to the category “other” has considerably decreased, while the budget of the category “gross salaries” has increased.

Finally, it should be noticed that for 2010, the budget allocated to “justice expenses” subsumes amounts for expertise and ongoing maintenance of buildings, while the budget allocated to “court buildings” encompasses only the cost of current repair of buildings. On the contrary, for 2012 and 2013, the former includes only amounts for expertise, while ongoing maintenance of buildings and the cost of current repair of buildings are included in the latter. Consequently, the important decrease of the budget allocated to “justice expenses” between 2010 and 2013 and the meaningful increase of the budget allocated to “court buildings” for the same period are only the consequence of the transfer of the costs of current repair and on-going maintenance of buildings from one category to another.

**Q6 (2012):** In the frame of the 2012 exercise, the attention was drawn on three points.

Firstly, with regard to the budget allocated to new court buildings, the sum of 5828727 € (which is not encompassed in the table) was allocated by the State budget to the Ministry of Justice under Investments of Judiciary Bodies Programme. The latter includes activities on improving the material basis of Judiciary Bodies (court and prosecution), namely: acquisition of buildings; rehabilitation, reconstruction and major repairs of buildings; design and construction of new buildings.

Secondly, it has been specified that the approved annual public budget allocated to the functioning of the courts is a common value (114 000 706 € for 2012) and no breakdown of salaries, court costs, buildings, expertise, insurance and others can be carried out. The indicated total in the table is the executed budget because data related to the different components are taken from the cash account report for the budget implementation of the judiciary.

Finally, during the 2012 and 2013 the budget of the Judiciary, including the courts, has been increased pursuant to Decrees of the Council of Ministers.

**Q7 (2018):** Consider the comments on Questions 6 and 13.

**Q12 (General Comment):** The annual budget for legal aid in the Republic of Bulgaria is not granted by type of cases and type of legal aid. Legal aid can be provided for all types of civil cases including non-litigious cases. The budget is common to all types of legal aid – consultation (pre-litigation advice for which the Law on legal aid strictly defines the categories of persons amenable to be granted with) with the purpose to achieve a settlement before initiation of court proceedings or filing a case, preparation of documents for filing a case, litigation, and litigation in event of detainment by the bodies of the Ministry of Interior and the Customs Act. By contrast, the annual budget for legal aid does not include means of alternative dispute resolution (ADR). The annual budget for legal aid is common to all types of criminal, civil and administrative cases. It includes remuneration of the attorneys providing legal aid, remuneration of the Bar Councils for the work carried out by the administration of legal aid, funds for necessary expenses to visit the places of detention or retention and protection in another village. The National Legal Aid Bureau is an independent State authority, a legal entity and a second grade disposer of budget credits to the Minister of Justice. Its competence consists in preparing a draft budget of legal aid and disposing the funds in the budget of legal aid. The Ministry of Justice supervises the planning and reporting of funds in respect of the budget of legal aid. The annual budget of legal aid is part of the budget of the Ministry of Justice – Chapter 'Policy of Justice'.

**Q12 (2014):** In the frame of the 2014 exercise, it has been specified that the implemented budget of legal aid exceeds the approved one because of a large number of criminal cases of serious crimes and a large number of civil cases with high material interest justifying higher legal fees.

**Q12 (2012):** In the frame of the 2012 exercise, it has been explained that the increase of the budget allocated to legal aid between 2010 and 2012 was due to the increase of the number of poor citizens.

**Q12-1 (2018):** The difference between the approved and implemented budget for legal aid is due to the control exercised by the National Legal Aid Bureau on the authorities providing such aid (as investigation authorities and courts) to comply with the statutory procedure for admission of legal aid with a view to the appropriate disposal of the budget funds for legal aid and, in this respect, the reduced number of cases for which legal aid is granted.

**Q12-1 (2017):** The difference in the indicators of the approved and implemented state budget for legal aid is the result of the reduced number of cases, in which legal aid is provided, and the control exercised by the National Legal Aid Bureau over the authorities providing such aid (investigating authorities and courts) to ensure observance of the statutory procedure for the provision of legal aid in view of the appropriate disposal of funds from the legal aid budget.

**Q13 (2018):** The Implemented Budget of the Prosecution of the Republic of Bulgaria differs from the Approved budget due to unused funds for major repairs and current repairs related to unfinished procedures under the Public Procurement Act.

**Q13 (2017):** The implemented budget for the Prosecution is different from the Approved budgets with more than 1 314 000 euros, because of the unabsorbed funds for major repairs (1,1 mln euro) and computerization (214 000 euros) in relation to unfinished procedures under the Public Procurement Act.

**Q13 (2014):** It is noteworthy that in 2014, to the Prosecutor's Office of the Republic of Bulgaria from the Ministry of Justice moved a new structure – Protection Bureau. Accordingly, the budget of the Prosecutor's Office of the Republic of Bulgaria for 2014 was increased by funds in connection with this structural change.

**Q14 (2018):** Under "other Ministry", we mean the Ministry of Finance.

**Q14 (2016):** Under other ministry or office is noted the Ministry of finances.

**Q14 (2014):** For 2014, the category "other" refers to the Ministry of Finance.

**Q15-1 (2017):** The budget allocated for the whole justice system includes the budget for the Judiciary (budgets of the courts, Prosecutor's office of the Republic of Bulgaria, Supreme Judicial Council, The Inspectorate at the Supreme Judicial Council and the National Institute of Justice. The budget of courts includes the costs for forensic services, state enforcement services), Legal Aid, Registry agency (property register, commercial register, BULSTAD register and Register of the Property Relations between Spouses), General Directorate Execution of Sanctions (includes the costs for probation services), General Directorate Security (security of the judicial system bodies), Central administration of the Ministry of Justice, Constitutional court.

**Q15-1 (2014):** In the ambit of the 2014 exercise, it has been specified that the difference between the implemented and approved budget was financed with part of the additional resources from the State budget for judiciary.

**Q15-2 (2015):** The budget allocated for the whole justice system includes the budget for the Judiciary (budgets of the courts, Prosecutor's office of the Republic of Bulgaria, Supreme Judicial Council, The Inspectorate at the Supreme Judicial Council and the National Institute of Justice. The budget of courts includes the costs for forensic services, state enforcement services), Legal Aid, Registry agency (property register, commercial register, BULSTAD register and Register of the Property Relations between Spouses), General Directorate Execution of Sanctions (includes the costs for probation services), General Directorate Security (security of the judicial system bodies), Central administration of the Ministry of Justice, Constitutional court.

**Q15-2 (2014):** For 2014, the budget (approved/implemented) allocated for the whole justice system includes the budget for the Judiciary (courts (including forensic services and State enforcement services), Prosecutor's office of the Republic of Bulgaria, Supreme Judicial Council, Inspectorate at the Supreme Judicial Council and the National Institute of Justice) – 237 789 709 €/235 421 896 €, Legal Aid – 4 306 647 €/4 796 175 €, Registry agency (property register, commercial register, BULSTAD register and Register of the Property Relations between Spouses) – 8 534 524 €/8 274 378 €, General Directorate Execution of Sanctions (includes the costs for probation services) – 60 670 876 €/60 229 567 €, General Directorate Security (security of the judicial system bodies) – 15 508 519 €/15 508 059 €, Central administration of the Ministry of Justice – 9 313 711 €/9 010 504 €, Constitutional court – 1 656 600 €/1 656 600 €.

**Q15-2 (2013):** For 2013, the budget allocated for the whole justice system includes the budget for the Judiciary (Courts (including forensic services and State enforcement services), Prosecutor's office, Supreme Judicial Council, the Inspectorate at the Supreme Judicial Council and the National Institute of Justice) - 225 753 988 €, Legal Aid - 5 292 135 €, Registry agency (property register, commercial register, BULSTAD register and Register of the Property Relations between Spouses) – 9 448 009 €, General Directorate Execution of Sanctions (includes the costs for probation services) – 52 982 312 €, General Directorate Security (security of the judicial system bodies)– 15 528 857 €, Central administration of the Ministry of Justice – 13 999 008 €, Constitutional court – 1 056 000 €.

**Q15-3 (2018):** "other" comprises- the National Institute of Justice and the Inspectorate to the Supreme Judicial Council.

## Croatia

**Q6 (2016):** The total budget has not changed much but there are differences within categories. The gross salaries increase is due to the regresses and Christmas bonuses, which did not exist in 2015.

Larger budget have been approved for computerisation.

The amount for justice expenses is smaller because bigger amount had been allocated to state attorney's offices so less remained for the courts.

6.4.&6.6. - The implemented and approved budget in these two categories differ because during the year a need for a larger amount had arisen in budget allocated for training and was compensated by the another.

**Q6 (2015):** No. 1: In the said amount gross salaries, benefits, transportation costs and other expenses for employees (jubilee awards, severance pay, help) are included.

No. 4: The above mentioned amount refers to the costs of current maintenance and investments of buildings, utilities, phone, inventory, energy.

No. 5 the declared amount also includes investments and renovations of the existing buildings.

No. 5 includes investments in buildings. Considering that there were no investments in new buildings in 2015, the amount of investments for adaptation and restructuring of existing buildings was included into item no 4.

No. 7 includes postal services, office materials, insurance premiums, banking and health services.

Budget of courts and budget of the public prosecution services are presented separately.

**Q6 (2014):** • In the 2014 exercise, it has been specified that the category "gross salaries" includes benefits, transportation costs and other expenses for employees (jubilee awards, severance pay, help).

• The category "justice expenses" encompasses as in 2013 expenses related to intellectual services, postal and telephone services, office equipment, witness and interpreters, as well as smaller amounts for other justice expenses.

• The budget allocated to "court buildings" refers to the costs of current maintenance of buildings and investments, utilities, phone, inventory, energy etc. The stated amount is significantly different from this indicated for 2012 because of a different presentation of data. By contrast to the 2012 evaluation, the category is construed in a wider way and subsumes also the operating expenses. Out of that figure, the total amount of investments is 709.245,75 Euro.

• Concerning the item "new court buildings", provided that there were no investments in new buildings in 2014, the amount of investments for adaptation and restructuring of existing buildings was added to item n° 4.

**Q6 (2013):** • In the 2013 exercise, the category “justice expenses” subsumes expenses related to intellectual services, postal and telephone services, office equipment, witness and interpreters, as well as smaller amounts for other justice expenses.

- As to the budget allocated to “court buildings”, in 2013, in contrast with the 2012 exercise, it also encompasses investments and renovations of the existing buildings.
- As to the category “new court buildings”, in 2012 it was interpreted narrowly, while for the 2013 evaluation, it encompasses all investments related to the court buildings.
- Besides, the budget allocated to “justice expenses” and “new buildings”, has significantly decreased between 2010 and 2013 as a result of the economic situation and public expenditure rationalization, as well as the effects of the reorganization and reduction of the number of courts.
- Variations noticed in respect of the budget allocated to “computerization” for the period 2010-2012-2013 are the consequence of reduced investments but also of the implementation of measures intended to rationalize costs and savings related to computerization (e.g., maintenance of IT equipment is carried out under more favourable financial conditions than in 2010).
- As for the budget allocated to “training” and its decrease between 2010 and 2013, it should be noticed that in 2013, there was no recruitment of judicial and state attorney’s trainees, unlike in 2010. Therefore, the budget for 2013 did not allocate funds for the educational activities of judicial and state attorney’s trainees. In addition, due to the smaller number of students, the budget for educational activities for the purposes of the National School for the Judicial Officials was reduced.

**Q6 (2012):** Concerning the categories “new court buildings”, “justice expenses” and “other”, in 2012 they have been construed in a restrictive way which explains the reply NA.

**Q7 (2014):** For 2013 and 2014, the category “other” encompasses the execution of final court judgments reimbursement of expenses incurred by allocation of a case to another court of competent jurisdiction, violation of the right to a fair trial within reasonable time, costs of transport to work and from work as well as other employees expenses (severance payments, grants), promotional, medical and other services, membership fees, representation, banking services and other unmentioned financial expenditure.

**Q7 (2013):** For 2013 and 2014, the category “other” encompasses the execution of final court judgments reimbursement of expenses incurred by allocation of a case to another court of competent jurisdiction, violation of the right to a fair trial within reasonable time, costs of transport to work and from work as well as other employees expenses (severance payments, grants), promotional, medical and other services, membership fees, representation, banking services and other unmentioned financial expenditure.

**Q9 (2016):** Taking into account that the existing legal regulation did not change in a way that would have the effect of reducing the revenue of the state budget on the basis of court taxes, the reason for the continued decrease (from 2012) of the revenues from court taxes could be a decrease in the inflow of court cases and the impossibility of collecting court taxes from taxable payers.

**Q12 (2018):** In 2018 annual approved public budget for legal aid has been increased. Having regard to the comments of the stakeholders of the legal aid system (NGO's registered in the Register of primary legal aid providers Faculties of Law, attorneys), the Ministry of Justice strives to increase the allocations for legal aid, depending on the limits and possibilities of the public budget.

**Q12 (2017):** The annual approved public budget allocated in other than criminal cases to primary legal aid (for non-litigious cases or cases not brought to court) in 2017 has been increased.

**Q12 (2016):** The annual approved public budget allocated in other than criminal cases to primary legal aid (for non-litigious cases or cases not brought to court) in 2016 was significantly reduced, which results in great differences in total amount approved in other than criminal cases to legal aid in 2014/2015 and 2016.

**Q12 (2014):** In the 2014 exercise, it has been specified that the amount of legal aid approved and also allocated to the cases brought before the court (primary legal aid) was 1.450.000,00 kuna, and legal aid for non-litigious cases or cases not brought to court (secondary legal aid) was 2.570.000,00 kuna. The figures provided in the table are calculated according to the currency for 31st December 2014 which was 1 €=7,6577 kuna.

**Q12 (2013):** In the 2013 exercise, it is explained that the budget for legal aid was increased as a response to the observed trend of increased number of requests for granting legal aid. Besides, it is specified that 253 750 euro represent the funds allocated to legal aid in the budget of Croatia intended for free legal aid under the Free Legal Aid Act (civil and administrative proceedings). There also exist funds paid as per submitted requests for granting legal aid - 236 000 euro which could be registered in the following categories: “other than criminal law cases” – 210000; “annual public budget allocated to legal aid for non-litigious cases or cases not brought to court” – 26000.

**Q12 (2012):** In 2012, due to the decreased budget planned for the Ministry of Justice, the amount allocated to legal aid is lower than in 2010. More precisely, the reduction of the budget for legal aid in administrative and civil proceedings was due to the economic situation.

**Q12-1 (2018):** In 2018 annual approved public budget for legal aid has been increased. Having regard to the comments of the stakeholders of the legal aid system (NGO's registered in the Register of primary legal aid providers Faculties of Law, attorneys), the Ministry of Justice strives to increase the allocations for legal aid, depending on the limits and possibilities of the public budget.

**Q12-1 (2016):** In the Ministry of Justice of the RoC there is a Department for legal aid in other than criminal cases and it keeps records on the total annual and implemented budget for legal aid in other than criminal cases in detail. The costs for the legal aid in other than criminal cases are paid after the end of the dispute before the first instance court.

The amount in 2016 for "other than criminal cases brought to court" is higher because more bills had to be paid in 2016. Namely, court proceedings last for several years, and probably in 2016 more bills for paying the costs of court experts and interpreters had been received since the Free Legal Aid Act (OG 143/13), which grants the exemption from paying the costs of court experts and interpreters, came into force on 1 January 2014.

Different methodologies were used in 2014 and 2016 for non-litigious cases or cases not brought to court. According to the methodology used in 2016, the total amount for non-litigious cases or cases not brought to court in 2014 would be 346779, while the amount for criminal cases would be 255 830.

**Q12-1 (2015):** The Ministry of Justice of the RoC keeps statistical records on the total annual approved and implemented budget for legal aid (separate for the other than criminal cases and separate for courts and public prosecution services). Since in the Ministry of Justice there is a Department for legal aid in other than criminal cases, it is possible to keep a track record on these cases in detail. However, it is not possible to present in detail all the other data for approved and implemented budget (total - cases brought to court and cases not brought to court; criminal cases - cases brought to court and cases not brought to court).

**Q14 (General Comment):** The Courts propose their courts' budget, but the bodies responsible for the budget are the Ministry of Finance, the Government and the Parliament. The President of each court is responsible for the budget allocated to the Court.

**Q15-2 (2014):** In 2014, the difference between allocated and implemented public budget is not significant.

**Q15-2 (2013):** For 2012 the Ministry of Justice envisaged special costs related to the establishment of the Public Bailiff Service. However, following the amendments to the Enforcement Act, the introduction of the Public Bailiff Service was abandoned, pursuant to which this category is not included in the budget of the judiciary for 2013.

## Cyprus

**Q6 (2018):** Other includes publications, compensation and cost in action

The difference between the approved budget and the implemented budget with regard to investment in new buildings is that for 2018 an amount of 5 million was paid for the arbitration costs for the erection of the supreme court building.

1. Total (Approved budget discrepancy comment): 5 millions for arbitration awards.
1. Total - (Implemented budget discrepancy comment): 3 millions for arbitration awards.
2. Annual public budget allocated to computerisation (Approved budget discrepancy comment): new computers
2. Annual public budget allocated to computerisation (Implemented budget discrepancy comment): new computers
3. Annual public budget allocated to justice expenses (Approved budget discrepancy comment): increase in cost for experts
3. Annual public budget allocated to justice expenses (Implemented budget discrepancy comment): increase in the costs for experts
4. Annual public budget allocated to court buildings (Implemented budget discrepancy comment): maintenance of the old supreme court building.
5. Annual public budget allocated to investments in new (court) buildings (Approved budget discrepancy comment): erection of new building.
5. Annual public budget allocated to investments in new (court) buildings (Implemented budget discrepancy comment): erection of new building and arbitration award
6. Annual public budget allocated to training (Approved budget discrepancy comment): setting up of a judicial training school

**Q6 (2017):** The annual public budget allocated to computerisation increased between 2016 and 2017 due to the purchase of new computers. The budget allocated to justice expenses increased between 2016 and 2017 because consultancy services of experts were included. Indeed, for previous cycles, consultancy services were included in the category "justice expenses". Nevertheless, in 2017, there is an increase of this amount as a result of the general reform of the courts and the reports prepared by experts to this effect. However the actual expenditure was lower than the approved budget.

With regard to the difference between approved and implemented budget for new buildings, the approved budget included the amount for the erection of a new district court of Famagusta as well as for the family court which did not occur in 2017.

The category "other" includes publications and compensation costs. It is noteworthy that publications and compensation costs were included in "justice expenses" for previous years.

**Q6 (2016):** The annual public budget (approved and implemented) allocated to computerization decreased between 2015 and 2016 because no new computers were purchased.

Concerning the annual public budget (approved and implemented) allocated to justice expenses, the discrepancy with previous data is due to the fact that in the last cycles (2014 and 2015) legal aid could not be isolated.

The annual public approved budget allocated to training increased between 2015 and 2016 because more training activities were organised. In 2016 the budget allocated to new buildings included a budget for the erection of a new district court of Pafos. However this was not achieved in 2016 therefore there is a big difference between the approved and the implemented budget.

**Q6 (2015):** Regarding the approved budget:

Before 2015, new computers were installed explaining the variations regarding the category "computerisation" between 2015 and the previous years.

Starting in 2014 there was a difference in methodology calculating different categories and for that the category justice expenses increased enormously. From 2014 the amount for cost in action as well as for publishing were included in "justice expenses" while in the previous cycle this was included in the category "other".

In 2015, there was no new building built.

The budget allocated to training decreased over the years due to austerity measures. From 2015, this budget has been increased again.

**Q6 (2014):** 2014: - The supreme Court is also the constitutional court and the High council of the judiciary, therefore the budget is the same.

Variations:

In 2014 there was a difference in methodology calculating different categories and for that the category justice expenses increased enormously. In 2014 the amount for cost in action as well as for publishing were included in "justice expenses" while in the previous cycle this was included in the "other" and mentioned in the comments. Now it is corrected and included in justice expenses.

The numbers for new buildings decreased because in 2012 new district court was built and there are no new buildings in 2013 or 2014.

The budget allocated to training is decreasing over the years due to austerity measures. However that amount was the approved amount and not the implemented. The implemented budget is substantially bigger than approved.

**Q6 (2013):** 2013 The numbers for new buildings decreased because in 2012 new district court was built and there are no new buildings in 2013.

2010, 2012, 2013 The amount for cost in action as well as for publishing were included category "other".

**Q6 (2012):** 2010, 2012, 2013 The amounts for cost in legal action as well as for publishing were included within the category "other".

**Q12 (General Comment):** The amount of legal aid is included in the amount for cost of criminal prosecutions, civil procedure and procedures in Family courts

**Q12 (2013):** 2013: The decrease in the Legal Aid budget is as a result of the austerity measures and in relation to the budget there were less applications for legal aid.

**Q12-1 (2016):** In 2016 there was an increase in the number of legal aid cases.

**Q13 (2018):** Total annual public budget allocated to the public prosecution services, in € (including 13.1) (implemented budget discrepancy comment): decrease in the services rendered by private lawyers that were needed before as a result of the bail in cases.

**Q13 (2017):** The important difference between the implemented and the approved budgets allocated to prosecution services is attributed to the amount of compensations awarded by courts in actions filled against the Republic.

**Q13 (2016):** The difference between the approved budget in 2014 and 2016 was the fact that following the bail in 2013 the cases that were tried in 2016 had increased enormously. The reason for the difference between the approved budget and the implemented budget for 2016 was the increase in the services rendered to the prosecution service as well as the compensation and cost. In 2014 the amount for services rendered was 954,000 whereas in 2016 13,036,139. The amount for compensation in 2014 was 6431646 and in 2016 it was 14623187.

**Q13 (2012):** This amount includes only the budget of the Law Office of the Republic headed by the Attorney General.

**Q14 (2018):** The ministry of finance is involved in the preparation of the budget management and allocation is the responsibility of the accountant general and the Auditor General is the Inspection body.

**Q14 (2016):** The ministry of finance is also involved in the preparation of the Budget. The Accountant General is also responsible for the management and allocation of the Budget. The Auditor General is the inspection body.

**Q14 (2014):** According to 2014 data, the Accountant general and the Chief registrar are responsible for the management of the budget, while the auditor General evaluates the use of the budget.

**Q15-1 (2018):** please note that the budget for the judicial service is completely independent from the budget of the prosecution service and the ministry of justice

**Q15-1 (2017):** The figures included are the budget for the courts, the prosecution system, the Ministry of Justice and Public order, the prison system and the police.

However the budget of the courts is completely independent from the budget of the other institutions.

**Q15-2 (2018):** x

**Q15-2 (2015):** STATE BUDGET

**Q15-2 (2014):** In 2014 there is substantial increase of the budget of the judicial system due to inclusion of budgets of the attorney general's office, the police, the prison, Ministry of justice, enforcement and forensic services.

**Q15-3 (2018):** x

## Czech Republic

**Q6 (General Comment):** The data on approved budget allocated to justice expenses cannot be separated from category “Other” in the approved budget. The data on implemented budget are obtained from individual courts from their economic system.

Please note that budget allocated to training and education does not include education realized by the Judicial Academy. The implemented budget can be changed during the year, there can be movement even among individual chapters. During the year it also can increase by the expenses that were not used in previous year. That is why the implemented budget can sometimes It is noteworthy that before 2014, the implemented budget was provided instead of the approved one. Accordingly, comparison should be made with care.

**Q6 (2018):** There can be movement between the different categories of the budget during the year according to the current needs. Moreover, there is also influence of exchange rate.

**Q6 (2017):** The data on approved budget allocated to justice expenses cannot be separated from category “Other” in the approved budget. The data on implemented budget are obtained from individual courts from their economic system.

**Q6 (2016):** The data on approved budget allocated to justice expenses cannot be separated from category “Other” in the approved budget.

The approved Legal Aid budget is included in the court budget and cannot be separated at this stage. The implemented budget changes during the year, there can be movement even among individual chapters. During the year it also can increase by the expenses that were not used in previous year. That is why the implemented budget per categories can sometimes significantly differ and it also exceeds the approved budget.

**Q6 (2015):** The data on approved budget allocated to justice expenses do not exist, the approval budget is not divided to this level. The data on implemented budget are obtained from individual courts from their economic system.

Please note that budget allocated to training and education does not include education realized by the Judicial Academy.

**Q6 (2014):** In the frame of the 2014 exercise, it was specified that the implemented budget covers also means which were not spent in the previous period. Data related to the approved budget allocated to justice expenses do not exist because the approval budget is not divided to this level. Owing to the impossibility to identify the approved public budget with regard to justice expenses, the reply in respect of this category is NA. Data on implemented budget are obtained from individual courts from their respective economic systems. As a matter of fact, the annual implemented budget of the Judicial Academy was 2 706 956 EUR in 2014.

**Q6 (2013):** Within the ambit of the 2013 exercise, it was explained that the justification of the observed discrepancies for the period 2012-2013 lies in the course of the exchange rate. As a matter of fact, the annual implemented budget of the Judicial Academy was 2 343 612 EUR in 2013.

Moreover, according to the Economic department of the Ministry of Justice there were some investments to new buildings in 2013 contrary to the previous year.

As for the category “training and education”, although the difference is quite significant, the data are correct.

**Q12 (General Comment):** It is noteworthy that before 2014, the implemented budget was provided instead of the approved one.

The data on approved budget allocated to legal aid do not exist, the approved budget is not divided to this level.

**Q12 (2017):** The approved budget is not divided to this level.

**Q12 (2016):** The data on approved budget allocated to legal aid do not exist, the approved budget is not divided to this level.

**Q12 (2014):** Specifically, as concerns the 2014 exercise, it is indicated that data on approved budget allocated to legal aid do not exist because the approval budget is not divided to this level. Owing to the impossibility to identify the approved public budget for legal aid, the reply in respect of this question is NA.

**Q12-1 (General Comment):** The data on implemented budget are obtained from individual courts from their accounting system.

The provided data covers only financial means from the State budget and only cases brought to court. Besides, legal aid is also provided by the Czech Bar Association on its own expenses (or on the expenses of the individual lawyers) and it could cover also cases not brought to court.

**Q12-1 (2016):** The data on implemented budget are obtained from individual courts from their economic system.

The provided data covers only financial means from the State budget and only cases brought to court. Besides, legal aid is also provided by the Czech Bar Association on its own expenses (or on the expenses of the individual lawyers) and it could cover also cases not brought to court.

**Q12-1 (2015):** The data on approved budget allocated to legal aid do not exist, the approval budget is not divided to this level. The data on implemented budget are obtained from individual courts from their economic system.

The provided data covers only financial means from the State budget and only cases brought to court. Besides, legal aid is also provided by the Czech Bar Association on its own expenses (or on the expenses of the individual lawyers) and it could cover also cases not brought to court.

**Q12-1 (2012):** In the frame of the 2014 exercise, it has been indicated that data on implemented budget are obtained from individual courts from their respective economic systems.

**Q13 (General Comment):** It is noteworthy that before 2014, the implemented budget was provided instead of the approved one.

**Q14 (2016):** Ministry of Finance is the ministry responsible for the preparation of the state budget and it is the Ministry of Finance that submits the proposal of the budget to the Government. After the budget is passed by the Government it is submitted to the House of Representatives (lower chamber) that is appropriate to pass the Bill on State Budget.

**Q14 (2012):** On the occasion of the 2014 exercise, it has been pointed out that the Ministry of Justice secures funding and money management of individual courts, controls economic activities of the courts and determines the means of public expenditure for regional courts. The Presidents of the latter itemize the means of the State budget for the management of the regional court and district courts in their respective region.

**Q15-1 (General Comment):** It is noteworthy that before 2014, the implemented budget was provided instead of the approved one.

**Q15-2 (2015):** Ministry of Justice

## Denmark

**Q6 (General Comment):** The total annual budget in question 6 does not encompass the budget of the public prosecution services, neither the budget of legal aid. The annual budget allocated to investments in new (court) buildings is part of the allocated budget to court buildings which justifies the reply NA.

**Q6 (2018):** 1) The approved and implemented budget for 5) Investments in new court buildings are included under 4) Court buildings.

2) The category "other" includes the courts expenses in connection to case handling, including postage costs, purchases of goods and services and any extraordinary expenses not directly attributable to other items.

**Q6 (2017):** The approved and implemented budget for 5) Investments in new court buildings are included under 4) Court buildings. The same applies to previous years. The category "other" includes the courts expenses in connection to case handling, including postage costs, purchases of goods and services and any extraordinary expenses not directly attributable to other items.

**Q6 (2016):** The approved and implemented budget for 5) Investments in new court buildings are included under 4) Court buildings. The same applies to previous years. The answers for 2014 and 2015 regarding 5) should therefore be changed from NAP to NA. The category "other" includes the courts expenses in connection to case handling, including postage costs, purchases of goods and services and any extraordinary expenses not directly attributable to other items. The category "Other" shows a decrease of 30% between 2014 and 2016, primarily due to exceptional circumstances in 2014, which necessitated large financial provisions.

**Q6 (2015):** Building-related expenses, including rent, increased greatly during the years 2013-2014, when 4 district courts and 1 High Court moved into new courthouses.

The budget for new court buildings are included in the budget "court buildings".

Regarding the category "other", the variation between 2010 and 2015 result to the fact that in 2010 there were extraordinary high costs to consultants in connection to several tenderings' proceedings.

**Q9 (2015):** The decrease between 2010 and 2015 in the annual income of court taxes or fees received by the State is due to the fact that from mid-2013 there were no longer taxes in connection with access to the land register.

**Q9 (2014):** In 2013, the revenue from advertisements and queries in the land registration system was reorganized. It is now free to make advertisements in the digital land registration system, while other revenues related to land registration are collected directly by the Treasury. Fees from land register amounted to approximately 32 percent of total revenue in 2012. Revenue from court fees makes up the rest corresponding to approximately 65,000,000 €. From 2012 to 2014 the revenues from court fees dropped to 57,000,000 € representing a decrease of approximately 11 percent.

**Q12 (2018):** The amount listed in Q12.1. also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**Q12 (2017):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts.

**Q12 (2016):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**Q12 (2014):** In the frame of the 2014 exercise, it has been indicated that the budget foreseen for legal aid in 2012 and 2013 proved to be far less than the actual costs these years. Accordingly, the 2014 budget was increased considerably. Thus, there is not a significant increase in expenditure rather that budget is adapted to the actual consumption. This applies to the cost of both criminal and other cases.

**Q12 (2013):** In the ambit of the 2013 exercise, it has been noticed that the 2012 budget was well below the actual result for this year and that accordingly, the 2013 budget has been increased.

**Q12-1 (2018):** The amount listed in Q12.1. also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**Q12-1 (2017):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**Q12-1 (2016):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts



**Q13 (General Comment):** The Danish system presents the peculiarity to include the budget allocated to public prosecution services within the overall budget of the police. Before 2013, it wasn't possible to identify the precise expenditures concerning public prosecution services. As of 2013, due to a change in the registration frame, it is easier to estimate the cost of the public prosecution services.

**Q13 (2017):** The approved budget is manually calculated due to a general change in the method of allocating costs between auxiliary functions and the core task. In order to compare the approved budget with actual costs, it has been necessary to correct the budget figures. Minor deviations may therefore occur compared to the approved budget in previous years.

**Q14 (General Comment):** The category "other" refers to the Danish Court Administration.

**Q15-1 (2016):** Expenditures on the Refugees and asylum seekers and the Immigration Service are from 2016 no longer a part of the justice system. The total expenditure in 2016 allocated to the whole justice system is therefore significantly lower compared to previous cycles.

**Q15-2 (2012):** The category "other" encompasses the budget of the Danish Court Administration.

**Q15-3 (2018):** Concerning the Refugees and asylum services + immigration service: Due to an reorganisation the area is no longer part of the whole justice system.

**Q15-3 (2017):** The category "other" covers expenses relating to Police Intelligence and compensation for victims of crimes. Furthermore it covers income from fines, sale of passports, driving tests and driving license and parking control.

**Q15-3 (2016):** Concerning the Refugees and asylum services the answer for previous cycles was correctly YES. Due to an reorganisation the area is no longer part of the whole justice system. Accordingly, the answer is NO for 2016.

## Estonia

**Q6 (2018):** 2. Implemented computerisation budget in 2018 was bigger than approved budget because the government financed the Project "Paperfree court" with extra 217 000 euros. 3. Expenses are different every year and they depend on concrete cases.

5. There was investment into a new court building in 2018.

**Q6 (2017):** With regard to the category "justice expenses", the budget is different every year because of the nature of such expenses.

In respect of the category "training", it should be mentioned that most of the training courses are carried out by the Supreme Court. The training budget includes the budget of the Ministry of Justice and the Supreme Court. The previous year training was also ensured by the Ministry of Justice. Now, it is centralized within the Supreme Court and more efficient. When MoJ was responsible for the training of court officials (excluding judges) the training costs were bigger. The Supreme Court can organize the same training for officials and judges. The category "other" refers to vehicle costs, medical costs, judges' pensions.

**Q6 (2016):** The approved annual public budget allocated to training was bigger than the year before because the implemented budget was taken into account.

Investment in court buildings is done by Public Real Estate Company and does not appear in courts' budget. Only Supreme Court's investment budget has been shown in previous years. In 2016 they did not invest in court buildings.

**Q6 (2015):** For the 2015 exercise (as for 2014), the total annual public budget allocated to courts includes the Supreme Court's budget which resulted in variations compared to the previous evaluations.

Regarding the budget allocated to computerisation, the main expenses of first and second instance courts are not part of the court's budget but are included in the budget of the Center of Registers and Information Systems. The budget allocated to computerisation mentioned refers mainly to the budget of the Supreme Court. In 2015, the Supreme Court developed its own system in the Court Information System.

The budget allocated to justice expenses is very difficult to predict. In recent years, the trend is that expenses are increasing (partly due to the influx of cases which need translators). If the budget allocated to justice expenses is not sufficient, it is possible to apply for more budgets from the reserves.

Most investments in court buildings are done by State Real Estate Ltd and is not included in the courts' budget.

If by the end of the year, there are funds left from one category of the courts' budget, these funds are transferred to the budget allocated to training.

As for the sub-category "other", the meaningful increase of the budget between 2010 and 2015 is due to the difference of content. From 2012, more components were included in the category "other".

**Q6 (2014):** For the 2014 exercise, the annual public budget allocated to all courts does not include the budget of legal aid, neither the budget of public prosecution services. Moreover, the indicated total does not subsume the following budgets: prison and probation systems; Ministry of Justice (and/or any other institution which deals with the administration of justice); other institutions (other than courts) attached to the Ministry of Justice; judicial protection of youth (social workers, etc.); High Council for the Judiciary; annual income of court fees or taxes received by the State.

Besides, some of the expenses for the installation, use and maintenance of computers in first and second instance courts are not included since the Center of Registers and Information systems has a separate budget.

On the contrary, in the frame of the 2014 exercise, the total annual public budget allocated to courts includes the Supreme Court's budget which resulted in variations compared to the previous evaluations. Namely, the figures indicated for investments in new court buildings concern only the Supreme Court's budget, while 1st and 2nd instance courts don't have any investments. Likewise, training costs of 1st and 2nd instance judges are encompassed within the budget of the Supreme Court.

In 2014, there was a slight increase of the salaries in general. Moreover, the methodology of calculation of judges' salaries has changed resulting in an increase. Additionally, in 2013 a project related to the position of assistant to judge (per each judge of first and second instance) was launched. The salary of a judge's assistant is at least half of the first instance judge's salary.

The significant decrease of the budget allocated to "computerization" since 2013 has a double explanation. On the one hand, in 2013 there were costs of developing the 2nd generation Court Information system. On the other hand, in 2014, the main costs are in the budget of the Center of Registers and Information Systems which is a separate one.

As for the budget allocated to "justice expenses", the observed increase between 2012 and 2014 results mainly from the significant increase of the translation costs (asylum seekers cases) and other costs related to court proceedings.

As for the category "other", the observed increase for the period 2012-2014 is due to the increase of judges' pensions.

**Q6 (2013):** In the frame of the 2013 exercise, several variations are noticed with regard to different budgetary sub-categories. Relevant explanations are provided in this respect.

As for the budget allocated to "justice expenses", the observed increase between 2012 and 2013 stems mainly from the significant increase of interpretation and translation costs. On the one hand, the number of cross-border cases has increased within the years, which requires more interpretation and translation services to be provided in court proceedings. On the other hand, in the Supreme Court the way of payment of translation costs has changed (before, the translation service was ordered and paid on the basis of labour contracts and was a part of the personnel costs; after the change, the translation service is ordered as a service and it is paid on the basis of the invoice and it is considered to make part of the justice expenses). In addition, costs of expertise and costs related to bankruptcy proceedings have been increased during the last years.

As for the budget allocated to training (only judges and not court staff), its increase between 2012 and 2013 is a result of the increased need of training of judges. The latter is justified by the new or changed legislation and the new IT systems implemented lately in the judicial field (new court information system, State claims payment information system).

**Q6 (2012):** For 2012, the budget allocated to "computerization" has significantly increased due to the large IT development projects like the digital court file project, the new court information system that brought along the need to develop other information systems and registers connected to it, and many other projects.

As to the budget allocated to "justice expenses", it has considerably decreased due to the fact that before the expenses of expertise were included in the budget allocated to the functioning of courts, while now they are a part of the Estonian Forensic Science Institute's budget.

As for the sub-category "other", the meaningful increase of the budget between 2010 and 2012 is due to the difference of content. If for 2010 this item includes only unpredictable expenses, for 2012 it encompasses numerous components. With regard to the latter, the main increase is caused by including the pensions of former Supreme Court justices. Basically, before 2012 all the pensions of public officials were in the budget of the Ministry of Social Affairs. From 2012, the pension has to be included in the budget of the institution where the pension receiver has worked. Therefore the funds for the pensions of the former justices of the Supreme Court are now included in the budget of the Supreme Court.

**Q9 (2017):** The increase is due to the fact that the number of cases is different from one year to another.

**Q9 (2016):** The biggest income of court taxes is due to big tax cases where it depends on the case and whether the case is won or not. Those big tax cases can be more than 20 % of all the fees collected.

**Q9 (2014):** The variations over the years 2010, 2012 and 2014 are probably due to the fact that in 2012 only the income of court fees was submitted, excluding the registries. By comparison, for 2014, the annual income of court fees without the registries was 4 227 968.

**Q9 (2012):** The decrease in the income of court taxes can be explained by the fact that in 2012 State fees regarding court procedures have been reduced significantly (from 1-2% to almost 500%).

**Q12 (2013):** For 2013, according to the executed budget, the sums paid to lawyers represent 2 980 235 euros from the total (3 835 000). From these 2 980 235 euros, 2 226 315 euros were allocated to legal aid for criminal cases and 718 922 euros were allocated to legal aid for civil and administrative cases, the rest was allocated to legal aid for misdemeanor, enforcement procedure, administrative procedure and review procedure cases and legal consultation.

**Q12 (2012):** The variation observed between 2010 and 2012 should be explained in the light of the above-mentioned clarifications. For 2012, the sums paid to lawyers represent 2 857 850 euros from the total (3 835 000). In this respect, the difference with the amount provided for 2010 is not such important (2 307 334 euros). On the contrary, the IT costs included in the budget of legal aid for both of the exercises are especially high in 2012 due to the implementation of a new IT system. Basically, the increase of this specific part of the legal aid budget affects the total.

**Q13 (2013):** The approved public budget allocated to the public prosecution services has increased in 2013 compared to the budget of 2012 due to the increased costs of rent of buildings on the one hand, and the increased budget of salaries, on the other hand.

**Q14 (General Comment):** The Ministry of Justice prepares the budget for courts of first and second instance. The Supreme Court is financed directly from the State budget; the volume and division of the Supreme Court expenditure must be approved by the Government. Concretely, the Supreme Court prepares its budget and presents it to the Ministry of Finance, which prepares the budgets of the constitutional institutions (Supreme Court, Chancellor of Justice, National Audit Office, Office of the President). The implementation of the Supreme Court budget, approved by the parliament, and the purposeful use of budget funds is monitored by the Supreme Court director. The budgets are evaluated by the Ministry of Finance and the National Audit Office. In the column "Preparation of the total court budget" the answer is positive for the "High judicial council" as the Council for Administration of Courts has to give its opinion on the principles of the formation of annual budgets of courts of first and second instance and on the conformity of the funds allocated to these courts in the budget of the Ministry of Justice with the principles of the formation of annual budgets of courts.

**Q15-1 (2016):** One of the reasons for this increase is that Estonian Competition Authority is now under the Ministry of Justice.

**Q15-1 (2014):** In 2014, the implemented budget is higher than the approved budget because of larger amounts carried over for execution of the previous year expenditures which were higher than the planned grants.

## Finland

**Q6 (General Comment):** The budget of legal aid and the budget allocated to public prosecution services are not included within the total of annual public budget allocated to the functioning of all courts.

The amount for justice expenses (3.) is estimated appropriation and in fact is not counted as budget, so when calculating the sums of the implemented budget together the approved budget sum is exceeded. However this does not mean that the budget is truly exceeded. The other sums in budget are transferable appropriations and counted as budget allocation.

Other expenses (7) include health services, postage, office supplies, telephone and telecommunications services.

**Q6 (2018):** The implemented budget for computerisation increased significantly in 2018 compared to 2017 and 2016. The main reasons for this are the two large IT development projects called the AIPA project and the HAIPA project which are both in progress. For more information about the projects, please see the question 208.

**Q6 (2016):** The amount for justice expenses includes for example fees for translations of court documents and interpretation in court hearings. The implemented budget varies a lot so it is quite impossible to know the correct appropriation beforehand. These variations also explain the differences in the implemented budget for 2014 and 2016.

**Q6 (2015):** For 2015, the costs of computerisation have increased. Also, the budget allocated to justice expenses includes expenses for the interpretation which have increased.

**Q6 (2014):** The increase of the budget allocated to "justice expenses" between 2013 and 2014 is mainly due to the increase of translation and interpreting costs as well as the increase of the compensation paid from State funds to witnesses for their necessary travel and maintenance expenses as well as for loss of earnings.

As to the significant increase of the budget allocated to the category "other" between 2013 and 2014, it is not possible to identify the specific reason because there is no available detailed information on each of the components of this category.

**Q7 (2013):** For the 2013 exercise, besides industrial health services, postage, office supplies, telephone and telecommunications services, the category "other" includes also the budget intended to training and education.

**Q9 (General Comment):** The annual income of court fees received by the State varies depending on the amount of cases handled by courts each year. Moreover and as already explained under Q8, the level of the court fee varies depending on the nature of the matter and the instance in which the case is handled.

**Q9 (2017):** The annual income of court fees received by the State varies depending on the amount of cases handled by courts each year.

The Court fees have been increased recently in Finland. The new legislation (Act on Court fees) came in force in the beginning of the year 2016.

**Q12 (General Comment):** A part of the expenses of the legal aid comes from cases which are not heard in the courts.

**Q12 (2018):** The total amount includes the expenses of the public legal aid offices (net EUR 24.500.000) and the fees and compensations paid to the private lawyers in legal aid matters (EUR 69.200.000).

**Q12 (2017):** The legal aid expenses have increased. Budgeting practice on VAT has changed. VAT is paid from the same budget account as the fees for the private lawyer.

**Q12 (2016):** The legal aid expenses have increased. This is due to the 4 % increase made in the legal fees. Also the number of refugees getting legal aid has increased.

**Q12 (2014):** Legal aid expenses have been increasing. In 2014 this was due to the 4 % increase made in the legal fees. In 2015 this is due to the increase in the number of refugees to whom legal aid was granted.

**Q12-1 (2018):** The total amount includes the expenses of the public legal aid offices (net EUR 23.100.000) and the fees and compensations paid to the private lawyers in legal aid matters (EUR 68.200.000).

In 2018, the legal aid offices issued approximately 3.300 new legal aid decisions in matters concerning international protection, which was approximately 1.000 decisions less than the year before. The reduction in the number of new asylum seekers applying for legal aid ensued from a drop in the number of persons applying for asylum in Finland.

**Q12-1 (2017):** Budgeting practice on VAT has changed. VAT is paid from the same budget account as the fees for the private lawyer. A part of the expenses of the legal aid comes from cases which are not heard in court. The total amount includes the expenses of the public legal aid offices (net EUR 26 million) and the expenses paid to private lawyers. The public legal aid offices expenditure has not significantly increased since last year. Some expenditure is missing from the figure reported in the previous year. Private lawyers were paid EUR 71 million as fees and compensations in legal aid matters, which is 7 per cent more than in the previous year.

**Q12-1 (2016):** A part of the expenses of the legal aid comes from cases which are not heard in court. The total amount includes the expenses of the public legal aid offices (net EUR 23 million) and the expenses paid to private lawyers. Private lawyers were paid EUR 66.4 million as fees and compensations in legal aid matters, which is 24 per cent more than in the previous year. Expenses have grown as the number of clients has grown. In 74 per cent of the 15,600 legal aid decisions made concerning asylum seekers applying for international protection, the applicant was assisted by a private lawyer.

**Q12-1 (2015):** Q12: A part of the expenses of the legal aid comes from cases which are not heard in the courts. The total amount includes the expenses of the legal aid offices (24,2 milj. €) and the expenses paid to the Private lawyers (53,5 milj. €).

**Q14 (General Comment):** 'Other Ministry' is the Ministry of Finance.

**Q15-3 (General Comment):** The category "other" includes: election expenditure as well as some other offices under the administrative sector of the Ministry of Justice such as the Legal Register Centre, the Office of the Bankruptcy Ombudsman, the Office of the Data Protection Ombudsman, the Council for Crime Prevention, the Safety Investigation Authority, the National Research Institute of Legal Policy, the Accident Investigation Board and the Consumer Disputes Board. Another component encompassed in this category for 2010, 2012 and 2013 is the ICT Service Centre for Judicial Administration. In 2014, the ICT services for the overall state administration were centralized to the Government ICT Centre Valtori.

## France

**Q6 (General Comment):** The communicated data correspond to expenses of civil and criminal courts on the one hand and administrative courts on the other hand, regulated through separate programmes.

**Q6 (2018):** The data provided for the approved and allocated budget are those voted in the initial finance law for 2018. The data mentioned for the executed budget correspond to those indicated in the Annual Performance Report for 2018. It is impossible to distinguish the budget allocated to the courts from the budget allocated to the prosecution and/or the budget allocated to legal aid. Also, it was decided to apply a court allocation key 80% /public ministry 20%.

Concerning the budget allocated to the investment in new buildings, the increase is mainly explained by the financing of the Caen and Batignolles courts. Indeed, the payment needs of these two public-private partnership contracts correspond to the investment and financing schedules of the contract related to the Caen Court (€2.6 million per year) and the contract related to the Paris Court (€50.7 million per year), i.e. €53.29 million per year from 2018 to 2022. Concerning the increase in the budget allocated to training, the increase is explained by the increase in the number of paid staff. These are the promotions of student clerks (330 in 2016 compared to 579 in 2019)

The breakdown of the appropriations under point 7 "Other" is as follows: - an assessment of the cost of the transfer of escorted persons, of the cost of courtroom guards, and the cost of prosecutors' officers borne by the Ministry of the Interior (160 million euros);

- an assessment of the rental value of judicial buildings made available to the judiciary by local authorities (€60 million);  
- an assessment of the staff appropriations of the specialised courts of justice in the social field: social security courts - TASS - and incapacity courts - TCI - (' 28.7 million). This estimate is an addition to the previous years' estimate of the annual public budget allocated to all courts.

- 65.8M€ million corresponding to the contribution of the central administration to the functioning of the courts (in particular the legislative departments) For question 6, the data provided for the approved and allocated budget are those voted in the initial finance law for 2018. The data mentioned for the implemented budget correspond to those indicated in the Annual Performance Report for 2018.

**Q6 (2017):** The annual public budget allocated to the functioning of all courts (without the budget of public prosecution services) cannot be distinguished from the budget allocated to public prosecution services. A distribution key is therefore applied to the overall budget resulting in 80% of the expenditure for the courts and 20% for the budget of public prosecution services.

Variations between 2016 and 2017 are due to numerous investments in information systems as well as in new courts (and in particular the Paris court). In addition, major efforts have been made in the field of training, including new training courses for non-professional judges such as consular judges and judges in labor courts.

**Q6 (2016):** The increase in this part of the budget is justified by a special effort made for the reception of the public and the working conditions of the staff. The annual public budget allocated for the functioning of all courts (without the budget of the Public Prosecutor's Office) is not distinguishable from the budget allocated to the Public Prosecutor's Office. A distribution key is therefore applied to the overall budget implying 80% of the expenditure for the courts and 20% for the budget of the public prosecutor.

In addition to the civil and criminal justice budget, this amount also includes: an evaluation of the cost of the transfer of persons under escort, the cost of courtroom guards, and the cost of public prosecutors borne by the Ministry of the Interior ('160 million); an evaluation of the rental value of judicial buildings made available to the judiciary by local authorities ('55 million); an evaluation of the appropriations of staff of courts specialising in the social field: social security courts - TASS - and tribunals for disputes concerning incapacity - TCI - ('19.5 million) - this estimate is an addition to the estimate of previous years of the annual public budget allocated to all courts; 68 million euros corresponding to the contribution of the central administration to the functioning of courts (including legislative departments).

The considerable increase in the budget allocated to buildings and maintenance is explained by the special budgetary effort made for public reception and staff working conditions. The decrease in investment in new court buildings is part of a multi-year cycle and follows a wave of major investments. The increase allocated to the functioning shows that this is not a reduction in the effort devoted to real estate as a whole. As for the training budget, there is not a significant decrease, but an error has been corrected. Finally, the increase in appropriations for IT is due in particular to the implementation of various large-scale projects: the "justice.fr" portal and the single reception service for litigants, but also to the support given to certain information systems, in particular that of labour courts.

**Q6 (2015):** Data shown correspond to the expenditure of judicial and administrative courts carried by separate programs.

Data entered for the approved budget allocated are those voted in the initial budget act for 2015. For the data mentioned for the implemented budget, they correspond to those indicated in the annual performance report for 2015.

Although the budget of the public prosecution services merges with that of the courts, an allocation key has been applied so as to distinguish between the budget allocated to the activity of the courts and that allocated to the public prosecution services. The implemented budget is different from the approved and allocated annual public budget.

Personnel costs :

As in previous years, there are margins on personnel costs. An under-consumption of full-time equivalents worked as well as a different distribution of jobs by category explain this discrepancy.

Justice expenses :

In 2015, expenditures regarding justice expenses rose slightly, by 1.2% compared with 2014.

Real estate :

Real estate credits of judicial courts have grown by 13% compared to the 2014 implemented. Nevertheless they have incurred a significant portion of the arbitrations rendered in management which explains the discrepancy between the budget act and the 2015 implemented.

The "other expenses" refer to:

- an estimate of the cost for the transfer of an accused under escort, the costs of on-call for courtrooms, cost of officers of the public prosecution service incurred by the Ministry of Interior;
- an estimate of the rental value of judicial buildings made available to the courts by local and regional authorities;
- an estimate of the costs related to the staff of specialised judicial courts in the social field: social security courts (TASS) and incapacity dispute courts (TCI). This estimate is an addition to the estimate of previous years of the annual public budget allocated to all courts.
- the contribution of the central administration to the functioning of the courts

**Q6 (2014):** The data indicated for the approved and allocated budget are those passed in the initial Finance Law for 2014. Regarding the data reported for the executed budget, they correspond to those indicated in the annual performance report for 2014. The executed budget is different from the annual approved and allocated public budget.

Regarding staff costs, as in previous years, there are margins. Underconsumption of full-time equivalent of working and a different distribution of jobs by category between the Finance Law and the Annual Performance Report 2014 explain this discrepancy.

The budget allocated to computerisation decreased by 23% between 2013 and 2014. The distribution key applied this year explains this fall, since part of the budget is in the public prosecution services budget. Also, if the allocated budget fell slightly, the executed budget is below the allocated one.

The increase of the budget allocated to training is explained by the massive increase in recruitment (from 105 in 2010 to 212 in 2012 and 273 in 2014).

Recruitment without competition has also increased. The measures to train these future judges and public prosecutors has been adapted with the recruitment of staff for the School. This is to compensate retirements that have been more important than recruitment in the recent years, as illustrated by the number of judges and public prosecutors. It is noteworthy that the National School intervention field of the judiciary is also expanding to non-professional judges: judges of commercial courts, delegates of the public prosecutor.

**Q7 (2014):** For 2014, the "other expenses" correspond to:

- an assessment of the cost of transfer of individuals under escort, the cost of guards in courtrooms, the cost of prosecuting officers supported by the Ministry of Interior;
- an assessment of the rental value of court buildings made available to justice by local authorities;
- an assessment of personal credits of judicial specialised jurisdictions in the social field: courts of incapability litigations (Tribunal du contentieux de l'incapacité). This estimate is an addition to the estimate of the previous years in the contribution of central administration functioning of the jurisdiction (in particular legislative directions).

**Q7 (2013):** For 2013, the "other expenses" correspond to:

- an assessment of the cost of transfer of individuals under escort, the cost of guards in courtrooms, and the cost of prosecuting officers supported by the Ministry of Interior (203 million euros);
- an evaluation of the rental value of court buildings made available to justice by local authorities (69 million euros);
- 77.8 million euros corresponding to the contribution of the central administration to the functioning of jurisdictions (in particular legislative directions).

**Q7 (2012):** For 2012, the "other expenses" correspond to:

- an assessment of the cost of transfer of individuals under escort, the cost of guards in courtrooms, and the cost of prosecuting officers supported by the Ministry of Interior (203 million euros)
- an assessment of the rental value of court buildings made available to justice by local authorities (69 million euros)
- 69.5 million euros corresponding to the contribution of the central administration to the functioning of the jurisdictions (in particular legislative directorates).

**Q9 (2018):** This amount corresponds to the Fonds d'indemnisation des avoués (FIDA), which was not considered as a tax collected by the State in previous years

**Q12 (General Comment):** The law refers to different types of legal aid: legal aid granted to litigants before courts as well as for out of court proceedings (transactions, participatory procedures in civil matters that are not brought to court); legal aid granted for consultation out of any proceedings; legal aid covering legal representation by a lawyer granted to individuals detained in custody, individuals detained in the frame of disciplinary proceedings, or in matters of mediation and plea bargaining procedures; legal aid granted for legal consultation (Legal Advice Centres and legal access points created by Departmental Councils for Access to the Law offer court users free legal consultations by lawyers, notaries and bailiffs).

**Q12 (2017):** The variation observed in respect of cases brought before courts is explained by the addition of 83 million euros. This is public money paid by the Ministry to the bar associations to provide legal aid to litigants, but it does not represent a voted budget in the strict sense. The variation concerning non-litigious cases or cases not brought to court is explained by the fact that in previous data certain budget items (victim support and family mediation) had been encompassed by mistake.

**Q12 (2016):** As regards the difference between the approved budget and the implemented one, significant cuts have affected the legal aid budget. In addition, several observations (concerning in particular the complexity of the system, the incoherence of the scale of remuneration, the obsolete nature of geographical modulation) have highlighted the need for a major overhaul of the system of financing legal aid. In the Finance Act for 2015, a first step consisted in diversifying the sources of funding of legal aid in order to meet needs that are tending to increase, particularly as a result of changes in European law. The main facets of the reform are aimed at better respond to the demand for law, to better reward the work of the actors and to move towards better governance and optimised management of legal aid.

The general economy of the reform was as follows: 1) reconsidering the system to make it fairer, simpler and better adapted to local situations: the generalised and revalued unit of value, a contractualisation between the courts and the bar associations allowing additional remuneration for lawyers; 2) raising the ceiling on resources for access to full legal aid to €1,000 and raising the ceiling on partial legal aid accordingly; almost 100,000 new litigants will thus be eligible with this scheme; 3) development of the use of alternative dispute resolution methods.

**Q12 (2015):** Thus the implemented budget for legal aid allocated to criminal cases increased significantly between 2014 and 2015 (by 141%).

The 90% decrease between 2014 and 2015 regarding the annual implemented public budget relating to legal aid for non-litigious cases or cases not brought to court results from the different presentation. The related legal aid costs, including those attributed to custody, have been included in the annual implemented public budget allocated to legal aid for cases brought to courts.

This also explains the decrease in other than criminal cases (by 53%). In the basis of calculation have been included the expenses relating to criminal field, the costs for custody (*garde à vue*), mediation and penal composition, assistance to prisoners, protocols art. 91 and the custodial agreements. The portion of other than criminal expenses is reduced by the same amount.

**Q12 (2012):** The methodology of presentation of data is different for 2010 and 2012. For 2012, legal aid for non-litigious proceedings amounts to 49,732,000 euros. Therefore, for all criminal cases (brought to court and out of court) 49,732,000 euros should be added to the 88,730,000 euros, bringing the figure to 138,462,000 euros. The increase stems from increased custody costs as a result of the 2011 reform.

**Q12-1 (2018):** The provisional budget is calculated on the basis of a theoretical trend; the executed budget is slightly lower.

**Q12-1 (2017):** The amount of 83 million paid to the Bars is included in the implemented budget, which explains the increase in the implemented budget allocated to legal aid. This addition no longer makes it possible to give the breakdown between civil and criminal cases, as it is not available for amounts paid directly to the bars. On the other hand, for missions directly followed-up by courts (342 million), the breakdown is as follows: 141 million euros for criminal cases and 201 million euros for other cases.

The variation concerning non-litigious cases or cases not brought to court is due to the fact that for previous cycles certain budget items (support to victims; family mediation) had been encompassed by mistake.

**Q12-1 (2016):** The budget has indeed increased significantly by 36% (+ 2,0M€) between 2015 and 2016, going from 5 166 600 to 7 083 912 Euros, as a result of the reform of the system of financing legal aid, aimed at progressively developing legal consultations prior to or as alternatives to the referral to the judge, within access points to the law in the courts. This is a new measure specified by the Finance Act 2016, in order to analyse the validity of the citizen's request, to facilitate, if necessary, the examination of his/her application for legal aid and to propose, if necessary, a referral to other institutions, namely a mediator. This preliminary consultation was implemented within the framework of an agreement between the departmental councils for access to law (CDAD) and the first instance courts (TGI).

As regards the difference between the approved budget and the implemented one, significant cuts have affected the legal aid budget. In addition, several observations (concerning in particular the complexity of the system, the incoherence of the scale of remuneration, the obsolete nature of geographical modulation) have highlighted the need for a major overhaul of the system of financing legal aid. In the Finance Act for 2015, a first step consisted in diversifying the sources of funding of legal aid in order to meet needs that are tending to increase, particularly as a result of changes in European law. The main facets of the reform are aimed at better respond to the demand for law, to better reward the work of the actors and to move towards better governance and optimised management of legal aid.

The general economy of the reform was as follows: 1) reconsidering the system to make it fairer, simpler and better adapted to local situations: the generalised and revalued unit of value, a contractualisation between the courts and the bar associations allowing additional remuneration for lawyers; 2) raising the ceiling on resources for access to full legal aid to €1,000 and raising the ceiling on partial legal aid accordingly; almost 100,000 new litigants will thus be eligible with this scheme; 3) development of the use of alternative dispute resolution methods.

**Q13 (General Comment):** The budget allocated to the public prosecutor's office is not separated from that allocated to the courts in the French judicial system. Nevertheless, a distribution key has been adopted (courts 80%/public ministry 20%), based on the number of judges and prosecutors, in order to provide a more complete answer and thus to distinguish the budget of the public prosecution service from the budget of all courts.

**Q14 (2018):** Les organismes d'inspection qui évaluent l'utilisation du budget de la justice sont, en premier lieu, la Cour des comptes, notamment à travers la note d'évaluation budgétaire et la note d'évaluation comptable, et l'inspection générale de la justice (IGJ). Le cas échéant, des audits peuvent être menés par l'inspection générale des finances généralement conjointement avec l'IGJ ou, très ponctuellement et en association avec l'IGJ, d'autres inspections.

En outre, pour ce cycle, le Conseil constitutionnel est assimilé à la Cour suprême et n'intervient pas dans la préparation du budget total des tribunaux, à la gestion et répartition du budget entre les tribunaux et à l'évaluation de l'utilisation du budget au niveau national.

**Q14 (2016):** The Council of State (Conseil d'Etat), a Supreme Court, intervenes only in the administrative justice field. For the other courts, it is the Ministry of Justice which intervenes alone.

Courts participate in the distribution of budgets. Namely, after an initial distribution by the ministry, certain courts of appeal have a budgetary responsibility for the courts within their jurisdiction.

The inspection bodies that evaluate the use of the justice budget are primarily the Court of Auditors, in particular through the budget evaluation note and the accounting evaluation note, and the General Inspectorate of Justice (IGJ). Where appropriate, audits may be conducted by the Inspectorate-General of Finance, usually together with the IGJ or, very occasionally and in association with the IGJ, other inspections.

**Q15-1 (2018):** The above annual public budget includes data from the entire justice system, attached to the Ministry of Justice, and includes data from the Court of Justice of the Republic and the Constitutional Council.

**Q15-2 (2015):** The annual public budget above includes the data of the entire justice system, attached to the Ministry of Justice and the Presidency of the Republic.

Other: Access to law and assistance to victims

**Q15-3 (2018):** In 2018, the budget of the entire justice system does not yet include all the expenses related to judicial extractions that are borne by the Ministry of the Interior. However, they are intended to be fully supported by the Ministry of Justice by 2019.

**Q15-3 (2017):** In 2017, the budget allocated to the whole justice system does not yet include all the expenses related to judicial extractions that are borne by the Ministry of Interior Affairs. However, they are intended to be supported by the Ministry of Justice by 2019.

**Q15-3 (2016):** In 2016, the budget allocated to the whole justice system does not yet include all the expenses relating to judicial extractions that are borne by the Ministry of the Interior. However, they are intended to be fully supported by the Ministry of Justice by 2019.

## Germany

**Q6 (2018):** The budget of the courts cannot be separated from budget from the public prosecution.

**Q6 (2016):** The budget of the courts cannot be separated from budget from the public prosecution.

**Q6 (2015):** The data refer to the year 2014. At present, no more recent data are available. Inasmuch as sub-questions 6.2, 6.4, 6.5, 6.6, and 6.7 were answered by "NA," this is due to the fact that most of the Länder were unable to provide information, meaning that any amount cited would not be meaningful in substantive terms. Re. 6.1 and 6.3: Some of the Länder were unable to provide data in this regard. Accordingly, the information provided here is incomplete and is not comparable with the previous data.

Re. 6.1: The background for the difference made by the Federation between the approved budget and the implemented budget is that the departments have been granted funds for augmenting their staff in the context of their budget management in 2014. It is not possible to separate the budget of the public prosecution offices for a number of Federal Länder.

**Q6 (2014):** On the occasion of the 2014 exercise, several clarifications have been provided.

Firstly, the difference between the approved budget and the implemented one stems from the fact that the departments have been granted funds for augmenting their staff in the context of their budget management in 2014.

Secondly, in 2014, the Federal Landers of Hamburg, Saarland, and Thuringia did not provide any answers to Question 6. Accordingly, the information is incomplete.

As to the other categories, namely "computerization", "court buildings", "new court buildings", "training" and "other", a considerable number of Landers were not able to provide figures for 2014. The reply NA was preferred in order to avoid inconsistent figures.



**Q6 (2013):** In the frame of the 2013 exercise, it has been recalled, as in 2012, that since individual Landers were unable to provide specific data with regard to all of the sub-categories, the information remained incomplete.

Moreover, some Lander indicated total amounts that were higher than the sum of all data provided under items 6.1 to 6.7. Accordingly, a total of € 102,320,057 could not be attributed to individual items. Therefore, this amount was not included in the amount indicated as total budget allocated to the functioning of all courts.

For 2013, the federal Landers of Hamburg and Saarland did not provide any reply to question 6. Accordingly, the information was incomplete.

On the other hand, Berlin, Schleswig-Holstein, North-Rhine/Westphalia, Brandenburg and Saxony provided general comments on the content of some of the sub-categories.

The Lander of Mecklenburg-Western Pomerania pointed out the difficulty to provide detailed data in respect of the different items, due to the peculiarity of its budgetary system.

The decrease of the budget allocated to “computerization” between 2012 and 2013 was due to the different number of Landers that had replied respectively for both evaluations.

As to the considerable variation noticed in respect of the category “training”, it was the result of variations in this specific budget in four individual Landers (Bade-Wurttemberg, Berlin, Rhineland-Palatinate and Saarland). Only Bade-Wurttemberg and Berlin provided explanations. The latter mentioned that the budget related to training of candidates to a judicial position was encompassed in the category “other”. The former referred to a change of the consideration of remuneration of trainees and candidates to a judicial position.

On the occasion of the 2013 evaluation, the North Rhine-Westphalia mentioned in respect of the reform of the budget system (implying the gradual introduction of an integrated combined accounting) described in 2010 that the first courts will begin to operate under the new accounting system in April 2015.

**Q6 (2012):** In the frame of the 2012 exercise, it has been explained that since individual Lander were unable to provide specific data with regard to all of the sub-categories, the information remained incomplete.

Moreover, some Lander indicated total amounts that were higher than the sum of all data provided under items 6.1 to 6.7. Accordingly, a total of € 123,382,583 could not be attributed to individual items. Therefore, this amount was not included in the amount indicated as total budget allocated to the functioning of all courts.

Additionally, it has been confirmed that the variation observed in respect of the category “other” between 2010 and 2012 was due to the different number of Landers that had replied respectively for both evaluations. A speculative comparison between comparable data for this period revealed an increase of only 14%. Besides, considerable variations characterized the budgets allocated to the category “other” in Berlin and Hesse over the period 2010-2012. However, both Landers could not provide in time explanations in this respect.

The Lander of Saxony highlighted the difficulty to provide detailed data in respect of all the items, due to the peculiarity of its budgetary system.

**Q7 (General Comment):** It is noteworthy that all data concerning the budget should be construed in the light of the federal State structure of Germany. Accordingly, variations for which no particular explanation has been notified are often due to the fact that for the different evaluation cycles a different number of Lander provided a reply. Owing to this peculiarity, the information remains most of the time incomplete. The figures include the federal budget as well as the budgets indicated by the respondent Landers.

**Q7 (2018):** It is an aggregation of the Federal Courts and the Lander's budgets. All Landers are included. Baden-Württemberg: The budget allocated to the public prosecution services cannot be separated from the budget allocated to all courts.

Bavaria:

The budget of the public prosecution offices cannot be presented separately. Finance courts: The budget allocated to legal aid cannot be separated from the budget approved for the finance courts and has therefore been included under question 6.

Administrative courts: There is no separate position in the budget for legal aid.

Separating the budget allocated to Land administrative courts and legal aid from the budget approved for all courts is not possible. The budget allocated to Land administrative courts and legal aid has therefore been included under question 6.

Other (finance courts): other material administrative expenditure, capital expenditure and special financing expenditure for finance courts.

Brandenburg: The budget plan for 2017/2018 was based on an assumption of greater expenditure. Furthermore, due to budget funds not being fully utilised in 2018, reserves were used for personnel and administrative expenditure.

Bremen:

The total annual public budget allocated to all courts and public prosecution services cannot be presented either separately or jointly since parts thereof (IT expenditure for the entire justice system including prisons and the senatorial authority, as well as training expenditure) are centrally estimated.

Mecklenburg-Western Pomerania:

The approved budget includes expenditure for the courts, the public prosecutor general and all four public prosecution offices. The individual budgets cannot be shown separately.

Rhineland-Palatinate:

Under the system currently in place, the budgets allocated to courts and public prosecution offices cannot be shown separately. The expenditure shown therefore includes the expenditure for public prosecution offices. Saarland:

7.a) Budget allocated to public prosecution services:

For the public prosecutor general and the public prosecution office, the only data shown separately are the estimates for the staffing and materials expenditure budget (i.e. not including statutory expenditure).

Saxony:

Expenditure for IT, basic and further training, maintenance and operating costs for buildings and facilities, internal court costs, public relations work, trans-regional cooperation etc. is centrally estimated, spent and managed for all parts of Saxony's justice system (courts, public prosecution offices, prisons, Justice Ministry, Central Office for Information Technology, Training Centre). Insofar as it is incurred by the courts and public prosecution offices, this type of expenditure cannot therefore be shown separately.

Thuringia:

Excl. costs for maintenance and construction of court buildings.

No information has been provided in this regard by the other Federal Länder.

**Q7 (2014):** In the frame of the 2014 exercise, it has been stressed that it was impossible to separate the budget of public prosecution services for a number of Federal Landers.

**Q7 (2013):** In 2013, 11 Landers provided detailed information in respect of the category "other". More specifically, Mecklenburg-Western Pomerania encompassed expenditures based on contracts of work and services or other types of contracts in the field of victim-offender mediation and compensation to accused persons in criminal matters; Brandenburg subsumed compensation to victims of unconstitutional prosecution, etc.

For a considerable number of the respondent Landers, it was impossible to separate the budget of legal aid and especially the budget of public prosecution services. Brandenburg indicated that the budget of legal aid and the budget of public prosecution were not encompassed in the total. In Schleswig-Holstein, the budget of legal aid was subsumed in the total, while the budget of public prosecution services could be separated.

**Q7 (2012):** In 2012, 13 Landers provided detailed information on the content of the category "other". More specifically, Berlin and Hamburg included some training costs. Berlin subsumed also compensation to civil servants on probation; Saxony indicated also compensation to honorary judges and staff; Mecklenburg-Western Pomerania encompassed expenditures based on contracts of work and services or other types of contracts in the field of victim-offender mediation and compensation to accused persons in criminal matters akin to Saxony, etc.

For a considerable number of the respondent Landers, it was impossible to separate the budget of legal aid and especially the budget of public prosecution services from the total. In Saarland, the budget of legal aid could be identified, while only estimates for the staffing and materials expenditure budget could be shown separately for the office of the public prosecutor general and the public prosecution office (not including statutory expenditure). In Hesse and Brandenburg the budget of legal aid and the budget of public prosecution services were not encompassed in the total. In Schleswig-Holstein, the budget of legal aid was subsumed in the total, while the budget of public prosecution services could be separated.

**Q9 (2016):** Discrepancy with previous cycle is not explained. Data without the Laender Mecklenburg-Vorpommern and Schleswig-Holstein.

Bremen:No information

North Rhine-Westphalia:It is not possible to provide separate statistics on court fees alone. This is because income from court fees in criminal/regulatory proceedings is captured as part of a consolidated estimation and accounting system, which also includes income from criminal/regulatory fines as well as monetary payments by accused persons in return for the provisional non-preferment of public charges in the case of misdemeanours.

Lower Saxony:No information can be provided since court fees are accounted for as one item together with criminal and regulatory fines (11210).

Thuringia:These are legal fees, including repayments of legal aid (installment payments).

**Q9 (2015):**

Some of the Länder were unable to provide data in this regard. Accordingly, the information provided here is incomplete and is not comparable with the 2013 data.

**Q12 (General Comment):** It is noteworthy that all data concerning the budget should be construed in the light of the federal State structure of Germany. Accordingly, variations for which no particular explanation has been notified are often due to the fact that for the different evaluation cycles a different number of Lander provided a reply. Owing to this peculiarity, the information remains most of the time incomplete.

The figures include the federal budget as well as the budgets indicated by the respondent Landers.

**Q12 (2015):** Re. Question 12:

The data refer to the year 2014. At present, no more recent data are available. Some of the Länder were unable to provide data regarding question 12. Accordingly, the information provided here is incomplete and is not comparable with the 2013 data. Inasmuch as the other Federal Länder have provided data, these were added to the aggregate amount. Since a number of Länder have provided the aggregate amount, but have otherwise indicated "NA" in all or some of the cases, it is not possible to form a sum total under 12.1 or 12.2. For this reason, "NA" was indicated.

**Q12 (2014):** In 2014, there was no information available from Hamburg, Saarland, and Thuringia.

In as much as the other Federal Landers have provided data, these were added to the aggregate amount. In contrast to the previous cycles, figures indicated by individual Landers only in respect of the total are encompassed in the total which explains the considerable variation between 2013 and 2014 (which is not real and disappears when comparing comparable data (in 2012 the sum of € 304,584,278 was not included in the total and in 2013 - € 316,707,568). Since a number of Landers have provided the aggregate amount, but have otherwise indicated "NA" in all or some of the cases, it is not possible to form a sum total under 12.1 or 12.2. For this reason, "NA" was indicated.

**Q12 (2013):** In the frame of the 2013 exercise, 10 Landers provided data accompanied by comments.

As in 2012, only figures concerning Landers which provided complete data for the total and the sub-categories were represented in the total (Berlin, Mecklenburg-Western Pomerania, North Rhine/Westphalia, Rhineland-Palatinate, Saxony-Anhalt, and Thuringia). As to individual Landers that communicated only totals (Baden-Württemberg, Bavaria, Brandenburg, Bremen, Hesse, Lower Saxony, Saxony, and Schleswig-Holstein), these amounts were not taken into account (a sum of € 316,707,568). Therefore, the information remained incomplete.

**Q12 (2012):** In the frame of the 2012 exercise, it has been specified that according to the Legal Advice and Assistance Act, the so-called legal advice and assistance is a social benefit provided by the State to persons seeking justice who cannot afford the assistance of or representation by a lawyer and who have no other reasonable possibility of obtaining assistance. Legal advice and assistance is granted for asserting one's rights outside of court proceedings as well as for obligatory conciliation proceedings pursuant to section 15a of the Act on the Introduction of the Code of Civil Procedure.

In 2012, Bremen, Saarland and Schleswig-Holstein did not provide any information. Only figures concerning Landers which provided complete data for the total and the sub-categories were represented in the total. As to individual Landers that communicated only totals, these amounts were not taken into account (a sum of € 304,584,278). Therefore, the information remained incomplete.

**Q12-1 (2018): Bavaria**

Administrative courts: no separate estimate for legal aid

Labour and social courts: No answer can be provided regarding question 12 because – as explained under questions 6 and 7 – legal aid and court costs etc. are estimated together in one budgetary item. For this reason, only question 12.1 can be answered here.

**Brandenburg**

The budget plan for 2017/2018 was based on an assumption of greater expenditure.

The expenditure depends on the number of court proceedings and their value. This means that it cannot be controlled by the justice administration. The target was derived from a prognosis based on the actual numbers of previous years, taking into account any changes made to the law governing costs.

**Bremen:**

Actual expenditure over the financial year fell behind the approved funds.

**Hesse**

As regards questions 12 and 12.1, it should be noted that the amount indicated only refers to attorney fees paid within the framework of legal aid. No data can be provided regarding court costs paid within the framework of legal aid – especially regarding costs for experts or interpreters and witness compensation – as these data are not collected separately.

**Mecklenburg-Western Pomerania**

The budget plan for 2018/2019 was based on an assumption of greater expenditure.

**Lower Saxony**

As concerns the estimation of legal aid, no separation is made between criminal cases and cases other than criminal cases. It is not possible to differentiate between the areas of law in which legal aid was granted.

**Saxony**

Expenditure is dependent on the number of court proceedings and the value of the subject matter, both of which are beyond the control of the judicial administration. The target is therefore based on a prognosis reached on the basis of how expenditure has developed in previous years, taking into account any possible changes to the law governing costs.

**Saxony-Anhalt**

Legal assistance in line with the Act on Legal Advice and Assistance

**Schleswig-Holstein**

In terms of legal aid, no target data can be provided since most jurisdictions include legal aid expenditure in the estimate of expenditure on legal matters, which is why it cannot be shown separately. In terms of legal aid, no target data can be provided (legal aid is only estimated in one of the jurisdiction chapters in a separate budgetary item; apart from that, legal aid is included in the estimate of expenditure on legal matters; see explanations to question 6.3).

**Thuringia**

The information provided with regard to questions 12.2 and 12.1.2 (non-litigious cases) refers to expenditure for legal advice and assistance.

No information has been provided in this regard by the other Federal Länder.

**Q12-1 (2015):** The data refer to the year 2014. At present, no more recent data are available. Some of the Länder were unable to provide data regarding question 12.1. Accordingly, the information provided here is incomplete and is not comparable with the 2013 data. Inasmuch as the other Federal Länder have provided data, these were added to the aggregate amount. Since a number of Länder have provided the aggregate amount, but have otherwise indicated “NA” in all or some of the cases, it is not possible to form a sum total under 12.1 or 12.2. For this reason, “NA” was indicated.

**Q13 (General Comment):** It is noteworthy that all data concerning the budget should be construed in the light of the federal State structure of Germany. Accordingly, variations for which no particular explanation has been notified are often due to the fact that for the different evaluation cycles a different number of Länder provided a reply. Owing to this peculiarity, the information remains most of the time incomplete.

The figures include the federal budget as well as the budgets indicated by the respondent Länder.

**Q13 (2018):** The budget of the courts cannot be separated from budget from the public prosecution.

**Q13 (2016):** The budget of the courts cannot be separated from budget from the public prosecution.

**Q13 (2015):** Most of the Länder were unable to provide information in this regard, meaning that it is not possible to provide an answer to the question that is meaningful in substantive terms

**Q13 (2014):** In 2014, the reply NA is justified by the fact that most of the Länder were unable to provide information in this regard, meaning that it is not possible to provide an answer to the question that is meaningful in substantive terms.

**Q13 (2013):** In 2013, data was not available or not provided by 8 Länder. The indicated total subsumed figures communicated by 8 Länder and the operating budget of the Office of the Federal Public Prosecutor General. The information was incomplete.

**Q13 (2012):** In 2012, data was not available for 6 Länder. The total subsumed figures communicated by nine other Länder and the operating budget of the Office of the Federal Public Prosecutor General. The information was incomplete.

**Q14 (General Comment):** The category “other ministry” refers to the Federal Ministry of Finance and the Federal Ministry of Labour and Social Affairs. The other authority auditing the use of funds is the Bundesrechnungshof (German supreme audit institution).

**Q14 (2018):** Budgetary laws, budget plans, individual plans, budget accounts from the Länder.

**Q14 (2016):** Other Ministry: Federal Ministry of Finance, Federal Ministry of Labour and Social Affairs  
Other authority auditing the use of funds: Bundesrechnungshof (German supreme audit institution)

**Q15-1 (General Comment):** It is noteworthy that all data concerning the budget should be construed in the light of the federal State structure of Germany. Accordingly, variations for which no particular explanation has been notified are often due to the fact that for the different evaluation cycles a different number of Lander provided a reply. Owing to this peculiarity, the information remains most of the time incomplete.

The figures include the federal budget as well as the budgets indicated by the respondent Landers.

**Q15-1 (2018):** Bavaria

The figure provided covers the budget for the justice system and the administrative courts.

Finance, labour and social courts: NA

Administrative courts: Question 15.1 includes the overall allocation for the administrative courts incl. further training costs

Berlin

Consumer protection matters, Bar Examinations Office

Brandenburg

The budget plan for 2017/2018 was based on an assumption of greater expenditure. The total budget calculation for EPL 04 did not include the chapter for Europe and consumer protection departments, Land Office for Occupational Health and Safety, Consumer Protection and Health (LAVG) and INTERREG. The indicated budget includes Land and federal funds only.

Bremen

Figures take account of expenditure in product plan justice as well as justice expenditure in product plan 96, IT budget, of the Free Hanseatic City of Bremen.

Actual expenditure over the financial year fell behind the approved funds.

Rhineland-Palatinate

Rhineland-Palatinate Constitutional Court

Saxony

Expenditure for the justice system in the Free State of Saxony is estimated in section 06 of the Land budget, with the exception of building and maintenance works/management and rental of real estate. This section thus accounts for all expenditure falling within the portfolio of the Saxony State Ministry of Justice. This portfolio includes the courts and public prosecution offices, prisons, Bobritzsch Training Centre, and the Central Office for Information Technology of the Saxon Justice System. Section 06 is split into various chapters, including chapters for each individual jurisdiction and for the public prosecution offices en bloc. However, it is not possible to provide a detailed breakdown of the funds approved in the budget plan and those actually spent over the financial year on each individual branch of the justice system. This is because part of the expenditure earmarked for each branch is estimated in a central chapter and some of these funds are centrally managed. Budget planning for these funds is also centralised. Expenditure on building and maintenance, as well as management and rental of real estate, is estimated in section 14 of the Land budget for the entire of Saxony. Any such expenditure falling within the remit of the Saxony State Ministry of Justice is consolidated into a single chapter within this section. Offices within the remit of the Saxony State Ministry of Finance are responsible for planning and managing funds under section 14. Investment-related expenditure for major building works (i.e. those entailing total building costs exceeding 1 million euros) can be attributed to individual facilities and thus, as a rule, to courts or public prosecution offices. However, investment-related expenditure for minor building works cannot be separated according to courts/public prosecution offices. At each individual court and public prosecution office, as well as at the Central Office for Information Technology in the Saxon Justice System and the Saxony State Ministry of Justice, budget planning, administration and execution fall within the purview of the head of office and the budget commissioner. In total – graded according to the volume of funds – more than 50 offices are involved in planning and managing budgetary resources. It is therefore not possible to draw up an organisational diagram. Expenditure is dependent on the number and scale of court/criminal proceedings as well as the number of inmates, all of which are beyond the control of the judicial

**Q15-1 (2016): Bavaria**

The figure provided covers the budget for the justice system and the administrative jurisdiction

Fiscal, labour and social jurisdictions: NA

Administrative jurisdiction: Question 15-1 includes the overall allocation for the administrative jurisdiction incl. further-training costs

Berlin

Consumer-protection matters, Bar Examinations Office

Brandenburg

Budget plan for 2015/2016 assumed greater expenditure. Total budget calculation for EPL 04 did not include chapter for Europe and consumer-protection departments, Land Office for Occupational Health and Safety, Consumer Protection and Health (LAVG) and INTERREG. Budget indicated includes Land and federal funds only.

Bremen

Figures take account of expenditure in product plan justice as well as justice expenditure in product plan 96, IT budget, of the Free Hanseatic City of Bremen.

Actual expenditure over the financial year fell behind the approved funds.

Lower Saxony

No information

Rhineland-Palatinate

Rhineland-Palatinate Constitutional Court

Saarland

NO INFORMATION

Saxony

Expenditure for the justice system in the Free State of Saxony is estimated in section 06 of the Land budget, with the exception of building and maintenance works/management and rental of real estate. This section thus accounts for all expenditure falling within the portfolio of the Saxony State Ministry of Justice. This portfolio includes the courts and public prosecution offices, prisons, Bobritzsch Training Centre, the Central Office for Information Technology of the Saxon Justice System, and (up until 31 December 2016) the Land Commissioner for the Records of the State Security Service of the Former GDR.

Section 06 is split into various chapters, including chapters for each individual jurisdiction and for the public prosecution offices en bloc. However, it is not possible to provide a detailed breakdown of the funds approved in the budget plan and those actually spent over the financial year on each individual branch of the justice system. This is because part of the expenditure earmarked for each branch is estimated in a central chapter and parts of these funds are centrally managed. Budget planning for these funds is also centralised. Expenditure on building and maintenance, as well as management and rental of real estate, is estimated in section 14 of the Land budget for the entire of Saxony. Any such expenditure falling within the remit of the Saxony State Ministry of Justice is consolidated into a single chapter within this section. Offices within the remit of the Saxony State Ministry of Finance are responsible for planning and managing funds under section 14. Investment-related expenditure for major building works (i.e. those entailing total building costs exceeding 1 million euros) can be attributed to individual facilities and thus, as a rule, to courts or public prosecution offices. However, investment-related expenditure for minor building

**Q15-1 (2014):** For 2014, no information was available from Hamburg, Saarland, and Thuringia. Six Landers communicated detailed information on the content of their individual budgetary plans. Inasmuch as the other Federal Landers have provided data, these were added to the aggregate amount. Accordingly, the information provided here is incomplete.

**Q15-1 (2012):** In 2012, six Landers communicated detailed information on the content of their individual budgetary plans. Berlin did not provide any information. Data provided by Bavaria did not include the public annual budget approved and granted for labor, social and finance jurisdiction.

**Q15-2 (2015):** The data refer to the year 2014. At present, no more recent data are available.

Hesse:

Essentially, higher payroll costs.

Schleswig-Holstein:

Explanatory remarks on the significant deviations of the actual figures for 2014 as opposed to the target figures for 2014:

Additional receipts in particular by court fees;

Reduced expenditures in particular for payroll costs, the expenses in court cases and miscellaneous expenditures (the explanations provided for Questions 6 and 13 are included herein by reference).

Saxony:

The expenditures depend on the number and scope of the court proceedings and criminal proceedings, as well as on the number of inmates of correctional institutions, none of which the Land department of justice is able to control. Furthermore, the staff numbers will fluctuate in the context of the ongoing personnel management (new hires, parental leave, long-term illness, etc.), while it is only possible to estimate wage increases as collectively bargained, and projects pursued in the fields of IT or construction are constantly subject to changes. Accordingly, the target figure is based on a forecast and, as a general rule, will deviate from the actual figure.

Re Question 15.2: Other:

Brandenburg: Deutsche Richterakademie (German Judicial Academy) Wustrau

Hesse: IT department of the judiciary of Hesse

Lower Saxony: Norddeutsche Hochschule für Rechtspflege (Northern German University for the Administration of Justice)

Rhineland-Palatinate: Constitutional Court of the Rhineland-Palatinate

Saxony: Besides the items set out above, the area of responsibility of the Ministry of Justice and for European Affairs of the Free State of Saxony includes the following budget elements that are to be allocated to the justice system: information technology response service of the Saxonian judiciary, Bobritzsch training centre, Land Commissioner for the Files of the State Security Service of the former German Democratic Republic.

Saxony-Anhalt: The area of responsibility of the Land Ministry of Justice includes the Land Commissioner for the Files of the State Security Service of the former German Democratic Republic.

Thuringia: Emoluments of the legal students pursuing their practical legal training after having passed the First State's Examination, expenditures of the Judicial Examinations Office.

**Q15-2 (2014):** In 2013 and 2014, 7 Landers provided information as for the category "other": Brandenburg (German Judicial Academy); Hesse (IT office of the Hessian Ministry of Justice); Lower Saxony (Northern German University for the Administration of Justice); Rhineland-Palatinate (Constitutional Court of the Rhineland-Palatinate); Saxony (information technology response service of the Saxonian judiciary, Bobritzsch training centre, Land Commissioner for the Files of the State Security Service of the former German Democratic Republic); Saxony-Anhalt (area of responsibility of the Land Ministry of Justice includes the Land Commissioner for the Files of the State Security Service of the former German Democratic Republic); Thuringia (Judicial Examinations Office).

**Q15-2 (2013):** In 2013 and 2014, 7 Landers provided information as for the category "other": Brandenburg (German Judicial Academy); Hesse (IT office of the Hessian Ministry of Justice); Lower Saxony (Northern German University for the Administration of Justice); Rhineland-Palatinate (Constitutional Court of the Rhineland-Palatinate); Saxony (information technology response service of the Saxonian judiciary, Bobritzsch training centre, Land Commissioner for the Files of the State Security Service of the former German Democratic Republic); Saxony-Anhalt (area of responsibility of the Land Ministry of Justice includes the Land Commissioner for the Files of the State Security Service of the former German Democratic Republic); Thuringia (Judicial Examinations Office).

**Q15-3 (2018):** Training centres for the administration of justice, such as the German Judicial Academy, the Northern German College for the Administration of Justice and educational/further training centres.

**Q15-3 (2016):** Training centres for the administration of justice, such as the German Judicial Academy, the Northern German College for the Administration of Justice and educational / further training centres.

**Greece**

**Q6 (2017):** N/A

**Q6 (2014):** The approved budget allocated to “gross salaries” for 2014 was not sufficient. It is within the Ministry of Finance competence to adjust the amount, which it did towards the end of the year 2014.

The increase of the approved budget allocated to “computerization” was the result of the undertaking of new (larger) projects in this specific field.

No specific reason explains the decrease of the approved budget allocated to “court buildings”. Generally, it depends each time on the needs. It should be noted though, that the last years there is a general demand (from the Ministry of Finance) for cutting on public expenses.

As to the meaningful decrease of the budget allocated to “new court buildings” between 2012 and 2014, it is noteworthy that this budget refers completely to the budget of the Courts Building Fund. Thus, the variation does not reflect any public policies, but is merely the outcome of the Fund’s programming of expenses.

**Q6 (2012):** The decrease in all categories in 2012 was justified by the budgetary adjustment that Greece has been going through during the last years.

It has been specified that the annual budget allocated to training and education was mostly the budget of the National School of Judges, responsible for the prefatory training of judges to be appointed and the conduct of seminars attended by the already appointed judges (lifelong training). The budget of this State body depends on the number of candidates who pass the annual exams (held by the same entity). In addition to that, these expenses are so far funded by programs of the National Strategic Reference Framework.

**Q7 (General Comment):** The public prosecution services budget can not be separated from the courts budget.

**Q9 (2018):** For the year 2018, we had an increase in our court fees revenues due to the increase of the number of applications, lawsuits and other court material.

**Q9 (2016):** There is no specific reason explaining the decrease for the period 2014-2016.

**Q9 (2012):** The increase of 47% between 2012 and 2014 of the annual income of court taxes or fees received by the State is mostly due to an increase in revenues from judicial stamp fees. Even though the prices of the fees were increased in the beginning of the year 2011 (some of them doubled or tripled), the increase of the revenues was at its peak in 2013. In 2012 the revenues for these particular fees were estimated at 30.000.000 euros, whereas 41.000.000 euros were actually collected. In 2013, a total of about 81.000.000 euros was collected from these fees, and as a consequence the estimation for 2014 was 81.650.000 euros.

**Q12 (2018):** The difference in the approved and implemented budget is because the approved budget concerns economic obligations not only of 2018 but also of previous years.

**Q12 (2017):** The deviation noted between the allocated (and the implemented) budget between years 2016 and 2017 is due to the fact that the payments do not take place in the same pace as the expenses. The allocated budget for legal aid in 2017 is significantly higher than the one of 2016, because it does not concern only the expected annual relative expenses, but also unpaid debts of previous years. Respectively, the payments of 2017 were lower than they should be, which consequently means that the numbers for 2018 will also present similar deviations.

**Q12 (2016):** A reassessment of the annual budgetary needs in legal aid was made by the Courts Building Fund. The annual cost is not a stable amount and depends on the number of cases where the legal aid is used.

**Q12 (2014):** The increase of the budget allocated to legal aid between 2013 and 2014 resulted to some extent from time limitations. In 31 December 2014 there were unpaid expenses. Generally, legal aid is entirely paid from the budget of the Courts Building Fund, a legal entity of public law, which draws its budget according to its expected annual revenues and its expected annual needs.

**Q12 (2012):** The observed increase of the budget allocated to legal aid in 2012 was due to accumulated debts from previous years.

**Q12-1 (2018):** The difference in the approved and implemented budget is because the approved budget concerns economic obligations not only of 2018 but also of previous years.

**Q12-1 (2017):** The deviation noted between the allocated (and the implemented) budget between years 2016 and 2017 is due to the fact that the payments do not take place in the same pace as the expenses. The allocated budget for legal aid in 2017 is significantly higher than the one of 2016, because it does not concern only the expected annual relative expenses, but also unpaid debts of previous years. Respectively, the payments of 2017 were lower than they should be, which consequently means that the numbers for 2018 will also present similar deviations.

**Q12-1 (2016):** The difference observed between the allocated budget to legal aid and the implemented one, is a result of several unpaid obligations due to the very large number of cases of legal aid in comparison to the staff assigned with the task of paying the beneficiaries.

**Q13 (General Comment):** The public prosecution services budget can not be separated from the courts budget.

**Q14 (2012):** The other Ministry is the Ministry of Finance, while the category “other” refers to the Court of Audit.

**Q15-3 (General Comment):** It is noteworthy mentioning that budgets for refugees and asylum seekers services, enforcement services, and police services are drawn by other Ministries, while the budget for the State Advocacy, called in Greece Legal Council of State, is drawn by the Ministry of Finance.

## Hungary

**Q6 (General Comment):** The budget allocated to training (Nr.6.) is included in categories Nr.1. and Nr. 7. There is a tendency since 2012 that the budget of the court system is increasing every year.



**Q6 (2018):** "Other" includes taxes, unpredicted personal (salary) expenditures, other maintenance costs.

The main difference between the approved and the implemented budgets derives from the fact that for public budget allocated to gross salaries, to computerization and to the category "other", the approved budget was modified during the year.

Regarding the increase for the approved and implemented budget for computerization between 2016 and 2018, it is due to the implementation of the "Digital courts" program, which is one of the top priorities of the court system (More about the program:<https://birosag.hu/en/digital-court>.)

Regarding the increase of the implemented budget allocated to salaries between 2016 and 2018, this variation appears as a consequence of the increase observed between 2016 and 2017. The latter was explained by the fact that the salary of judges and court employees increased in 2017; accordingly, the implemented budget was higher than the approved budget. What is more, the base salary of judges and judicial employees increased by 5% from the 1st of January 2018. This also had an impact on the budget. Finally, regarding the decrease of the implemented budget allocated to new court buildings, most of the new court building projects are currently in progress (being constructed or at least in preparation phase), thus the renovation and maintenance of older buildings is getting bigger importance. It also explains the the difference between the approved budget for new courts buildings and the implemented one.

**Q6 (2017):** 7. Other includes: taxes, other unusual personnel expenditures, trainings, other maintenance.

Budget allocated to training (Nr.6) is included in Nr.1. and Nr. 7.

The salary of judges and court employees increased during the year; accordingly, the implemented budget is higher than the approved budget.

The raise of approved budget allocated to computerization is a result of the increasing use of IT tools in the communication with parties and other authorities and the preparation of "digital courts" (e.g. voice recognizing software for judges to help them drafting decisions). As concerns the decrease in the approved budget allocated to new court buildings: most of the new court building projects are currently in progress (being constructed or at least in preparation phase), thus the renovation and maintenance of older buildings is getting bigger importance.

**Q6 (2016):** The main difference between the approved and the implemented budgets derives from the following:

1. Some positions are not filled (at least for a while) during the year and some people are on a leave for a longer time (e.g. serious illness, maternity leave) and get benefits from other sources.
2. The approved budget was modified during the year.
4. The approved budget was modified during the year. The reason of the increase in the implemented annual public budget allocated to court buildings is that many small and some large building reconstruction and modernization projects have been implemented during the year.
5. Some new court building projects take more years to finish, so although the budget has been provided specially for these it takes more years to finish these projects.
7. "Other" includes taxes, unpredicted personal (salary) expenditures, trainings, other maintenance costs. The implemented public budget allocated to the category "other" increased between 2015 and 2016 because there has been an increase in the basis of the salary of judicial employees in 2016 and it was included in this category.

Explanations on variations observed between 2014 and 2016:

- 1) The increase in the implemented budget allocated to computerization is the result of an increase in the number of implemented projects (not part of the budget of the court system).
- 2) The increase in the implemented public budget allocated to "court buildings" is due to the fact that some developments were carried out from funds approved during the previous years, but implemented in later years.
- 3) With regard to the decrease in the budget allocated to "new courts", it should be noticed that some court buildings projects take more years to be finalized.
- 4) As concerns the approved budget allocated to "justice expenses", it should be mentioned that justice expenses are not exactly foreseeable as they mainly depend on the number of incoming cases.

**Q6 (2015):** Budget allocated to training (Nr.6) is included in Nr.1. and Nr. 7.

Other: Among other elements are miscellaneous maintenance expenses, unexpected personal (salary) expenses, training's budget, etc.

Before 2013, in the budget allocated to "gross salaries" were included non regular allowances, employers' contributions due to employees and trustees fees. From 2013, these amounts were included in the category "other".

The decrease between 2010 and 2015 in the approved budget allocated to "computerisation", is due to the fact previously some developments were carried out through project financing (such as EU funding, which are not part of the court budget).

The decrease in the approved budget allocated to "court buildings" between 2010 and 2014, is due to the inclusion of the category "new court buildings" from 2014. "

The increase between 2014 and 2015 in the implemented public budget allocated to "computerisation" is the result of an increase in the number of implemented projects (not part of the budget of the court system).

The increase between 2014 and 2015 of the implemented public budget allocated to "court buildings" is due to the fact that some developments were carried out from funds approved during the previous years, but implemented in later years.

**Q6 (2014):** The decrease in the approved budget allocated to "court buildings" between 2010 and 2014, is due to the inclusion of the category "new court buildings" in 2014.

For the 2014 evaluation cycle, the budget allocated to "training" could not be identified as a separate value and constitutes a part of the items "gross salaries" and "other".

Due to changes in the methodology of presentation of data, some items that were included in 2013 in the category "other" are subsumed in 2014 in the category "justice expenses" which explains the variations observed in respect of both categories between 2013 and 2014.

The difference between the approved budget and the implemented one derives mainly from the following:

some positions are not filled (at least for a while) during the year and some staff are on leave for a longer time (e.g. serious illness, maternity leave) and get benefits from other sources;

justice expenses are not exactly foreseeable as they mainly depend on the number and the nature of incoming cases;

some new court building projects take more years to be finalized.

**Q6 (2013):** In the frame of the 2013 exercise, the attention was drawn on the endeavors of the Hungarian Government in recent years to improve the infrastructural conditions and develop appropriate standards in respect of the IT working environment.

In contrast with the 2012 evaluation, in 2013, the budget allocated to "gross salaries" did not encompass non regular allowances, employers' contributions due to employees and trustees fees. These amounts were included in 2013 in the category "other". More specifically, it was highlighted that according to the Act (CLXII) 2011 on the Status and Remuneration of Judges, the salaries of the latter should be determined in the Act on the Central Budget in such a way that the amount should not be lower than it had been in the previous year.

As to the category "computerisation" and the considerable increase of the budget allocated in its respect in 2013, it was indicated that the Swiss Contribution covered some IT and security developments between August 2012 and January 2015, within a total amount of 1,98 billion HUF. Likewise, ongoing projects (co-) founded by the EU also covered a part of the IT development.

As for the budget allocated to "training", it increased between 2010 and 2012, and especially between 2012 and 2013. The main reason is that training courses for magistrates are more and more numerous and diversified. Besides, the number of participants increased radically in 2013 (2010 - 5 153; 2012 - 5 671; 2013 - 14 241).

The closing of the preparatory phase of the return of the Supreme Court to its original building and the preparation of the placement of the Budapest Environs Regional Court in a property complex were indicated as major successes in 2013. A number of important projects and refurbishments also took place throughout the country (e.g. refurbishment of the Salgótarján District Court and the Salgótarján Administrative and Labour Court, start of construction of the building of the Debrecen District Court).

**Q6 (2012):** In 2012, the budget allocated to "computerization" continued to decrease in comparison with 2010 and especially with 2008 when a specific project had been financed in this area. As to the budget intended to "court buildings", for long time there were not sufficient investments in this respect. In 2012, this budget was increased.

**Q7 (2014):** For 2014, the category "other" included among other elements miscellaneous maintenance expenses, unexpected personal (salary) expenses etc. Besides, it subsumed a part of the budget allocated to "training".

**Q7 (2013):** For 2013, the category "other" included among other elements miscellaneous maintenance expenses, unexpected personal (salary) expenses etc.

**Q9 (2015):** The decrease between 2010-2015 in the approved budget allocated to legal aid is the result of a 2012 law amendment which led to the fact the fines are no longer part of the budget of the courts.

**Q9 (2012):** The reason for the decrease in the figures between 2010 and 2012 is the amendment of the law in 2012. Accordingly, the fines are no longer part of the budget of the courts.

**Q12 (General Comment):** Within the framework of out of court legal assistance ensured by the State, legal counsels assigned for economically and socially disadvantaged people provide legal advice, draft and prepare petitions and other documents to be filed, and study case files upon a power of attorney. For the performance of such tasks, legal counsels are paid or their fees and expenses are advanced by the State instead of the party concerned. The fees and expenses are determined by law.

**Q12 (2013):** The annual public budget allocated to legal aid decreased with 33% between 2012 and 2013 as a consequence of the strengthening of the legal aid service.

**Q12-1 (2018):** The Public budget does not have a limit, the amounts actually paid depends on the number of cases.

**Q12-1 (2017):** The Parliament has not yet adopted the law on the implementation of the budget of 2017

**Q12-1 (2015):** Annual implemented public budget of 2015 not yet approved.

**Q13 (2017):** The Parliament has not yet adopted the law on the implementation of the budget of 2017

**Q13 (2015):** Annual implemented public budget of 2015 not yet approved.

**Q13 (2012):** In 2012, 84% of the budget were spent on salaries, income taxes, health insurance and social insurance for the staff, 13.5% were spent on functional costs including maintenance of office buildings and 2.5 % constituted a reserve.

**Q14 (2018):** The President of the National Office for the Judiciary (NOJ):

- draws up – after having consulted with the National Judicial Council (NJC) and the President of the Supreme Court (Kúria) – his/her proposal concerning the budget of courts and the report on the implementation of the budget, which the Government shall transmit to the Parliament without amendment,

- exercises the duties related to the financial management of the courts and directs the internal control of the courts,

The NJC:

- forms an opinion on the proposal on the budget of the courts and on the report on the implementation of the budget, - controls the financial management of the courts The Parliament decides upon the budget of the courts as the part of the national budget, with the restriction, that the budget of the courts cannot be lower as it was in the previous year.

The State Audit Office controls the financial management of the court system.

**Q14 (2016):** The President of the National Office for the Judiciary (NOJ):

- draws up – after having consulted with the National Judicial Council (NJC) and the President of the Supreme Court (Kúria) – his/her proposal concerning the budget of courts and the report on the implementation of the budget, which the Government shall transmit to the Parliament without amendment,

- exercises the duties related to the financial management of the courts and directs the internal control of the courts,

The NJC:

- forms an opinion on the proposal on the budget of the courts and on the report on the implementation of the budget, - controls the financial management of the courts The Parliament decides upon the budget of the courts as the part of the national budget, with the restriction, that the budget of the courts cannot be lower as it was in the previous year.

The State Audit Office controls the financial management of the court system.

**Q14 (2014):** According to 2012 and 2014 data, the President of the National Office for the Judiciary, in the scope of his/her general duties of central administration, elaborates a proposal on the courts budget and a report on its implementation, to be submitted without modification by the Government to the Parliament as part of the Bill on the budget and the Bill on the implementation of the budget. He/she is bound by duties in connection with the financial management of the heading of courts and directs the internal control of the courts. Besides, the National Council of Justice (NCJ) provides an opinion on the proposal and the report and more generally controls the financial management of the courts. As to the President of the Curia, he/she forms an opinion to the extent the Curia is concerned.

Within the confines of the control of the financial management of the finances, the State Audit Office audits the operation and the financial management of the heading of courts – which belongs to the structure of the central budget.

Finally, the Parliament decides upon the budget of the courts as part of the national budget, with the restriction, that the budget of the courts cannot be lowered as it was possible before 2012.

**Q14 (2012):** According to 2012 and 2014 data, the President of the National Office for the Judiciary, in the scope of his/her general duties of central administration, elaborates a proposal on the courts budget and a report on its implementation, to be submitted without modification by the Government to the Parliament as part of the Bill on the budget and the Bill on the implementation of the budget. He/she is bound by duties in connection with the financial management of the heading of courts and directs the internal control of the courts. Besides, the National Council of Justice (NCJ) provides an opinion on the proposal and the report and more generally controls the financial management of the courts. As to the President of the Curia, he/she forms an opinion to the extent the Curia is concerned.

Within the confines of the control of the financial management of the finances, the State Audit Office audits the operation and the financial management of the heading of courts – which belongs to the structure of the central budget.

Finally, the Parliament decides upon the budget of the courts as part of the national budget, with the restriction, that the budget of the courts cannot be lowered as it was possible before 2012.

**Q15-1 (2018):** The act for implemented state budget of 2018 are not yet adopted by the Parliament.

**Q15-1 (2017):** The Parliament has not yet adopted the law on the implementation of the budget of 2017.

**Q15-1 (2015):** Annual implemented public budget of 2015 not yet approved.

**Q15-2 (2015):** Act C of 2014 on the budget of Hungary in 2015,  
Act CLXI of 2011 on the organisation and administration of courts  
Act CLXII of 2011 on the legal status and remuneration of judges,  
Act CXCV of 2011 on the state finance,  
Act LXVI of 2011 on the State Audit Office

Q15-1 Annual implemented public budget of 2015 not yet approved.

**Q15-2 (2012):** In 2012, as in 2010, the budget allocated to the whole justice system included also the total budget of the Ministry of Justice.

## Ireland

**Q6 (General Comment):** Annual public budget allocated to justice expenses includes: Digital Audio Recording, Interpreting and Medical Reports, Judicial Attire, Law Books, Meals for Jurors and Jury Minding. Other includes: Entertainment (Official Functions), Legal Services, Staff Training, Postal Services, Telecommunications, Photocopying Equipment, Office Machinery and related supplies, Consultancy, Travel and Subsistence.

**Q6 (2017):** Total (Approved Budget): The Estimates for 2017 were published on 11th October 2016. The published Estimates for 2017 when compared to the revised REV for 2016 was an increase in Total Gross Funding for the Courts Service of €26.908m (24%). This was mainly due to the once off approved funding for the upfront VAT and ICT costs relating to the PPP Bundle of Projects (new Courthouses) Annual Public Budget Allocation to Computerisation (Approved Budget): this increase (2017) as compared to 2016 is due to the €3m additional once off ICT capital funding (approved) for the PPP Bundle of Projects "Other" (Approved Budget and Implemented Budget): the increase in this category regarding the approved budget as compared to 2016 is due to the once off additional funding for the PPP Bundle of Projects. The difference in implemented budget and approved budget is due to the delay and complex nature of the PPP Bundle and the difficulty in being precise in determining the outturn for the year, which contributed to the under spend in the payment of the upfront construction VAT and Unitary Charge. As part of the 2017 capital carryover the 2018 capital budget was increased by €6.0m. The carryover has been allocated across ICT, Capital Works and the PPP Regional Unitary and VAT Payments for 2018. This will allow the payment of PPP Bundle VAT which could not be paid in 2017.

**Q6 (2016):** Training - this subhead relates to Judicial Training in the Courts Service. This budget was revised downwards from €0.425m to €0.225m in 2014 as part of our Technical Supplementary for that year, based on an analysis of funding requirements for the year. The budget in the following years was largely in line with the revised budget of 2014 being €0.250m in 2015 and €0.310m in 2016. The Implemented Budget for 2014 was in line with the Revised Budget, and in 2015 and 2016 the Implemented Budget was in line with the Budget. The full budget allocated for training was not spent during the year.

As concerns the category "computerization", the budget originally approved differs from that implemented due to additional provision made during the year for ICT expenditure. Additional funding of €2.5m was provided to the Courts Service in 2016 by way of Supplementary Estimate. The additional €2.5m spent in 2016 was across the following headings: New video conferencing installations; replacement of equipment - €1.1m; Fines Act - €0.630m; DAR refresh - €0.350m and Prepayment of the ICT managed services charge for Q1 2017 - €0.500m.

ICT Budget - it has been acknowledged that the minimum requirement by the Courts Service in ICT for the maintenance of business critical systems is in the order of €7.2m, which allows for a minimum level of investment and development of business critical systems. The ICT budget increased from €3.820m in 2014 to €4.820m in 2015. This increase was primarily in order to provide for the development of ICT systems in preparation for the introduction of the Fines (Payment and Recovery) Act. An additional €1.0m was provided to the ICT budget in 2016, bringing the budget up to €5.820m. This increase was provided for critical operational ICT systems and the development of new systems to support Government projects in the areas E-Filing and Courtroom Technology. An additional €2.5m was provided by way of Supplementary Estimate in 2016. The €2.5m was broken down by €1.0m for general ICT requirements and €1.5m for Video Conferencing facilities. The additional funding of €2.5m brought the 2016 budget up to €8.320m. Outturn - The outturn in 2014 in ICT was €5.655m, in 2015 was €6.492m and in 2016 was €9.026m. Due to the pressure on the ICT budget year on year the Courts Service managed underspends or excess income in other areas to allow for additional expenditure in ICT.

Training: the Committee for Judicial Studies is the body responsible for judicial training. However its budget is provided through the Courts Vote and some administrative support is provided by Courts Service staff. Therefore, the same budget line is reflected in both Q6 and Q131-0 (€310,000 for 2016). According to the explanation of the Courts Service, the lack of vertical consistency concerning the implemented budget is due to small adjustments in some of the figures as follows: "Training": 276000 and "Other": 30439000.

**Q6 (2015):** On agreement with the Department of Justice and Equality, the Courts Service allocation for training was adjusted to bring it in line with requirements for 2015

**Q6 (2014):** 2014: Variations:

The approved budgets allocated to computerisation and the investments in new court buildings remained areas where austerity measures continued to be applied. It should also be noted that since 1999 there had been significant capital investment in the courts.

In addition, it has been decided that the provision of new courthouse buildings and also major refurbishment and extension of certain existing courthouses will be progressed by way of Public Private Partnership Programmes and this also has implications for the annual capital budget.

There have been 7 Public Private Partnership Projects commenced, however the majority of this work has been done in 2015 rather than 2014.

Regarding the increase in the approved public budget allocated to justice expenses between 2013 and 2014 is due to the fact that in 2014, this category includes the significant amount for travel and subsistence expenses which was not included in the 2013 figure.

The increase of the approved budget allocated to the category 'other' can be explained by the fact that in 2014 it includes the allocation provided for the Public Private Partnership Unitary Payment which did not exist in 2013.

**Q6 (2013):** 2013 Variation: The budget for computerisation was still significantly decreased as a result of economic climate and in line with the Government commitment to on-going strong expenditure control to enable the exit of the bailout programme at the end of 2013.

**Q6 (2012):** 2012: Variation: The total approved budget of the court decreased as a result of the economic climate and in line with the Government commitment to on-going strong expenditure control, budget allocations across the public sector generally decreased compared with previous cycle. Measures needed to be put in place to ensure that Ireland was in a position to stabilise the economy, meet its international commitments and ensure a timely exit from the bailout programme which was achieved at the end of 2013. This is also visible in different categories of the budget except in justice expenses where the increase is due to the change in how the Courts Service is categorising the expenses. For example, in 2010 the costs for interpretation were included under "other" since 2012 they are included under justice expenses. As to the considerable increase in the budget allocated to justice expenses, it should be noted that in 2010, the only budget subhead included in this category related to medical reports. From 2012 onwards the following budget subheads were included under Justice expenses - jury minding, interpreting, medical reports, digital audio recording, judges' attire, law books and meals for jurors. It is believed that these subheads are more appropriate to be included under Justice expenses as they all relate directly to court business.

**Q7 (2016):** NAP

**Q9 (2018):** updated info

**Q12 (General Comment):** The annual approved public budget allocated to legal aid in other than criminal cases is the state funding received by the Legal Aid Board in one year. The annual public budget implemented regarding legal aid is the total expenditure of the Legal Aid Board. Please note that:

(1) The Legal Aid Board receives funding from sources other than state funding, in the form of contributions paid by legally aided persons and costs recovered from legally aided persons. This funding is paid into the same Legal Aid Fund as the state funding and therefore it is not possible to distinguish expenditure funded from this source as distinct as from state funding.

(2) The Legal Aid Board does not separately account for the money it spends on the provision of legal advice to the money it spends on the provision of legal representation. Nor does it separately account for the costs of the mediation service from that of the law centre service, and even if it did, that would not represent the full total of the Board's spending on non-litigious cases for the above reason.

**Q12 (2017):** The total figure for "other than criminal cases" is the figure that the Legal Aid Board received in money allocated by Parliament (grant). It does not represent the total income of the organisation as it will also have received contributions from legally aided persons and costs recovered. These figures are not yet available for 2017 as the Board has yet to publish its audited accounts (expected to be published November 2018).

**Q12-1 (2017):** The total figure for "other than criminal cases" category is the provisional figure for the Legal Aid Board's expenditure in 2017. This figure is not yet finalised as the Board is yet to publish its audited accounts for 2017 (expected to be published November 2018).

**Q12-1 (2015):** In the answer to Question 12 - the category 'other than criminal cases' is the amount as per the Grant in Aid which the Legal Aid Board received for the Government

In the answer to Question 12.1 - under the category 'Total annual public budget implemented regarding legal aid - other criminal cases' this amount includes the Grant in Aid, Client Contributions, Costs Recovered and Other Incomes

'The annual approved public budget allocated to legal aid in other than criminal cases is the state funding received by the Legal Aid Board in 2015. The annual public budget implemented regarding legal aid is the total expenditure of the Legal Aid Board. Please note that:

(1) the Legal Aid Board receives funding from sources other than state funding, in the form of contributions paid by legally aided persons and costs recovered from legally aided persons. This funding is paid into the same Legal Aid Fund as the state funding and therefore it is not possible to distinguish expenditure funded from this source as distinct as from state funding.

(2) The Legal Aid Board does not separately account for the money it spends on the provision of legal advice to the money it spends on the provision of legal representation. Nor does it separately account for the costs of the mediation service from that of the law centre service, and even if it did, that would not represent the full total of the Board's spending on non-litigious cases for the above reason.'

**Q13 (2018):** Parliament approved a budget of €43,502K for the public prosecution service for 2018. Expenditure by the prosecution service in 2018 amounted to €42,582K. The unspent 2% of approved funding was surrendered at the end of the year in accordance with national public expenditure rules.

The annual public budget for the training of the public prosecutor service is allocated by the prosecution service from within total funds allocated to it annually by Parliament. In 2018 total expenditure on training initiatives amounting to €314K.

**Q13 (2012):** The values reported are the gross figures as voted and it is comparable between years.

**Q14 (2018):** Inspection Body: Comptroller and Auditor General and the Public Accounts Committee

**Q14 (2016):** Inspection Body: Comptroller and Auditor General and the Public Accounts Committee

**Q14 (2012):** The item inspection body refers to the Comptroller and Auditor General and the Public Accounts Committee.

**Q15-2 (2015):** Ireland does not have a Judicial Council, however, the costs of the Judiciary are included under Q 15. Department of Justice and Equality

'Other' includes Administration costs, various Commissions, Equality, Disability, various Public Agencies.

**Q15-3 (2018):** Legislation to provide for a Judicial Council is under preparation.

**Q15-3 (2017):** Ireland does not have a Judicial Council. Legislation to provide for a Judicial Council is currently under preparation.

**Q15-3 (2016):** Ireland does not have a Judicial Council, however the costs of the Judiciary are included under Q15. Legislation to provide for a Judicial Council is under preparation.

## Italy

**Q6 (General Comment):** Due to the structure of the Italian judicial system, the Ministry of Justice has one single budget which does not distinguish between the budget allocated to courts, the budget allocated to public prosecution services and the one allocated to the administration. The figures provided in this chapter are the result of a re-classification of the budget statements which takes into consideration several criteria.

The administrative courts are not taken into consideration at question 6.

As far as point 6 in Italy there are two different public schools that deal with the training of both judges/prosecutors on one hand and civil servants on the other.

Both the School for the Judiciary (<http://www.scuolamagistratura.it/>) and the National School of Administration (<http://sna.gov.it/nc/en/>) have their own budget. The above figure (point 6) is just the budget of the Ministry of Justice in terms of training and it doesn't include the budget of these schools.

**Q6 (2018):** Figures at Q.6 include the budget of both Ordinary and Administrative Justice.

The substantial increment of the budget for "computerization" and "court building" is due to a couple of recent pieces of legislation. One is specifically addressed to Building for the justice system in the regions of southern Italy. Moreover the Budget Law has specifically allocated extra funds to both computerization and building. These funds are also allowed the so-called "horizontal flexibility", i.e. the possibility of moving unused funds (for any reason) in subsequent years. Therefore it is quite likely to expect a similar level of investments for the future.

As far as the training, please consider that starting from 2017 about 1500 court personnel has been employed (the recruitment is still undergo). All this new personnel need specific training, hence the increase in budget.

**Q6 (2017):** The implemented budget allocated to "computerization" increased compared to 2016 because part of the funds granted in 2016 were eventually used in 2017. Moreover, generally speaking, the judicial system in the last few years is investing in IT quite intensely. The approved budget allocated to court buildings slightly increased compared to 2017. Indeed, when it comes to "court buildings (maintenance, operating costs)" it is unlikely have a linear trend as maintenance costs are subject to high fluctuation. "Training" - the approved budget for training represents the maximum expenditure allocated to the judicial system. The increase in both approved and implemented budget is mainly due to the additional training for personnel coming from other public administrations (personnel mobility) which the judicial system has experienced during the period 2015-2016-2017. Nevertheless, figures at Q.52 do not reflect the above mentioned additional human resources because they barely filled the vacancies resulting from retirement.

**Q6 (2016):** As far as the annual public budget allocated to training (point 6) both approved budget and implemented budget are considerably higher compared to 2014 and 2015. In 2016 extra funds were destined to the training of around one thousand employees who joined the justice system from other administrations. It is noteworthy that there was an extra budget destined to "computerization" in 2016. When it comes to "court buildings (maintenance, operating costs)" it is unlikely have a linear trend as maintenance costs are subject to high fluctuation. In respect of the sub-category "other", there is no particular explanation for the observed increase in both approved and implemented budgets.

**Q6 (2015):** Due to the structure of the Italian judicial system, the ministry of justice has one single budget which does not distinguish between the budget allocated to the courts, the budget allocated to the public prosecution services and the one allocated to the administration itself. The figures provided in this chapter are the result of a re-classification of the budget statements which takes into consideration several criteria.

As far as point 6 in Italy there are two different public schools that deal with the training of both judges/prosecutors on one hand and civil servants on the other.

Both the School for the Judiciary (<http://www.scuolamagistratura.it/>) and the National School of Administration (<http://sna.gov.it/nc/en/>) have their own budget. The above figure (point 6) is just the budget of the Ministry of Justice in terms of training and it doesn't include the budget of these schools.

In 2015 extra funds were allocated to IT compared to 2014 in order to further modernize the IT systems.

In 2015 the Ministry of Justice has experienced a significant increment of costs related to the maintenance of buildings that were previously borne by the local administrations.

'Other' includes for instance compensation, reimbursement, document issuing, etc. Luncheon vouchers are included in "gross salaries".

**Q6 (2014):** For 2014, it has been specified that generally speaking the difference between “approved budget” and “implemented budget” is mainly due to the salary of personnel as the retirement age is not exactly foreseeable. For all the other areas (such as IT, training, etc.) there are other elements which may affect the gap but they are not easy to identify precisely. Currently the Government is investing in new IT solutions that require appropriate training. One hypothesis might be that such training process is running slightly behind its schedule because the modernization of the IT infrastructure is still undergone.

Besides, it has been specified that in Italy, there are two different public schools that deal with the training of both judges/prosecutors on one hand and civil servants on the other. Both the School for the Judiciary (which became fully operational in 2013) and the National School of Administration have their own budgets which are not included in the figure indicated for the category “training”. The latter encompasses only the budget of the Ministry of Justice in terms of training.

**Q6 (2013):** In the ambit of the 2013 exercise, the attention was drawn to the variations observed in respect of the category “other” for the periods 2010-2012 and 2012-2013. This fluctuation was justified by the accountability factor on the one hand, and by the fact that some costs are not spread uniformly across time, on the other hand. Moreover, considered at the long run (2 years), such variations would disappear.

With regard to the category “training”, as already explained on the occasion of the 2012 evaluation cycle, the successive decrease in the budget allocated to it between 2010, 2012 and 2013 results from the spending review carried out by the Italian Government, which affected education and training considerably more than other costs. Besides, it has been specified that in Italy, there are two different public schools that deal with the training of both judges/prosecutors on one hand and civil servants on the other. Both the School for the Judiciary (which became fully operational in 2013) and the National School of Administration have their own budgets which are not included in the figure indicated for the category “training”. The latter encompasses only the budget of the Ministry of Justice in terms of training.

**Q6 (2012):** In the frame of the 2012 exercise, it is explained that the economic crisis had a meaningful impact on the country and the public sector in particular. The spending review carried out by the Italian Government deeply affected budgets of all the Italian Ministers. The overall reduction of the approved annual public budget allocated to the functioning of the courts was approximately of 2%. However, strong measures had been adopted only in specific areas (i.e. maintenance of buildings, training and education), in other words, in areas where cuts were possible.

With regard to the category “training”, it has been explained that in Italy there is a specific school for civil servants. The National School of Administration has its own budget which is not included in the figure indicated for the category “training”. The latter encompasses only the budget of the Ministry of Justice in terms of training.

**Q12 (General Comment):** In Italy there is not a specific budget allocated to legal aid. Legal aid is part of the general budget allocated to justice expenses.

More generally, due to the structure of the Italian judicial system, the Ministry of Justice has one single budget which does not distinguish between the budget allocated to courts, the budget allocated to public prosecution services and the one allocated to the administration. The figures provided in this chapter are the result of a re-classification of the budget statements which takes into consideration several criteria.

In Italy, legal aid can be granted for all categories of civil cases: litigious, non-litigious and also ADR. Nevertheless, in respect of the latter, so far the Ministry of Justice has not experienced any payment yet.

**Q12 (2018):** Please note that when it comes to legal aid in civil and criminal cases, there is not a specifically approved budget destined for legal aid. For this reason legal aid expenses are paid to the parties regardless of the budget. For statistical reasons, the approved budget is considered as equivalent to the implemented budget. Please also note that the budget allocated to legal aid for administrative justice is 2.071.809 €

**Q12 (2017):** In Italy, legal aid claims which are legitimate (i.e. the claimant lives under a certain income threshold) are always honoured. In other words, legal aid covers all judicial expenses regardless available funds. In order to reflect this reality, the approved budget appears equal to the implemented one.

**Q12 (2016):** In Italy, legal aid claims which are legitimate (i.e. the claimant lives under a certain income threshold) are always honoured. In other words, legal aid covers all judicial expenses regardless available funds. In order to reflect this reality, the approved budget appears equal to the implemented one.

**Q12 (2013):** On the occasion of the 2013 exercise, it has been stressed that the impact of the “annual public budget allocated to legal aid for cases not brought to court” on the total is extremely low. Therefore -essentially- the figures indicated in the frame of 12.1 may be considered as the total budget allocated to legal aid, even though -strictly speaking- it is not so.

**Q12-1 (2018):** Other than criminal cases at Q.12.1 include both Civil and Administrative Justice.

In Italy, legal aid can be granted for all categories of civil cases: litigious, non-litigious and also ADR. Nevertheless, in respect of the latter, so far the Ministry of Justice hasn't experienced any payment yet.

The implemented public budget allocated to legal aid in 2018 is much higher than in 2016. Generally speaking, legal aid expenses grows at a very high pace. A possible reason for such increase in 2016-2018 might be due to the legal aid granted to migrants. Please also note that such expenses do not exactly reflect the same growth rate of the number of cases for which legal aid has been granted because of a temporal gap between the twos

**Q12-1 (2017):** As already noted before, legal aid expenditure is growing because more and more people are living under the income threshold under which legal aid is granted.

**Q12-1 (2016):** The increase experienced during the period 2014-2016 is very likely due to the higher number of cases for which legal aid was granted.

**Q13 (General Comment):** Due to the structure of the Italian judicial system, the Ministry of Justice has one single budget which does not distinguish between the budget allocated to courts, the budget allocated to public prosecution services and the one allocated to the administration. However an effort is made in order to provide the most reasonable figure for the budget of the prosecution services. The calculation is carried out taking into account several criteria (e.g. the number of staff allocated to the public prosecution services).

**Q13 (2014):** For the 2014 evaluation, it has been stressed that the difference between allocated budget and implemented budget is mainly due to the salary of personnel as the retirement age is not exactly foreseeable.

**Q14 (General Comment):** The category "Other Ministry" refers to the Ministry of Economy and Finance. The category "Other" refers to Court of Audit (Corte dei conti).

**Q14 (2018):** It is to be underlined that the Italian administrative justice is given full budgetary autonomy. The High Council for the Judiciary of the Administrative Justice (Consiglio di Presidenza della Giustizia Amministrativa - CPGA) is entitled to the preparation, adoption and approval of the total administrative court budget and it is the body that manages and allocates the budget among administrative courts.

**Q14 (2016):** The category "Other Ministry" refers to the Ministry of Economy and Finance. The category "Other" refers to Court of Audit (Corte dei conti).

**Q14 (2014):** In the frame of the 2014 exercise, it has been specified that the relevant department of the Ministry of Justice is the Budget and Accounts Department (Direzione Generale del Bilancio).

**Q15-1 (General Comment):** Due to the structure of the Italian judicial system, the Ministry of Justice has one single budget which does not distinguish between the budget allocated to courts, the budget allocated to public prosecution services and the one allocated to the administration. The figures provided in this chapter are the result of a re-classification of the budget statements which takes into consideration several criteria.

**Q15-1 (2014):** In the ambit of the 2014 exercise, it has been explained that the difference between allocated and implemented budgets is mainly due to the salary of personnel as the retirement age is not exactly foreseeable.

**Q15-2 (2018):** In Italy all the above three elements are included.

WARNING: there is a bug in the electronic scheme for this question.

**Q15-2 (2015):** Some kind of police services are included such as the surveillance of the Ministry of Justice and other specific courts.

**Q15-2 (2014):** In the ambit of the 2014 exercise, it has been specified that the category "police services" subsumes some kinds of police services related to the surveillance of the Ministry of Justice and other specific courts.

**Q15-3 (2017):** The budgetary elements "Enforcement services" is included in the whole justice system budget (Q.15-1). This is also true for the previous cycles.

## Latvia

**Q6 (General Comment):** For all of the last five evaluation cycles, the indicated budget for all courts includes budgets for district (city) courts, regional courts, the Administrative regional court, the Administrative district court and the Supreme Court. Expenses for new court buildings are not included within the public budget allocated to the functioning of courts. The latter is used to finance only expenses for rent of premises. The competence in respect of the budget intended to new buildings is granted to another institution which is also responsible for planning such expenses. The reply in this respect is NA because the budget in question exists in Latvia but is not a part of the public budget allocated to courts. The budget position "other" varies each year, depending on the courts requests and budget for capital expenditure distribution.

**Q6 (2018):** Computerization – Additional costs were created due to changes in the legislation, that resulted in upgrades within the Court Informative System and Unified State Land Register. Also new applications, licenses and systems were purchased. Justice expenses - There were changes in the legislation that resulted in reduction of postal costs, because court summons can now be sent by ordinary mail instead of registered.

Other - Due to the the court reform there was changes in administrative procedures, for example, the expenses for car rental increases, because additional cars were rented for the courts needs to ensure daily logistics procedure between court houses. Due to the price increase, the expenses for seminars and conferences have increased.



**Q6 (2017):** Expenses for new court buildings are not included within the public budget allocated to the functioning of courts. The latter is used to finance only the expenses for rent of premises. The competence in respect of the budget intended to new buildings is granted to another institution which is also responsible for planning such expenses. The reply in this respect is NA because such budget in Latvia exists, but it is not a part of the public budget allocated to the courts.

In the section other expenses are included - Equipment, furniture, communication expenses (postage, internet, etc.), stationery costs, administrative expenses, allowances for relatives due to death of the employee, rent and maintenance of vehicles, taxes. As regards the increased budget allocated to computerisation, in 2017 several acquisitions were made that were not in 2016, for example: - payment for Office 365 licenses in connection with the switch to cloud service; - improvements of BI Microstrategy Tool; - improvements of electronic mail infrastructure and so on.

As regards the budget allocated to justice expenses (expertise, interpretation, etc) without legal aid, postal services costs were significantly reduced (more than EUR 700 000) due to the fact that legal documents are supplied in the form of a single postal item rather than a registered postal item, as well as refusal of the postal service - receipt of notice (only in certain cases it is used after the court opinion), and also the practice of circulation of electronically signed documents is increasing. The cost of translation services have decreased (lower number of cases required, less exotic languages, what is more expensive service).

**Q6 (2016):** The difference of the amount for computerisation with previous cycle is due to expensive projects in previous period. For the category "Other" in 2015 there were unused funds for which reason this category was decreased in 2016. Expenses for new court buildings are not included within the public budget allocated to the functioning of courts. The latter is used to finance only the expenses for rent of premises. The competence in respect of the budget intended to new buildings is granted to another institution which is also responsible for planning such expenses. The reply in this respect is NA because such budget in Latvia exists, but it is not a part of the public budget allocated to the courts.

**Q6 (2015):** The indicated budget for all courts includes, budget for district (city) courts, regional courts, Administrative regional court, Administrative district court and for the Supreme court.

In the section 'other' are included following items: taxes, administrative expenditure, purchase of furniture, rent of vehicles, its maintenance.

Budget for computerisation decreased in 2015 compared with 2014 because the investment that was intensive in the previous period is now going back to normal.

Category other increased in 2015 due to acquisition of equipment and its maintenance. In the frames of the pilot project - "Security in the courts" one court received security equipment while for other courts archive systems were purchased.

**Q6 (2014):** The increase of the approved budget allocated to "computerization" between 2013 and 2014 is due to the fact that totally 750 new computers with the appropriate operating system were purchased. Basically, computers were obsolete and old computer slow activity hampered performance. Also in connection with implementation of e-services approximately 200 courtrooms were equipped with a computer for a judge. Besides, the increase of the approved budget allocated to "computerization" over the period 2012-2014 is due to the fact that in 2013 servers and copiers were purchased for courts and land registry departments, as well as computer equipment were purchased in 2014 for courts and land registry departments, as explained above.

The increase of the approved budget allocated to "court buildings" between 2013 and 2014 is due to the fact that in 2014 additional funding was scheduled to cover the rent of Rezekne Court, Riga City Kurzeme District Court, the District Court in Valmiera, Vidzeme Regional Court, the Court of Jelgava, Aizkraukle District Court, Latgale Regional Court. These court buildings are transferred to a State stock company "Courthouse Agency" and financing lease payment was required in addition to the State budget. Besides, in 2014, physical guarding was ensured and financed in 47 court objects in order to warrant the protection of the existing property and staff safety and inviolability.

The decrease of the budget allocated to the category "other" between 2013 and 2014 is due to the fact that in 2013 the budget was earmarked for one-time expenses for the purchase of furniture and equipment in connection with the Administrative District Court of Riga court house and the Riga Ziemeļu District Court movement to other premises, which were not planned in 2014, respectively.

**Q6 (2013):** The enumerated factors explain also the increase of the annual public budget allocated to “gross salaries” between 2010 and 2013.

As concerns the annual public budget allocated to “computerization”, the noticed variations are due to the fact that a new hardware was purchased, while the out-dated hardware was gradually replaced. Moreover, every year servers are purchased and refurbished and additional licenses are purchased for a different amount of money. Funding for these purposes is used in accordance with the financial capacity and budget savings in other expenditure items.

In 2013, the budget allocated to “training” increased by 33% compared to 2012 due to the fact that the training seminars organized by the Latvian Judicial Training Centre were attended more by court clerks. Additionally, in 2013 were reimbursed the expenses for judges’ internship in the European Court of Human Rights. The number of seminars organized by the Latvian Judicial Training Centre increased and judges attended courses of French language.

The variations between 2010, 2012 and 2013 noticed with regard to the budget allocated to the category “other” are explained by the fact that in 2010 were purchased more furniture and equipment, stock shelves for courts and Land Registry Offices, including for the new court building for the Jurmala City Court. On the other hand, expenses in 2013 increased because of the purchase of furniture and archival system in accordance with the priority measures - provision of new working premises for the Administrative District Court Riga Court House and the Riga City Northern District Court.

**Q6 (2012):** The total annual approved budget allocated to the functioning of all courts increased between 2010 and 2012 owing to different factors: 1) since 2011, the remuneration of judges is determined according to the unified remuneration system as a result of which it increased by an average of 43%; 2) the monthly salary of court employees increased by an average of 28.46 euros; 3) the funding related to the remuneration increased, providing that a judge must receive a premium up to 20% in connection with his/her functions within the judicial self-government institutions; 4) the minimum wage has been increased up to 284.57 euros; 5) court maintenance and operating costs increased in order to restore payments for premise rent and other payments for the period 2009-2010; 6) the postal costs increased due to the proceeds of the trial-related expenses; 7) Microsoft licenses were purchased.

Besides, this budget increased with 30% between 2010 and 2013 because in 2013, in addition to the above mentioned factors, there were: 1) an increase of the monthly salary of court employees more than 56.91 euros and a guarantee of a health insurance policy for court employees; 2) an increase of the expenditure on rents, utilities and removal expenses due to the move to new premises for the Administrative District Court Riga Court House and the Riga City Northern District Court.

In 2012, the total funding granted to Latvia from the European Union and other financial instruments for its court system development was of 5 360 613 euros. This sum concerns all international projects for 2012 and includes financing from the Latvian and Swiss cooperation programme, the EU specific programme „Criminal Justice”, the European Regional Development Fund, the Nordic Baltic mobility programme for „State Administration”. This figure is not subsumed in the total.

**Q7 (2016):** Payments for legal aid in 2015, 2016 and 2017 were significantly affected by the overall decrease of the number of criminal proceedings and, accordingly, the reduction of the number of criminal proceedings in which was provided the state ensured legal aid. The number of registered criminal proceedings in the country are continuously dropping. Based on this, the Legal Aid Administration made proposals and the Ministry of Justice drafted legal act’s projects that foresee redistribution of funds, including increasing the amount of remuneration for legal aid providers, giving fiscal impact for the coming years.

**Q7 (2014):** In the frame of the 2014 exercise, it has been specified that the Supreme Court in previous years was indicating communication services within the position “other”, but for the 1st and 2nd instance courts this position is indicated for all of the evaluations within the category “justice expenses”.

**Q9 (2018):** Chancery fee to the judicial authority, state fee in civil and administrative cases, fee for the submission of enforcement documents for enforcement, fines imposed by judicial authorities.

**Q12 (General Comment):** The Cabinet of Ministers Regulations No. 1493 “Regulations on the Extent of the State Ensured Legal Aid, the Amount of the Payment Due to the Legal Aid Providers, Reimbursable Expenses and Payment Procedure Thereof” of December 22, 2009 provides for the types and extent of legal aid, the amount of payment to be paid to legal aid providers and the reimbursable expenses arising from the provision of legal aid, as well as the amount and payment procedure thereof. In accordance with this Regulation, the following shall be covered from the funds allocated for the provision of legal aid: certain types of legal aid (for example provision of legal consultations, drafting an appellate complaint, representation at court sittings etc.) in criminal matters, civil matters, administrative matters and cross-border dispute matters, as well as in out-of-court dispute matters. Furthermore, reimbursable expenses (road (transportation) expenses and hotel expenses) shall also be paid from the aforementioned funds.

**Q12 (2016):** Through developing the state ensured legal aid system, the Cabinet of Ministers of the Republic of Latvia has revised amount of the payment due to the legal aid providers for the provision of legal aid, anticipating an annual increase starting with January 1, 2014, January 1, 2015 and July 1, 2016. Moreover additional funds were allocated from the state budget in 2014 to extend the provision of legal aid to the victims (Amendments to the Criminal Procedure Law on May 29, 2014).

**Q12 (2014):** Through developing the State ensured legal aid system, the Latvian Cabinet of Ministers has revised compensation for the provision of legal aid, anticipating an annual increase starting with January 1, 2014 and January 1, 2015. From 1 May, 2015 it has reached the maximum limit.

**Q12-1 (General Comment):** Through developing the state ensured legal aid system, the Cabinet of Ministers of the Republic of Latvia has revised amount of the payment due to the legal aid providers for the provision of legal aid, anticipating an annual increase starting with January 1, 2014, January 1, 2015 and July 1, 2016. Moreover additional funds were allocated from the state budget in 2014 to extend the provision of legal aid to the victims (Amendments to the Criminal Procedure Law on May 29, 2014).

**Q12-1 (2018):** The payments in 2016, 2017 and 2018 were significantly affected by the overall decrease of the number of criminal proceedings and, accordingly, the reduction of the number of criminal proceedings in which was provided the state ensured legal aid. Based on this, the Legal Aid Administration made proposals and the Ministry of Justice drafted legal act's projects that foresee redistribution of funds, including increasing the amount of remuneration for legal aid providers, giving fiscal impact for the coming years. On April 1, 2018 and January 1, 2019, the relevant regulations of the Cabinet of Ministers came into force, which provides increasing the amount of payment for certain types of legal aid and introducing new ones.

**Q12-1 (2017):** We can inform that the payments in 2015, 2016 and 2017 were significantly affected by the overall decrease of the number of criminal proceedings and, accordingly, the reduction of the number of criminal proceedings in which was provided the state ensured legal aid. The number of registered criminal proceedings in the country in 2015 were 47 283, in 2016 - 45 565, in 2016 - 44 250. Based on this, the Legal Aid Administration made proposals and the Ministry of Justice drafted legal act's projects that foresee redistribution of funds, including increasing the amount of remuneration for legal aid providers, giving fiscal impact for the coming years.

**Q12-1 (2016):** The Cabinet of Ministers Regulations No. 1493 "Regulations on the Extent of the state Ensured Legal Aid, the Amount of the Payment Due to the Legal Aid Providers, Reimbursable Expenses and Payment Procedure Thereof" of December 22, 2009 provides for the types and extent of legal aid, the amount of payment to be paid to the legal aid providers and the reimbursable expenses arising from the provision of legal aid, as well as the amount and payment procedure thereof. Through developing the state ensured legal aid system, the Latvian Cabinet of Ministers has revised amount of payment to be paid to the legal aid providers from 1 July, 2016.

**Q12-1 (2015):** The Cabinet of Ministers Regulations No. 1493 "Regulations on the Extent of the state Ensured Legal Aid, the Amount of the Payment Due to the Legal Aid Providers, Reimbursable Expenses and Payment Procedure Thereof" of December 22, 2009 provides for the types and extent of legal aid, the amount of payment to be paid to the legal aid providers and the reimbursable expenses arising from the provision of legal aid, as well as the amount and payment procedure thereof. Through developing the state ensured legal aid system, the Latvian Cabinet of Ministers has revised amount of payment to be paid to the legal aid providers from 1 May, 2015 and 1 July, 2016.

**Q13 (2018):** In 2018, the public budget was allocated to the Prosecutor's Office at EUR 26 921 451, of which EUR 26 860 729 was spent. Accordingly, a total of EUR 60 722 was not spent on the public budget, which was returned to the national budget due to the fact that the expenditure on translation services was less than the funding allocated for that purpose.

**Q13 (2017):** In 2017, the Public Prosecutor's Office has received state budget resources of EUR 24 121 346, of which EUR 24 053 679 was spent. Accordingly, from the total amount allocated from the State budget in 2017 EUR 67 667 was not spent, what was received as a subsidy for repair work. These repairs were planned to be carried out in the object registered as a cultural monument, and, when it was recognized that the funds allocated were not adequate for repairs, they were returned to the state budget.

**Q13 (2012):** In the ambit of the 2012 exercise, it has been explained that the budget allocated to the General Prosecutor Office was reduced significantly during the economic crises. Financial means were reduced in almost all budget positions, for example the salaries of prosecutors and staff. Nevertheless, starting from 2012, the consequences of the economic crisis have been diminishing and the budget increased up to almost 5 000 000 EUR.

**Q14 (General Comment):** The other ministry is the Ministry of Finance. The inspection body is the State Audit Office. The category "other" refers to the Court Administration. According to the Law on Judicial Power, the Judicial Council provides an opinion about the budget application in respect of courts and land registry offices. The Court Administration is responsible for the financial resources of district (city) courts, regional courts and Land registry Offices, as well as for preparing the budget request for courts and Land Registry Offices. The management of the finances of the Supreme Court is of the competence of the Supreme Court's Administration. The funding of the Supreme Court constitutes a separate item in the State budget. The Court accounts for the use of its budget to the Ministry of Finance, to the State Treasury and to the State Auditor.

**Q14 (2016):** Court fees are calculated according to the Civil Procedure Law Article 34 and Administrative Procedure Law Article 124. Other Ministry - Ministry of Finance Inspection body - State Audit Office Other - Court Administration  
According to the Law On Judicial Power Judicial Council gives an opinion about the budget application for courts and land registry offices. According to the Law On Judicial Power the Court Administration is responsible for financial resources of the district (city) courts, regional courts and Land registry Offices, as well as for preparing budget request for courts and Land Registry Offices. The management of finances of the Supreme Court is provided by the Supreme Court's Administration. Funding of the Supreme Court is provided by a separate item in the State budget. The Court accounts for its use of the funds to the Ministry of Finance, to the State Treasury and to the State Auditor.

**Q15-1 (2017):** Within the public budget allocated to the whole justice system is not included the budget of the Constitutional Court, because it is as a separate institution, established as constitutional organ and the budget doesn't include within the overall justice system budget. The same situation is with the Supreme Court, but as in Q6 also the budget of the Supreme Court is included, then in Q15-1 also the budget of the Supreme Court is added.

**Q15-1 (2016):** Budget of Prosecution and Constitutional court were not usually included in this question since these are separate institutions with individual budgets. Prosecution budget is provided in Q13 and Approved budget of Constitutional court is 1484895, but we were not able to acquire implemented budget. We will however include Prosecution office and Constitutional court budgets in this question in next cycles and have marked them in Q15-2 and Q15-3, while we did not change sums given above.

**Q15-2 (2018):** In the judicial systems budget is included courts, legal aid and Public prosecutor services.

**Q15-2 (2017):** The budget for public prosecutor services is indicated in the Q13 and it is not included in the sum of the whole justice system.

**Q15-2 (2015):** Judicial management body is meant Court Administration.

Enforcement services - in the Ministry of Justice budget are included compensation for bailiffs for the enforcement activities.

In the section 'other' are included budget for institutions what are under supervision of the Ministry of Justice. Data doesn't include budget for prosecutor system.

Data includes also budget means for financing projects from the EU structural funds and other financial instruments co-financed projects: Approved budget - EUR 6 945 797, implemented EUR 5 610 619.

**Q15-2 (2014):** For 2014, data includes also the budget means for financing projects from the EU structural funds and other financial instruments co-financed projects (approved budget: 2 127 919 euros/implemented budget: 1 763 536 euros).

## Lithuania

**Q6 (General Comment):** Starting from 2012, data on the budget of courts include the budget of all courts together with the part of the budget of the National Courts Administration intended for courts. All the issues regarding the increase in the budget for 2014 are related to the end of the crisis in Lithuania. Gradually the budget, which has been reduced in 2009-2010, is re-established. Besides, in 2012-2013 the National Courts Administration took from the Ministry of Justice the authority/functions in providing the courts with property, implementing investment projects for court buildings, training of judges. Accordingly, in the data of recent years we could take into account financing of courts in all these spheres. As the budget, related to the property, needed for courts, investments in court buildings was part of the budget of the Ministry of Justice in 2010-2011, the National Courts Administration did not have data of this budget. Besides, since 2013, data on budget of courts is more precise, following the establishment of a new accounting system in courts and the National Courts Administration.

**Q6 (2018):** Taxes related to the salaries (social insurance) paid by the employer are included in 1. Finances for 2 (computerisation), for 5 (investment in new buildings), also partly for 3 (expertise), 4 (building repair), 6 (training) are allocated to the budget of the National Courts Administration. "Other" includes other finances for expenses of the courts (telecommunications, post, transport, paper etc.).

Annual public budget for 2 (computerisation), 6 (training) and 7 (other - security measures), allocated to the budget of the National Courts Administration decreased in comparison with the previous period because of the decrease of the finances Norway funds that were included into the budget of the National Courts Administration (approved and implemented).

Discrepancy of annual implemented budget for 5 (investments in new (court) buildings) from approved budget is due to the fact that the budget was increased at the stage of the adjustment of the budget.

**Q6 (2017):** Taxes related to the salaries (social insurance) paid by the employer are included in 1.

Finances for 2 (computerisation), for 5 (investment in new buildings), also partly for 3 (expertise), 4 (building repair), 6 (training) are allocated to the budget of the National Courts Administration. "Other" includes other finances for expenses of the courts (telecommunications, post, transport, paper, security devices etc.). The National Courts Administration implemented programme dedicated to the courts, financed by Norway funds. That hugely influenced budgets for 2 (computerisation), 6 (training) and 7 (security devices) in 2014-2017 and in 2017 this programme ended.

The projects' activities were carried out and implemented in different timing, therefore the funds for 2, 6, 7 differ in 2016 and 2017. The most discrepancies between allocated and implemented budgets are in 2 and 5 (year 2017) - this was due to the circumstances that part of the allocated budget in construction was not implemented and returned to state budget (almost 1 mln euro) and more than 0.5 mln euro from Norwegian programme was also not implemented and returned (mostly in IT sector). Also the budget allocated to computerization was decreased in 2017 due to the finalized activities funded by Norwegian financial mechanism. The increase in 3 (expertise sector) was due to the legal reforms establishing incapacity in certain area for natural persons; one of the aspects was that the need for expertise was established for all the persons, that were recognized incapable by the court in previous years (ordered by court).

The increase in 4 (maintenance) stems from the additional funds allocated for renting court premises and repairs.

**Q6 (2016):** Taxes related to the salaries (social insurance) paid by employer are included in 1. Finances for 2 (computerisation), for 5 (investment in new buildings), also partly for 3 (expertise), 4 (building repair), 6 (training) are allocated to the budget of the National Courts Administration. "Other" includes other finances for expenses of the courts (telecommunications, post, transport, paper, etc.). The National Courts Administration is implementing programme dedicated to the courts, financed by Norway funds. That hugely influences budgets for 2 (computerisation), 6 (training) and 7 (security devices) in 2016. The approved and implemented budget may differ because of the public procurement procedures.

**Q6 (2015):** Taxes related to the salaries (social insurance) paid by employer are included in 1. Finances for 2 (computerisation), for 5 (investment in new buildings), also partly for 3 (expertise), 4 (building repair), 6 (training) are allocated to the budget of the National Courts Administration. "Other" includes other finances for expenses of the courts (telecommunications, post, transport, paper, etc.).

The National Courts Administration is implementing 2 internationally financed programmes dedicated to the courts, one – financed by Switzerland, another – by Norway funds. That hugely influences budgets for 2 (computerisation), 6 (training) and 7 (security devices) in 2015.

The main difference between allocation and implementation of the budget is because of long procurement procedures in the projects.

**Q6 (2014):** In the frame of the 2014 exercise, akin to the 2012 evaluation cycle, taxes related to the salaries (insurance) paid by the employer are included in the item "gross salaries". Likewise, finances related to the categories "computerization", also partly "justice expenses" (expertise), "court buildings" (building repair), "new court buildings" (building repair) and "training" have been allocated to the budget of the National Courts Administration. The category "other" includes other finances for expenses of the courts (telecommunications, post, transport, paper, etc.).

The implemented annual public budget allocated to the functioning of all courts differs from the approved annual public budget, mainly because of the budget allocated to "investments in new (court) buildings" and the long procurement procedures.

Several explanations have been provided in respect of the variations noticed with regard to some items:

An additional budget was provided to Lithuanian courts information system LITEKO investment programme which resulted in an increase of the budget allocated to "computerisation".

As for the sub-category "justice expenses", courts were provided with additional budget for court expenses and additionally 103 000 EUR were allocated to National Courts Administration to cover debts with regard to judicial expertise.

An additional budget was provided to investment programme of court buildings which resulted in an increase of the budget allocated to "new court buildings".

As for the budget allocated to "training", in 2014, in contrast with the previous cycles, it does not include the budget of the Judicial Training Centre.

It should be noted, that National Courts Administration (later referred as NCA) also implements international projects for the judiciary system.

The NCA also implements international projects for the judiciary system. In 2014 it worked on individual project "The Creation and Implementation of the System for Video Transmission, Recording and Storage in Courts" which was funded by the Lithuanian-Swiss Cooperation programme and the Republic of Lithuania (1 907 935,6 Euro). NCA also started the implementation of 3 projects under the Norwegian Financial Mechanism 2009-2014 Programme LT13 "Efficiency, Quality and Transparency in Lithuanian Courts"(8 210 465 Euro). These 3 projects are: "Modernization of the Courts Information System (System for Case-Handling and Audio Recording for Courts Hearings)", "Improved Support to Witnesses and Crime Victims During the Court Procedure Including Strengthening of Security in Court Buildings", "Strengthening the Competence of Representatives of Judicial System (Including Judges, Court Staff and Representatives of NCA (training))". The use of funds of the projects mentioned above is planned for 2015 and it will be reflected in the statistics of 2015.

In 2014 NCA also worked on two other projects:

"Electronic Services in the Implementation of Justice", funded by the European Regional Fund and the Republic of Lithuania (2 661 097,6 Euro),

"Implementation of Quality Management Models in Lithuanian National Courts Administration and Courts and Their Certification" (699 715,6 Euro).

Funds of these projects are not allocated in a specific year budget. They are not allocated to the NCA's budget nor to courts' budgets. Financing of these EU funded projects is gained in accordance with the costs incurred and obtained through the requests for payment submitted to the authorities responsible for the administration of the EU structural support.

**Q6 (2013):** The Trainings division (now Trainings and International relations division) has been established at the National Courts Administration in January 2013. It is responsible for trainings of judges, chairpersons. With the establishment of this division, international trainings are also available to judges (we are members of the EJTN, ERA).

**Q6 (2012):** In the ambit of the 2012 exercise, the attention has been drawn on the fact that taxes related to the salaries (insurance) paid by the employer were included in the item “gross salaries”. Finances related to the categories “computerization”, also partly “justice expenses” (expertise), “court buildings” (building repair) and “training” were allocated to the budget of the National Courts Administration. On the contrary, finances for the item “investments in new buildings” in 2012 were allocated to the Ministry of Justice. The category “other” included for 2012 other finances for expenses of the courts (telecommunications, post, transport, paper, etc.).

Owing to this distribution of the budget, it is possible to notice a considerable increase of the budget intended to “gross salaries” which in contrast with the 2010 exercise encompasses the insurance paid by the employer. Besides, the increase of the budget allocated to “justice expenses” is due to the fact that for the previous exercise, a big part of the sum was indicated as “other”. For 2012, a special accounting program made it possible to distinguish the expenses. Accordingly, the budget allocated to the category “other” has decreased in a meaningful way.

As to the annual public budget allocated to “computerization”, the decrease noticed in 2012 is explained by the fact that in 2010 there were more investments in this field which, afterwards due to the crisis decreased. From 2014, it is expected to grow.

Finally, the reason of the increase of the annual public budget allocated to training in 2012 is that the Training center of the National Courts Administration (later - Training center) was established in 2007 and was under the control of the Ministry of Justice until 2011 (therefore the budget of this training centre was included in the budget of the Ministry of Justice). From October 2011, the rights and duties of the Training center are assigned to the National Courts Administration.

**Q9 (2018):** Discrepancy with the numeric data of previous cycle may occur because the overall number of cases has decreased.

**Q9 (2016):** The increase of annual income of court taxes or fees received by the state might be because of the increased number of litigious cases and the sums of disputes.

**Q12 (General Comment):** In Lithuania, two types of legal aid are ensured. On the one hand, primary legal aid comprises the delivering of legal information, legal advice (consultations), drafting of documents to be submitted to State and municipal institutions, with the exception of procedural documents, advice on out-of-court settlement of a dispute, actions for amicable settlement of a dispute and drafting of a settlement agreement.

On the other hand, secondary legal aid comprises preparation of documents, defence and representation in courts, including the process of enforcement, representation in preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision (e.g. settlement of a dispute in the Labour disputes commission).

**Q12 (2017):** Different types of legal aid are available in Lithuania. Primary legal aid comprises the delivering of legal information, legal advice (consultations), drafting of documents to be submitted to State and municipal institutions, with the exception of procedural documents, advice on out-of-court settlement of a dispute, actions for amicable settlement of a dispute and drafting of a settlement agreement.

Secondary legal aid comprises preparation of documents, defence and representation in courts, including the process of enforcement, representation in preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision (e.g. settlement of a dispute in the Labour disputes commission).

Extrajudicial conciliatory mediation is a procedure of dispute resolution in which one or several mediators assist parties in reaching a conciliation agreement.

**Q12 (2014):** In the ambit of the 2014 evaluation, it has been explained that within the approved public budget for legal aid (5900767,4 EUR), 560753,59 EUR concern primary legal aid and 5340013,9 EUR concern secondary legal aid.

The implemented public budget in 2014 is 5 43013,22 EUR for primary legal aid and 5340013,9 EUR for secondary legal aid.

It should be noticed that 17740,39 EUR of funds allocated to primary legal aid remained unused and were returned to the State budget.

The approved and the implemented public budget for secondary legal aid comprise remuneration for lawyers and, in contrast with 2012 and akin to 2013, other secondary legal aid costs. In 2014, 1985027 EUR were paid to lawyers providing legal aid in criminal cases and 1583728,53 EUR were paid to lawyers providing legal aid in civil and administrative cases.

**Q12 (2013):** In the frame of the 2013 exercise, it has been indicated that the annual approved public budget for primary legal aid was 519 868 EUR and this for secondary legal aid was 4 041 358 EUR. Besides, the approved public budget for secondary legal aid comprises remuneration for lawyers and, in contrast with 2012, other secondary legal aid costs.

**Q12 (2012):** In the ambit of the 2012 evaluation cycle, it has been indicated that the total encompasses the budget of both primary (513 681,15 €) and secondary legal aid (4 030 144,9 €). The budget of secondary legal aid includes the remuneration for lawyers and excludes other State-guaranteed legal aid expenses (e.g. costs related to collection of evidence, interpretation etc.). Moreover, according to the types of cases, information about the amounts paid for lawyers who provide secondary legal aid has been provided: in civil and administrative cases – 1 350 333,83 €, in criminal cases – 1 955 879,07 €.

**Q12-1 (2018):** Approved public budget for legal aid was € 6224861 (€ 520865 for primary legal aid (the provision of legal information, legal advice and drafting of the documents to be submitted to state and municipal institutions, with the exception of procedural documents) and € 5703996 for secondary legal aid (drafting of documents, defence and representation). Implemented public budget in 2018 was € 6220085 as €4776 of funds allocated to primary legal aid were unused and given back to the state budget.

**Q12-1 (2017):** If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences:

Approved public budget for legal aid in 2017 was € 6203031 (€ 564567 for primary legal aid and € 5638464 for secondary legal aid). Implemented public budget in 2017 was € 5994497. € 208534 were unused and returned to the state budget. The budget is not divided into categories "brought to court" or "not brought to court".

**Q12-1 (2016):** Approved public budget for legal aid was € 5500227 (€ 563000 for primary legal aid and € 4937227 for secondary legal aid). Implemented public budget in 2016 was € 5494755 as €5472 of funds allocated to primary legal aid were unused and given back to the state budget.

**Q12-1 (2015):** Approved public budget for legal aid was 5 925 285 € (562 356 € for primary legal aid and 5 362 929 € for secondary legal aid). Implemented public budget in 2015 was 5 917 807,4 € (554 878,4 € for primary legal aid and 5 362 929 € for secondary legal aid). 7 477,6 € of funds allocated to primary legal aid were unused and returned to the state budget.

**Q13 (2016):** In 2016, Prosecutor's Office was allocated the amount of 5 965 820.82 EUR from the State Budget for settling the payment with the State Enterprise „Turto bankas“ („Property bank“) for the renovation of the office building at Rinktinės street 5A in Vilnius, and this amount of money has been transferred to the State Enterprise „Turto bankas“.

**Q13 (2014):** For the 2014 evaluation, it is specified that the approved public budget allocated to the prosecution services has been approved according to the Law on the approval of State and municipal budget financial rates for 2014 (Law of 12th December, 2013 n° XII-659). The implemented budget differs, as the prosecution services have been granted funds from the reserve fund of the Government and funds from incomes.

**Q14 (General Comment):** The other ministry is the Ministry of Finance. The inspection body is the National Audit Office and the Division of Internal Audit of the National Courts Administration.

**Q14 (2018):** Other Ministry is the Ministry of Finance; Inspection body is the National Audit Office of Lithuania (Supreme Audit Institution); Other body is National Courts Administration (NCA), the NCA prepares drafts of documents and all calculations for the Judicial Council.

**Q14 (2016):** Other Ministry is the Ministry of Finance; Inspection body is the State Control; Other is the National Court Administration, because the NCA prepares drafts of documents and all calculations for the Judicial Council

**Q15-1 (2018):** The data above and here below is presented according to the Law on the approval of State and municipal budget financial rates for 2018 (Law of 12th December, 2017 No. XIII-868):

- the adjusted total was 211 424 800;

- courts (excluding the budget of the National Courts Administration for computerization, investment in new buildings, expertise, building repair, trainings, which is included in the budget item of the National Courts Administration) - budget approved 74 095 000, budget adjusted 74 110 000, budget implemented 74 085 200;

- public prosecution services - budget approved 31 520 000, budget adjusted 31 620 200, budget implemented 31 607 100;

- Ministry of Justice (including prison system) – budget approved 93 951 000, budget adjusted 94 972 100, budget implemented 92 601 000. The budget for secondary legal aid is included in the budget of the Ministry of Justice. The budget for the whole justice system as presented does not include budget for primary legal aid. The Ministry of Justice implemented less budget because of the economy due to reorganisation, the staff's change and illness, because of the economy of the budget for the acquisition of long-term assets, because the budget for investment was not implemented at the whole scale in the subordinate institution, also because of decreased workload of the advocates providing secondary legal aid;

- prison system - budget approved 69 524 000 (budget adjusted - 68 788 400, budget implemented 66 973 700. The discrepancies arise because of the public procurement procedures.

- the Constitutional Court – budget approved 2 132 000, budget adjusted - 2 132 000, budget implemented 1 943 600. The Constitutional Court implemented less budget than approved because of the staff's illness and parental leave;

- the National Courts Administration – budget approved 8 551 000, budget adjusted - 8 590 500, budget implemented 8 473 800. The

difference arises due to termination of the contract for development and installation of centralised payroll system and the decrease of the factual number of state pension beneficiaries (judges).

**Q15-1 (2017):** The budget of 214 814 000 EUR was approved by law No. XIII-177 in 2016-12-22. The total of the revised 2017-12-31 appropriation is 215 665 700 EUR.

**Q15-1 (2016):** The data is presented according to the Law on the approval of State and municipal budget financial rates for 2016 (Law of 10th December, 2015 No. XII-2161):

- Courts (excluding the budget of National Courts Administration for computerization, investment in new buildings, expertise, building repair, trainings, which is included in the budget item of National Courts Administration) - budget approved 63 983 000 (budget specified - 64 215 400, implemented 64 181 700).

- Public prosecution services - budget approved 34 944 000 (budget specified - 34 962 800, implemented 34 948 500).

- Ministry of Justice – budget approved 30 510 000 (budget specified - 30 722 700, implemented 27 530 700). The budget for secondary legal aid is included in the budget of the Ministry of Justice. The budget for whole justice system as presented does not include budget for primary legal aid.

The Ministry of Justice implemented less budget because of the economy of the salaries in the subordinate institutions (change of the staff, free vacancies, illness), economy of the budget for the goods and services, for the acquisition of long-term assets, for the repair of premises, decreased workload of the advocates providing secondary legal aid.

- Prison system - budget approved 69 302 000 (budget specified - 69 526 600, implemented 66 477 500). The discrepancies arise because of the public procurement procedures.

- The Constitutional Court – budget approved 2 019 000 (budget specified - 2 022 600, implemented 2 018 300). The Constitutional Court implemented less budget than approved because the budget for investment was not implemented at the whole scale.

- The National Courts Administration – budget approved 13 832 000 (budget specified - 34 962 800, implemented 10 521 900). The difference arises because not all the LITEKO services were acquired, the public procurement procedures prolonged, not all the budget for investments was implemented.

**Q15-2 (2017):** The category "legal aid" encompasses only secondary legal aid that falls within the budget of the Ministry of Justice.

**Q15-2 (2016):** The category "legal aid" encompasses only secondary legal aid that falls within the budget of the Ministry of Justice.

**Q15-2 (2015):** Other – National Courts Administration. Ministry of Finance according to the Law on the approval of State and municipal budget financial rates for 2015 (Law of 11th December, 2014 No. XII-1408).

The data is presented according to the Law on the approval of State and municipal budget financial rates for 2015 (Law of 11th December, 2014 No. XII-1408):

- Courts (excluding the budget of National Courts Administration for computerisation, investment in new buildings, expertise, building repair, trainings, which is included in the budget item of National Courts Administration) - budget approved 61 675 389 (budget implemented 61 793 221)

-Public prosecution services - budget approved 28 810 734 budget (implemented 28 835 957)

-Prison system - budget approved 64 271 866 (implemented 64 685 999)

-Constitutional court – budget approved 1 845 285 (budget implemented 1 817 674)

-Ministry of Justice – budget approved 31 916 616 (budget implemented 32 426 279)

-National Courts Administration – budget approved 13 489 687 (budget implemented 9 330 743)

The budget for secondary legal aid is included in the budget of the Ministry of Justice. The budget for whole justice system as presented does not include budget for primary legal aid.

It should be noted, that the implemented budget of the Constitutional Court is less than approved due to non-implementation of assets for investments. Due to protracted public procurement procedures, the National Courts Administration didn't assimilate part of assets of Norway grants. The Ministry of Justice also didn't assimilate the assets of Norway grants and the fees, received from the Central Mortgage Office.

**Q15-2 (2014):** In the frame of the 2014 evaluation it is specified that data are presented according to the Law on the approval of State and municipal budget financial rates for 2014 (Law of 12th December, 2013 No. XII-659). The following detailed information could be provided:

Courts (excluding the budget of National Courts Administration for computerisation, investment in new buildings, expertise, building repair, trainings, which is included in the budget item of National Courts Administration) - budget approved 58 389 133/budget implemented 59 883 804;

Public prosecution services - budget approved 28 563 485/ budget implemented 28 622 712;

Prison system - budget approved 58 697 579/budget implemented 58 436 457;

Constitutional court – budget approved 1 794 485/budget implemented 1 801 060;

Ministry of Justice – budget approved 30 150 070/budget implemented 30 210 177;

National Courts Administration – budget approved 9 531 974/budget implemented 5 496 061.

The budget for secondary legal aid is included in the budget of the Ministry of Justice. The budget for whole justice system also includes budget for primary legal aid (approved budget 560753,59/implemented budget - 5 43013,22).

**Q15-3 (General Comment):** For the last three exercises, the category "other" encompasses the National Courts Administration.

**Q15-3 (2018):** National Courts Administration

**Q15-3 (2017):** National Courts Administration



## Q15-3 (2016): National Courts Administration

### Luxembourg

**Q6 (General Comment):** There is no isolated budget for the public prosecution services.

**Q6 (2017):** There is no isolated budget for the public prosecution services.

**Q6 (2015):** Investments in new buildings (category #5) are included in the budget of the Ministry of Sustainable Development and Infrastructure.

Expenditure on initial training of judges is included in the expenditure of the Ministry of Justice per se and not in the total expenditure of the judicial services.

The category "other" includes expenditure related to legal aid, postal and telecommunications costs, traveling expenses, operating costs, purchases of equipment...

Possible significant variations in certain budget items are explained by the introduction of new accounting within the State in 2014/15.

The judicial system of Luxembourg cannot distinguish between the budget allocated to courts and the budget allocated to public prosecution services.

**Q6 (2014):** The decrease in the budget allocated to "other expenses" is due to a different methodology of categorisation used in 2014. More expenses could be distributed among the specific sub-categories.

**Q6 (2012):** 2012: The figures regarding computerisation, justice expenses, court buildings, and new court buildings have to be nuanced because these expenditure items are mainly paid by departments other than the Ministry of Justice or by other budget items. Thus, the establishment of a new court will not appear at all in the budget of the Ministry of Justice. In addition, the program for establishing a new statistical collection system was funded by another budget item than the one worded "computerisation".

**Q7 (2016):** The bill containing the implemented budget of 2016 has not been approved yet.

**Q7 (2013):** 2013: The budget allocated to the training does not appear in the budget for the functioning of the courts but in the budget of the Ministry of Justice.

The category 'other' includes legal aid which can be distinguished from the court budget (which is not the case of the prosecution budget).

**Q9 (2016):** In Luxembourg, it is not necessary to pay a court tax or fee to open a case in court.

**Q12 (2018):** The number of people seeking legal aid has increased over the years and the budget has had to be adapted.

**Q12 (2017):** The implementation of the so called ABC directives on procedural rights made an increase of the legal aid budget necessary.

The budget allocated to legal aid covers legal aid for all matters (criminal or not) and types of cases (litigious or not). However, the budget does not distinguish a precise amount of legal aid available depending on the law field or the type of case.

**Q12 (2016):** There is no isolated budget for non-litigious cases or criminal cases.

**Q12 (2012):** It is not possible to differentiate the amount of legal aid allocated to criminal and non-criminal cases, whether they are contentious or not.

**Q12-1 (2018):** The budget allocated for legal aid covers legal aid for all matters (criminal or otherwise) and types of cases (contentious or not). On the other hand, the budget does not distinguish the precise amount of available legal aid by subject or type of case.

**Q12-1 (2017):** The budget allocated to legal aid covers legal aid for all matters (criminal or not) and types of cases (litigious or not). However, the budget does not distinguish a precise amount of legal aid available depending on the law field or the type of case.

**Q12-1 (2016):** The bill containing the implemented budget of 2016 has not been approved yet.

**Q13 (General Comment):** Le budget du ministère public ne peut être distingué de celui des tribunaux.

**Q13 (2018):** There is no isolated budget for the public prosecution services.

**Q13 (2017):** There is no isolated budget for the public prosecution services.

**Q13 (2016):** There is no isolated budget for the public prosecution services.

**Q15-1 (2018):** /

**Q15-1 (2016):** The bill containing the implemented budget 2016 has not been approved yet.

**Q15-2 (2018):** /

**Q15-3 (2018):** /

### Malta

**Q6 (General Comment):** The budget of public prosecution services and the budget of legal aid are not incorporated in question 6 and have always been provided separately.

**Q6 (2018):** Q6.1: The increase in the Implemented Budget is due to the recruitment of Court Attorneys and judicial assistants throughout 2018.

Q6.2: The budget for computerisation is an amalgamation of the budget allocated by the courts and that allocated by the Office of the CIO. It is not possible to quantify the Approved budget for computerisation requirements for the court dedicated by the Office of the CIO, so this field has been marked as NA. However one should say that in 2018, the approved budget for computerisation by the Courts was of Euros33,600. On the other hand, it is possible to exactly quantify the Implemented Budget for computerisation by both the Courts and the Office of the CIO, and that is why the Implemented Budget is noted down.

The disproportionate increase in the implemented budget quoted at Point 3 (Justice expenses) relates specifically to costs incurred by Magisterial Inquiries. Throughout 2018, there was 1 high profile Inquiry that incurred considerable expenditure, but in general, it is difficult to forecast the budget needed for this line item given that no one can predict the number or type of Magisterial Inquiries that will be opened in the forthcoming year. Much of the increase in this budget had to do with the payment of experts relative to a number of high profile cases requiring the intervention of foreign experts.

The items incorporated in the budget at Point 7 (Others) include payments to court jurors, their accommodation and hire expenses related to their transportation, the cost of transcribers for both civil and criminal courts, overtime for judicial teams, remuneration to mediators in family court proceedings, expenses related to child advocates, payments to architects and costs related to the Small Claims Tribunal.

Point 4.4: This is budget that is still being used to pay off previous investments in buildings. The increase in this budget since 2017 relates to pending payments relative to the new halls that have been set-up within the courts as well as other related expenditure.

The variation between the approved budget and the implemented budget at Point 2 (Computerisation) is due to the fact that the implemented budget contains the expenditure of the Office of the Chief information Officer on costs related to computerisation in the courts. It is not possible to quantify the approved budget for this item, so only the implemented budget is provided.

The budget of public prosecution services and the budget of legal aid are not incorporated in question 6 and have always been provided separately.

Last but not least, the budget allocated to training (Q6.6) refers specifically to the budget allocated to the training of the non-judge staff working at the Department of Courts of Justice. The budget is very small and the implemented budget fell short of the approved budget because training activities throughout the year were sparse and did not make full use of the funds available. Furthermore, certain training provided to the non-judge staff does not require any further financial input from the Department of Courts of Justice.

**Q6 (2017):** The discrepancy between the approved budget and the implemented budget under sub-section 2 (Computerisation budget) is due to the fact that this year we included the funds employed by the Information Management Unit (IMU) on court-related ICT expenses in the implemented budget.

Previously, this budget which in 2017 accounted for Euros 186, 520 (expenditure of the IMU related to ICT in the courts), was never included in the neither in the approved budget nor in the implemented budget because it does not fall within the line item of the Department of Courts of Justice budget. However this is a more true rendition of the actual budget used by the Courts of Justice for 'computerisation'. As in previous years, the expenditure under Sub-section 7 (Others) refers to Payment to Criminal Court Jurors and expenses related to their accommodation and transport, payments to transcribers of the civil and criminal courts, payment of overtime to judicial teams, remuneration to mediators in the Family Court, payment to Child Advocates, payments to architects under the reletting of urban property and agricultural leases, and payments related to the Small Claims Tribunal. The variations regarding the "annual public budget allocated to justice expenses" might be related to a possible increase in the number of court experts and translators. The discrepancy between approved and implemented budget is related to an increase in expenditure related to magisterial inquiries. In particular, throughout 2017 and 2018, there was a magisterial inquiry that involved a lot of foreign experts, and hence the spike in court expenditure.

**Q6 (2016):** The expenditure under Sub-section 7 refers to Payment to Criminal Court Jurors and expenses related to their accommodation and transport, payments to transcribers of the civil and criminal courts, payment of overtime to judicial teams, remuneration to mediators in the Family Court, payment to Child Advocates, payments to architects under the reletting of urban property and agricultural leases, and payments related to the Small Claims Tribunal. Regarding "4. Annual public budget allocated to court buildings (maintenance, operating costs)": Prior to the 2014 budget, a financial request was lodged in respect of a major project that involved the renovation of the Sir Thomas Moore building. Hence, the 2014 budget had a dedicated line item for new court buildings. The 2015 and 2016 budgets showed only an implemented budget because no pre-programmed expense was being forecasted at the time of the budget planning. Hence the implemented budget relates to new court building requirements that emerged during the year in question (hence implemented not forecasted) and that required an injection of additional funds specifically for that purpose.

The variations regarding the "annual public budget allocated to justice expenses" might be related to a possible increase in the number of court experts and translators.

**Q6 (2015):** The expenditure under Sub-section 7 refers to Payment to Criminal Court Jurors and expenses related to their accommodation and transport, Payments to transcribers of the civil and criminal courts, payment of overtime to judicial teams, remuneration to mediators in the Family Court, payment to Child Advocates, payments to architects under the reletting of urban property and agricultural leases, and payments related to the Small Claims Tribunal.

The budget of the Public Prosecution Services and that of Legal Aid are not incorporated in the above allocations.

Before 2015, the approved budget allocated to the category "new court buildings" was linked to a specific project which ended in 2014.

As for the budget allocated to "computerization", the figure indicated for 2014 and 2015 do not include the allocation of capital IT which the information management unit at the responsible Ministry pays to MITA (the government agency responsible for ICT) on behalf of the courts.

**Q6 (2014):** Two observations have been made in respect of the 2014 data.

As for the budget allocated to "computerization", the figure indicated for 2014 does not include the allocation of capital IT which the information management unit at the responsible Ministry pays to MITA (the government agency responsible for ICT) on behalf of the Courts of Justice.

The budget allocated to "new court buildings" decreased since the bulk of architectural and restoration works including mechanical and electrical installations for the new judiciary building called Sir Thomas More were carried out in 2013. This building was inaugurated and first used in 2014.

**Q7 (2018):** Q6 The budget of the Court Administration is separate from that of the Public Prosecution and Legal Aid.

**Q7 (2016):** The budget of the court administration is separate from that of the Public Prosecution Services and from that of Legal Aid.

**Q7 (2014):** In 2014, the sub-section "other" refers to expenditure related to payments under Programmes and Initiatives category including payments of criminal courts juries, accommodation and transport of jurors, remuneration of mediators at the Family Court and remuneration of children advocates; payment of architects with regard to urban property and agricultural leases and expenditure related to the Small Claims Tribunal.

**Q12 (2018):** The communicated data represents the full amount allocated to the Legal Aid Agency for its operation. However it is not possible to distinguish between the budget allocated to criminal cases, and that allocated to other than criminal cases. There has been an increase in the approved budget since 2015 when the Legal Aid Agency became an independently functioning Agency. Since 2017, not only has there been a recruitment drive in the Agency that now employs more lawyers and an administrative structure, but the conditions and financial package of the lawyers was also improved. Hence the increase in the budget year after year. The Legal Aid Agency is set to expand and therefore further increases in the Agency's budget are expected.

**Q12 (2017):** The Legal Aid budget does not differentiate between the services offered for criminal cases or the services offered for non-criminal cases. However Legal Aid in Malta is offered mainly for litigation purposes, and not for consultation, and hence the NAP response to question 12.2. In 2017, the government invested more in the Legal Aid Agency. The increase in the legal aid budget is due to the fact that all the lawyers working at the Legal Aid Agency were given an honoraria.

**Q12 (2016):** The Legal Aid budget does not differentiate between the services offered for criminal cases or the services offered for non-criminal cases. However Legal Aid in Malta is offered mainly for litigation purposes, and not for consultation, and hence the NAP response to question 12.2. 2016 was the first year in which the legal Aid Agency had a budget of its' own. The actual financial requirements needed to run the Agency.

**Q12 (2012):** In contrast with the 2010 exercise for which the provided figures were more generic, data communicated for 2012 are more accurate.

**Q12-1 (2018):** The implemented budget did not reach the projections of the approved budget. This was mainly due to the fact that allowance was made for the possible recruitment of more lawyers and their cost in wages, but these lawyers were either employed late in the year, or less lawyers were actually recruited than projected.

**Q12-1 (2017):** The increase in the Implemented Budget over the Approved Budget is the result of an increase in the honoraria of Legal Aid lawyers that was given in 2017 to all the lawyers working at the Legal Aid Agency.

**Q12-1 (2016):** The difference between the approved budget and the implemented budget for the Legal Aid Agency results from additional funds requested in 2016 in order to cover the increase in the honoraria of the lawyers and legal procurators offering their services to the Agency (also see answer to Q208)

It is possible that there will be an additional increase in the budget in the forthcoming evaluations.

It is not possible to differentiate between the budget allocated to criminal and 'other than criminal cases' and that is why it is marked as NAP (There are no means to distinguish between the two).

**Q12-1 (2015):** Up to 2015, the funds allocated to Legal Aid were not itemised separately from the budget of the Office of the Attorney General. Therefore whilst there was no approved a priori Legal Aid budget, any related costs were borne out of the budget of the Office of the Attorney General. The cost of Legal Aid throughout 2015 is the amount outlined in Question 12.1, and it does not discriminate on whether the funds were used for other-than-criminal or criminal cases.

**Q13 (General Comment):** The public prosecution services are carried out by the Attorney General's office. The Attorney General not only acts as a public prosecutor but also as the principal legal advisor of all the Government Departments. As a result, the amount budgeted cannot be considered as being funds allocated solely for public prosecution services, but also for other purposes relating to legal work and advise for the Government, both locally and internationally.

**Q13 (2018):** It is not possible to differentiate the budget used for training purposes from the overall budget of the Agency. Training costs are not itemised in a line item on their own, and are incurred on a need basis depending on the opportunities available.

**Q13 (2017):** The public prosecution services are carried out by the Attorney General's office. The Attorney General not only acts as a public prosecutor but also as the principal legal advisor of all the Government Departments. As a result, the amount budgeted cannot be considered as being funds allocated solely for public prosecution services, but also for other purposes relating to legal work and advise for the Government, both locally and internationally.

**Q13 (2015):** The difference between the implemented budget and the approved budget results from some additional funds requested to meet recurrent costs, and other funds credited to the account of the Office of the Attorney General derived from reimbursements.

**Q13 (2012):** In 2012, funds allocated to the Attorney General's Office were reduced due to reorganization purposes.

**Q14 (General Comment):** The preparation of the total court budget results from a collaborative process between the Ministry of Justice and the Ministry of Finance. The office of the Auditor General inspects all expenses incurred by the various Government Departments, from time to time, including that of the Justice Department.

**Q14 (2018):** The preparation of the total court budget results from a collaborative process between the Ministry of Justice and the Ministry of Finance. The office of the Auditor General inspects all expenses incurred by the various Government Departments, from time to time, including that of the Department of Court Services. As from August 2019, the Department of Court Services became an Agency, namely, the Court Services Agency. Whilst the Agency will be more autonomous in the way it manages its budget, it will still need to involve both the Ministry of Justice and the Ministry of Finance in the preparation and adoption of the budget. As an Agency however, the management, allocation and evaluation of the Agency's budget will no longer fall within the remit of the Ministry of Finance. The Courts Services Agency will also have to employ the services of a private auditing company that will inspect and review the finances of the Agency, and submit a yearly financial report to Parliament.

**Q14 (2016):** 'Other Ministry' is taken to construe the Ministry for Finance

**Q15-1 (2017):** The implemented budget cannot be correctly estimated given that some entities did not provide the necessary information.

**Q15-1 (2014):** In 2014, the budget allocations listed within the table relate to recurrent expenditure and do not include capital expenditure.

**Q15-2 (2015):** The implemented budget could not be compiled because not all the items listed in the Approved budget could be traced for their Implemented budget. Thus the total provided would not compare to the total of the Approved budget.

The total Approved budget is less than the previous year mainly because of historical factors that lie beyond the control of the data collector. Before 2014, the Ministry for Justice was integrated in the Ministry for Home Affairs, and its budget was incorporated within this larger Ministry (previously known as Ministry for Justice and Home Affairs). In 2014, the Ministry for Justice became an independent Ministry (incorporating also Culture and Local Government), and for the first time, was allocated its own budget in 2015. Thus, the budget quoted in this evaluation is a more true reflection of the actual budget of the Ministry for Justice despite the fact that it still incorporates elements that fall outside the remit of justice.

In 2015, the category "notariat" has been included as line item "Notary to Government" within the budget of the Ministry of Justice, Culture and Local Government.

The budget of forensic services outside the budget allocation of the police force (enforcement services) is not available.

The components of the item referring to "police services" are incorporated in the budget of either the "enforcement services" or the "prison system".

**Q15-2 (2014):** In 2014, the category "other" includes: Justice Reform Commission (€55,000); Malta Mediation Centre (€25,000); Malta Arbitration Centre (€67,000); Refugees and asylum seekers services which encompasses: Detention Services (€2,800,000), European Asylum Support Office (€250,000) and Commissioner for Refugee Office (€600,000).

Enforcement services specifically reflect the recurrent budget of the Malta Police Force.

It is important to note that most of the budgets listed above fall under the remit of different ministries. Thus for example, the recurrent budgets pertaining to the Ministry of Home Affairs are: Malta Police Force under Enforcement Services (€53, 108, 000); Prison System (€8,874,000); Probation Services (Euros 763, 000); Detention Services for refugees (€2, 800, 000).

**Q15-2 (2013):** In 2013, akin to 2012, the approved budgets were spread between different ministries and a breakdown of the amount indicated in accordance with the various information collected was provided for clarity: Attorney General's Office (€1,757,000); Courts (€12,305,000); Probation and Parole Services (€778,000); Prison system (€9,059,000); Commissioner for Refugees Office (€600,000); Commission for the Administration of Justice (€30,000); Police (€51,743,000); Budget for Parliamentary Secretary of Justice (€492,000); Legal Aid (€495,000).

**Q15-2 (2012):** As in 2012 the approved budgets were spread between different ministries, a breakdown of the amount indicated in accordance with the various information collected was provided for clarity: Attorney General's Office (€1,828,559); Courts (€11 527 427); Probation and Parole Services (€655,079); Prison system (€8,974,218); Commissioner for Refugees Office (€125,841); Commission for the Administration of Justice (€29,928).

**Q15-3 (2018):** The category 'Other' includes:

- the Malta Arbitration Centre (MAC)
- the Malta Mediation Centre
- the Commission against Corruption
- the Law Commissioner
- the Justice Reform Commission
- the Asset Recovery Bureau (new for this evaluation)
- the Department of Justice (new for this evaluation)

**Q15-3 (2017):** Others include:

- The Malta Arbitration Centre
- The Malta Mediation Centre
- The Permanent Commission against Corruption
- The Law Commissioner

**Q15-3 (2016):** - the Malta Arbitration Centre (MAC)

- the Malta Mediation Centre
- the Commission against Corruption
- the Law Commissioner
- the Justice Reform Commission

## Netherlands

**Q6 (General Comment):** In the Netherlands, the budget is never formally approved. Basically, the budget for the upcoming year is proposed and published in September, and discussed in Parliament in October/November. It is then adjusted in spring and autumn of the running year. In May of the following year the annual report is published and formally approved by Parliament. So only the actual expenditures are ever formally approved. The figures provided within the CEPEJ report as approved budget correspond to the budget published in September for the upcoming year, while the figures provided as implemented budget relate to the annual report published in May of the following year. Figures communicated on the occasion of the evaluation cycles before 2014 reflect the implemented and not the approved budget. The budget allocated to "justice expenses" did not encompass expenditure related to criminal matters (which fall under the budget of the public prosecution services).

Up to and including 2013 questionnaire the category "other" subsumed the total costs of the Supreme Court. However since 2011 the Supreme Court publishes more detailed financial figures, Therefore, as of 2014 exercise, the costs for the Supreme Court are spread out over all 7 categories.

Source: Statistics Netherlands

**Q6 (2018):** Budgets of 2018 include the High Court (not always included in previous years)

The total approved budget has declined in recent years as the workload is declining, and because of cost cuts after an IT innovation program terminated in 2015. Regarding the decrease of justice expenses and of implemented budget for court buildings, there is no specific explanation.

**Q6 (2017):** decline in budget is due to the termination of the ICT project KEI.

**Q6 (2016):** Q6.3.Council of Judiciary only. Justice expenses are excluding the justice expenses for criminal cases.

Other: depreciation, interest, administration, service centre, etc., since 2012 incl. justice expenses of the Supreme Court.

Ad Q6.4 Exceptionally, a one time, and extra amount of 65.1 million was planned for the new government housing system" (Report Annual Budget).

**Q6 (2015):** The total annual approved budget allocated to all courts includes the budget allocated to the courts and prosecution services.

**Q6 (2014):** The total annual approved budget allocated to all courts includes the budget allocated to the courts, legal aid and prosecution services.

The total budget provided for 2014 excludes the judiciary part of the Council of State. It has been explained that the budget allocated to "justice expenses" does not include legal aid, except for taxes and fees to be paid by the parties.

**Q6 (2013):** The indicated total for 2013 excluded the budget of the Council of State but included this of the Supreme Court. The total budget of the Council of the Judiciary, excluding the Supreme Court and the Council of State, was 10.10.913.000 euro. Figures provided in respect of all the sub categories, except for item "other" were related to the budget of the Council of the Judiciary. The budget of the Supreme Court was subsumed in item "other".

**Q6 (2012):** As in 2010, figures reported for 2012 did not include the budget for the High Council which is the highest appeal court, as well as expenditure related to the justice tasks of the Council of State general (which is not available, only the total expenditure being published). The latter does not fall under the budget of the Ministry of security and Justice but under the budget of the High colleges of State.

**Q7 (2014):** For 2014, the approved budget for the category "other" includes investments in computerisation, court buildings, training, depreciation, interest, administration, service centre, etc. The implemented budget encompasses depreciation, interest, administration, service centre etc.

**Q7 (2013):** For 2013 the category “other” subsumed depreciation, interest, administration, service centre etc., including the Supreme Court. According to the provided details, the communicated figure was the sum of 36.901.000 euro related to the Council of Judiciary (depreciation, interest, administration, service center, etc.) and 28.114.000 euro related to the Supreme Court (including justice expenses).

**Q7 (2012):** For 2010 and 2012 the category “other” encompassed depreciation and interest. It should be noticed that justice expenses considered within this item were excluding expenses related to criminal cases.

**Q9 (2018):** It seems that the amounts reported in 2016 and 2017 included some other revenues as well. The amount reported for 2018 is court fees only.

**Q12 (General Comment):** The Dutch legal aid system encompasses three ‘lines’ that provide legal aid and constitutes a mixed model consisting of a public preliminary provision, public first-line and private second-line help. o Firstly, the preliminary provision of the interactive online application called Roadmap to Justice offers digital help to people to find solutions for their legal problems in an interactive manner, initially in the area of divorce. This online platform provides information, objective criteria and self-help tools. With the aid of a reviewer the agreements can be finalized in a divorce settlement. In the near future, after-care will also be possible. The Legal Services Counters also have a website that can be seen as a preliminary provision. o Secondly, the Legal Services Counters (LSC) who are financed by the Legal Aid Board, act as what is commonly known as the ‘front office’ (primary help). Legal matters are being clarified to clients and information and advice given. If necessary, clients will be referred to other professionals or support agencies. Clients may also be referred to a private lawyer or mediator who acts as the secondary line of legal aid. Clients may also apply for legal aid from a subsidised lawyer or mediator directly. o Finally, private lawyers and mediators provide legal aid in more complicated or time-consuming matters (secondary help). They are paid by the Legal Aid Board to provide their services to clients of limited means. Generally they are paid a fixed fee according to the type of case, although exceptions can be made for more extensive cases. Since 2010 it is possible to get subsidized legal aid for criminal cases that do not go to court. However, for subsidized legal aid in criminal cases it is not possible to make the distinction between “cases brought to court” and “non-litigious cases”. Until 2013 the number of non-litigious criminal cases was negligible. So they were ignored. On the contrary, currently the number of cases is growing and becoming substantial. So they can no longer be ignored, but the actual figures are not available. It is noteworthy that subsidized legal aid has an open end funding, meaning that all applications that meet the criteria are awarded, regardless of the original budget. Accordingly, the difference between the proposed budget and the implemented one could be contentious. For example, in 2015, the Council for legal aid applied to the Ministry of Security and Justice with a claim for about 25000000 euros.

Figures communicated for the previous evaluation cycles reflect the implemented budget.

The budget intended to the Legal Counters (one of the providers of primary legal aid) is not included.

**Q12 (2017):** At this moment, it is not possible to divide the total amount of cases in all three categories into cases brought to court and non-litigious cases or cases not brought to court. The data does not provide this subcategory due to issues with defining the concept 'brought to court'. In all types of cases, criminal or otherwise, it is possible that there is a verdict or decision without the involvement from a judge or without it being brought to court. The total amount of cases is 424.870, of which 120.882 were criminal cases and 303.988 were other than criminal cases.

**Q12 (2014):** On the occasion of the 2014 evaluation, it has been explained that the ongoing decrease over the period 2012-2014 concerning the annual approved public budget allocated to legal aid for other than criminal cases brought to court might be due to shortening in budget. The State Secretary for Security and Justice developed a policy intended to result in structural savings of 85 million euros annually. On February 1st 2015, the following measures took effect: temporary elimination of annual indexation with respect to the lawyers’ fees and the client contribution; reassessment of a fixed number of paid working hours for specific parts of the criminal process and limitation of the legal aid commissioned by the court if the custody is suspended immediately after it is ordered; reduction of the hourly legal aid rate; reduction of lawyer’s fee in time consuming cases. Other proposed cutbacks have been suspended because the Senate filed a number of motions in the beginning of 2015. A special commission is established that will issue an opinion after extensive research.

**Q12 (2013):** In 2013, the indicated amount does not include expenditures related to detention of illegal aliens, forced hospitalization by psychiatric problems, divorce and legal guardianship of children.

**Q12-1 (2017):** At this moment, it is not possible to divide the total amount of cases in all three categories into cases brought to court and non-litigious cases or cases not brought to court. The data does not provide this subcategory due to issues with defining the concept 'brought to court'. In all types of cases, criminal or otherwise, it is possible that there is a verdict or decision without the involvement from a judge or without it being brought to court. The total amount of cases is 415.618, of which 119.327 were criminal cases and 296.291 were other than criminal cases.

**Q13 (General Comment):** For 'approved' budget, the first version of this budget is used ('begroting'), for implemented budget the annual financial report on the state expenditure is used. The budget for public prosecution services includes justice expenses in criminal cases, namely all kinds of cost types, like wiretaps, interpreters, compensation for witnesses, etc.

**Q13 (2016):** including justice expenses, including public prosecution before the Supreme Court and Council of State in criminal cases;

**Q14 (General Comment):** The category “other” refers to the judiciary part of the Council of State.

**Q15-1 (2017):** Excluding the judiciary part of the Council of State. Including Police force.

**Q15-1 (2016):** Excluding the judiciary part of the Council of State

**Q15-2 (2018):** A value must be entered for each question !

**Q15-2 (2016):** Comment : the figure is the entire budget of the ministry of security and justice. However other ministries may also finance parts of the justice system. Also third parties may contribute. This is not included here. The Netherlands have no constitutional court as such but the tasks of a constitutional court are performed by the Council of State. Its budget is not included in the figure reported here.

**Q15-2 (2012):** In the frame of the 2012 exercise, it has been specified that the difference of data between 2010 and 2012 is due to a major reorganization in 2010. On January 1st 2011 the budget of the police services, secret service, fire department amongst others, was transferred from the Ministry of Internal affairs to the Ministry of Justice which is now the Ministry of Security and Justice.

**Q15-3 (2018):** Includes police and secret service

**Q15-3 (2016):** Other: Police, secret service (both since 2011).

## Poland

**Q6 (2018):** Implemented budget allocated to computerisation was higher due to numerous projects and investments made in IT. Expenditures concerned mainly modernisation of national register systems and equipment for courts.

**Q6 (2017):** In regard to budgetary data, we kindly indicate that we can observe difference in exchange rate of national currency. In Dec. 2016 it was 4,42 PLN/Euro, but in 2017 it was 4,17 PLN/Euro. Besides in fact we spotted that annual court building maintenance costs have increased. Higher maintenance expenditures are noted especially in security services, cleaning services, renovation services and buying energy. In regard to annual public budget allocated to investments in new (court) buildings, we would like to indicate that observed difference comes from investment schedule. Usually, new investments are planned on three years. The most expenditure are carried in first and second year. Finishing of numerous investments were planned in 2017 and it is shown in budgetary data. We also indicate, that difference in budgetary data can be caused by some savings, which were made during the whole investment process. Please note that eventual savings can be identified only at the end of investment process, when all payments are made. It should be noted that the expenditure on training are planned on the basis of the training needs reported by the presidents of the courts and it always depends on the current needs for training in courts. We can note, that the number of trainings and therefore expenditure are higher especially when there are implemented numerous changes in law or changes in IT systems.

**Q6 (2016):** Point 7 contains expenditures on personal benefits, current expenditures related to purchases of goods and services, investment spendings (construction, purchases), housing loans for judges, various fees and contributions.

In relation to reduction of the amount of funds allocated and spent on computerization in 2016 we would like to inform that the planning and implementation of IT spending is mainly dependent on the additional tasks that the public sector faces in the budgetary year, especially technological development in common court proceedings and purchasing of equipment necessary for the implementation of planned IT projects.

We also would like to indicate that in 2014, IT systems have been modified and maintained, in particular in the area of e-payments, integrated accounting and human resources management systems in the common courts and the Ministry of Justice, the electronic protocol, the Land Registry, the Judicial Decisions Portal, the Information Portal , The Central Bankruptcy Register and IT System for the Support of Substantive Processes.

In addition, when we analyze the judicial budgets in 2014 and 2016 in euro, it should be considered that in 2016 the euro exchange rate of the National Bank of Poland (NBP) on 30 Dec. 2016 was PLN 4.4240 / €. Whereas the exchange rate of the NBP on 31 Dec. 2014 was PLN 4.2623 / €. Therefore amounts presented in the CEPEJ 2016 are lower.

It should be noted that the spendings on training are planned on the basis of the training needs reported by the presidents of the courts, and that annual increase demonstrates the growing need for training of staff in common courts, mainly due to the additional tasks imposed on judicial staff in connection with legislative changes.

**Q7 (2017):** no comment

**Q12 (2017):** In 2016 annual approved public budget allocated to legal aid was higher due to predicted costs of implementing changes in Code of Criminal Procedure. In fact mentioned costs were lower than expected so in 2017 the decision was made to approve public budget allocated to legal aid proportionately lower. Total Annual approved public budget allocated to legal aid (12.1 + 12.2) only for civil cases: 12006000 €. Legal aid can be given also in other cases e.g.: administrative cases, labour cases, tax cases, family law cases.

Category 12.2 does not equals 0, so we indicate NA for totals.

**Q12 (2016):** In 2016 the costs of implementing changes in the Code of Criminal Procedure in the field of free legal aid granted ex officio were higher than in 2014 but they were not fully used. For that reason we see increase in the amount of approved budgets for legal aid but in fact the implemented legal aid is on the same level as 2014.

**Q12-1 (2017):** Legal aid granted ex officio is financed from two different budgetary sections. One section is related to common courts but second part is connected with voivodes budgets. Financial means designated for realization objectives of free legal aid and legal education were planned in the Budget Act for 2017 in amount of 22891000 €. Total expenses on mentioned objectives was 22726000 €, which pose 99.27% of the plan.

We indicate that annual implemented public budget allocated to legal aid depends on the number of incoming cases and number of beneficiary of legal aid. Expenditure for legal aid does not depend on the financial court activity. Category 12-1.2 does not equals 0, so we indicate NA for totals.

**Q12-1 (2016):** In 2016 the costs of implementing changes in the Code of Criminal Procedure in the field of free legal aid granted ex officio were lower than expected . The amount of funds disbursed by the courts for defense is directly attributable to the number of incoming cases and the number of beneficiaries of unpaid legal aid granted ex officio, therefore implementation of the plan in this group of expenses during the financial year is independent of the activities of the financial services of individual courts.

**Q13 (2017):** Changes in public budget allocated to the public prosecution services are caused by several reasons. First of all we indicate on higher employment costs (In 2017 prosecutors salaries and number of prosecutors' assistants increased). In 2017 increased also amount of money allocated to annual extra premiums. In 2017 we bore significant costs of purchasing new properties for public prosecution. Higher spendings are connected also with the higher, than usual, number of prosecutors retirements.

**Q14 (General Comment):** The category "other" refers to the Minister of Finance National Supervisory Board.

**Q15-1 (2017):** The above data include the budgetary sections of which responsible is the Minister of Justice (part 15 - Common Courts

and Part 37 - Justice). Section 15 covers expenditures of common courts, retired judges and the payment of compensation paid from the National Treasury. Part of the expenses are related to the functioning of the Ministry of Justice, prison units, scientific institutes of the Ministry of Justice, the National School of Judiciary and Public Prosecution, correctional institutions and juvenile shelters and retirement and disability benefits for prison officials.

The above data does not include expenditures on: organizational entities of Public Prosecution, military courts, administrative courts, Constitutional Court, Supreme Court, National Council of the Judiciary.

**Q15-1 (2016):** The above data include the budgetary sections of which responsible is the Minister of Justice (part 15 - Common Courts and Part 37 - Justice). Section 15 covers expenditures of common courts, retired judges and the payment of compensation paid from the National Treasury. Part of the expenses are related to the functioning of the Ministry of Justice, prison units, scientific institutes of the Ministry of Justice, the National School of Judiciary and Public Prosecution, correctional institutions and juvenile shelters and retirement and disability benefits for prison officials.

**Q15-2 (2013):** In 2010 and 2012 the category "other" encompasses damages paid by the State, other forms of education, social security benefits, the budget of the National School for Judges and Prosecutors.

**Q15-2 (2012):** In 2010 and 2012 the category "other" encompasses damages paid by the State, other forms of education, social security benefits, the budget of the National School for Judges and Prosecutors.

**Q15-3 (2018):** Expenditure on payments of compensations from National Budget.

Expenditure related to the functioning of research institutes of the Ministry of Justice and National School of Judiciary and Public Prosecution.

**Q15-3 (2017):** Expenditure related to the functioning of research institutes of the Ministry of Justice and National School of Judiciary and Public Prosecution.

"Some police services" - it means only transfer and prisoners' security (without investigation).

**Q15-3 (2016):** Expenditure on payments of compensations from national budget.

Expenditure related to the functioning of research institutes of the Ministry of Justice and National School of Judiciary and Public Prosecution.

## Portugal

**Q6 (2018):** 6.2. The decrease in relation to 2016 is related to the non-payment of information and communication technology licenses in 2018, which resulted from the unpredictability of the procurement process.

6.3 This value corresponds to the expenses related to psychologist, interpreters and experts. There is no apparent justification for the noted increase.

6.6. The increase in relation to 2017 is due to the general budget increase.



**Q6 (2017):** Q6.1: “Annual public budget allocated to (gross) salaries” - this data comes from a different source within the Ministry of Justice than the rest of Q6 (that originates from the Financial and Equipments Institut); accordingly, data on the implemented budget is not available.

Q 6.2: The increase in the approved budget allocated to “computerization” is due to the inscription of amounts concerning IT projects financed by the European Union. However, not having obtained the approval of the applications, there was no implementation of these amounts in 2017, which is the reason for the discrepancy between approved and implemented budgets for 2017 as well as between the respective implemented budgets for 2016 and 2017. Q 6.3: The approved budget allocated to “justice expenses” decreased between 2016 and 2017 due to a correction based on the analysis of the 2016 budget implementation, taking into account the difference between implemented budget and approved budget (the latter being much higher than the former). The implemented budget allocated to “justice expenses” increased in 2017 compared to 2016. 6.6. - In contrast with previous cycles, the 2017 data does not include the budget of the training institution - the Center for Judicial Training.

**Q6 (2016):** Q.6.2 The annual public budget allocated to “computerization” (approved and implemented) decreased in relation to 2014 following the conclusion of a project called Tribunal XXI. This project aimed to centralize and store data of the Citius platform in a data center structure, as well as the development of IT platforms, digitalization and integration of ongoing court cases, integration of video recordings of hearings and installation of centralized counters citizen service. The increase between 2015 and 2016 in the approved budget allocated to computerization is explained by the increase of the foreseen investment in IT and software equipment in the Financial and Equipment Institute (Instituto de Gestão Financeira e Equipamentos da Justiça), in administrative equipment and buildings in the Institute of Registry and Notary (Instituto dos Registos e do Notariado) and in administrative equipment and informatics software in the Directorate-General for Justice Administration (Direcção-Geral da Administração da Justiça).

Q.6.3 The annual public budget allocated to “justice expenses” (approved and implemented) increased compared to 2014 data due to the entry into force of Law 23/2013, 5th February, regulated by Ordinance n.46/2015, of 23rd February and Ordinance 278 of 26th August that established the payment of notary fees related to the inventory process. The decrease between 2015 and 2016 in the implemented budget allocated to justice expenses is explained by the decrease in the number of judicial proceedings in relation to 2015.

Q.6.4 The decrease between 2014 and 2016 in the implemented budget allocated to court buildings is explained by the reduction of construction works carried out to guarantee the normal functioning of the courts.

**Q6 (2015):** Q6.2 – This value decrease in relation to 2014 is explained by the conclusion of a project called Tribunal XXI. This project aimed to centralize and store data of the Citius platform in a data center structure, as well as the development of IT platforms, digitalization and integration of ongoing court cases, integration of video recordings of hearings and installation of centralized counters citizen service.

Q.6.3 – the value increase results of the entry into force of Law 23/2013, 5th February, regulated by Ordinance n.46/2015, of 23rd February and Ordinance 278 of 26th August that established the payment of notary fees related to the inventory process.

**Q6 (2014):** On the occasion of the 2014 exercise, it has been explained that there was a decrease between 2012 and 2013, as well as between 2013 and 2014. This decrease is explained by the decrease of the budget allocated to the project Court XXI (which aim is the dematerialization of court proceedings), as well as by the fusion of the Informatics Justice Institute (Instituto das Tecnologias Informáticas da Justiça -ITIJ) and the Financial and Equipment Institute (Instituto de Gestão Financeira e Equipamentos da Justiça) which resulted in a significant budget reduction for the Ministry of Justice between 2012-2013.

As for the budget allocated to court buildings, the noticed increase stems from the preparation needed to the set-up of the judicial organization reform that took place in 2013 and implied a major relocation and reform of court buildings.

Concerning the budget allocated to training, the decrease observed between 2013 and 2014 is explained by the reduction of the number of staff of the Centre for Judicial Studies, as well as by the fact that during 2013, there was a significant number of judges still under training that performed services for this Centre.

**Q6 (2013):** In 2013 the budget allocated to the category “computerization” increased in a significant way owing to the preparation work related to the set-up of the judicial organization reform that took place in 2013 and the IT project attached to it.

**Q6 (2012):** In the ambit of the 2012 exercise, it has been specified that for 2010, the category “justice expenses” was also including, by mistake, costs related to computerization, while for 2012 it encompasses only costs of expertise and interpretation. Besides, it has been stressed that in the past years, the Portuguese government had some financial constraints that are reflected in the Justice budget and that explain the decrease in the budget allocated to “computerisation” and to “training and education” between 2010 and 2012.

**Q7 (2013):** For 2013, it was possible to identify the content of the category “other” including office materials (4 731 473€), communication expenses (26 648 839€), other expenses such as transport expenses, technical assistance, books and technical documents, specialized work etc. (23 084 281€).

**Q12 (2018):** In 2016, in fact, the amounts of budget allocated to legal aid considered in the approved budget were lower than in 2018. However, in 2016 the execution amount was very much in line with the approved budget and the amount implemented in 2018.

**Q12 (2017):** The approved budget allocated to legal aid for 2017 was closer to the value of the implemented budget allocated to legal aid in 2016.

**Q12 (2014):** The decrease in the approved budget allocated to legal aid between 2012 and 2014 can be explained by the current economic and financial situation that led to budget limitations. However, it should be stressed that in the past years, the approved budget allocated to legal aid has been revised and increased on the course of the year. In fact, legal aid expenses have not decreased, quite the opposite, if one checks the implemented budget.

For 2014, the implemented public budget regarding legal aid differs from the annual approved budget allocated to legal aid because the latter was in deficit regarding the needs of the year. Therefore it was necessary to strengthen an endowment by the Ministry of Finance.

**Q12 (2013):** The decrease of the budget of legal aid in 2013 has been justified by the financial constraints faced by the Portuguese government in the past years.

**Q12-1 (2015):** The public budget implemented regarding legal aid is different from the annual approved budget allocated to legal aid because the annual approved budget was in deficit regarding the needs of the year, therefore it was necessary to strengthen an endowment by the Ministry of Finance

**Q13 (2016):** In 2012 the state budget made salary cuts that have now been replaced and therefore have increased the budget allocated to the public prosecutors services.

**Q13 (2014):** In the frame of the 2014 exercise, it has been explained that the differences between the approved and the implemented budget are due to the declaration of unconstitutionality of some of the measures of the State budget, namely measures regarding remunerations.

**Q14 (2018):** "Other" - Ministry of Finance

The Parliament adopts and evaluates the use of the State budget. The Ministry of Finance is always involved in the preparation and allocation of resources.

**Q14 (2016):** "Other" - Ministry of Finance

The Parliament adopts and evaluates the use of the State budget. The Ministry of Finance is always involved in the preparation and allocation of resources.

**Q15-1 (General Comment):** Before 2015, the budget of the judicial police was included in the category "other services", while starting from 2015, the Criminal Investigation Police (Polícia Judiciária) has been included in the new category "some police services".

**Q15-1 (2016):** Q.15.1 - The approved budget has increased because the salary cuts that were made in 2012 have been replaced.

**Q15-2 (2018):** all values are included

**Q15-2 (2015):** Before 2015 the budget of the judicial police was included in the category "other services". In 2015, the Criminal Investigation Police (Polícia Judiciária) has been included in the new category "some police services".

**Q15-2 (2014):** Since 2014, a reference to the Criminal Investigation Police is made within the specific category "some police services" and not in the category "other" which was the case for the previous exercises. Accordingly, there were no changes regarding the budgetary elements for 2014.

**Q15-2 (2013):** For the 2010, 2012 and 2013 exercises, the category "other" covers the Criminal Investigation Police (Policia Judiciária).

**Q15-2 (2012):** For the 2010, 2012 and 2013 exercises, the category "other" covers the Criminal Investigation Police (Policia Judiciária).

**Q15-3 (2018):** "other" is not applicable

**Q15-3 (2016):** Before 2015, the budget of the judicial police was included in the category "other services", while starting from 2015, the Criminal Investigation Police (Polícia Judiciária) has been included in the new category "some police services".

## Romania

**Q6 (General Comment):** The total budget allocated to the functioning of all courts (question 6) does not encompass the budget of legal aid and the budget of public prosecution services. For the last four exercises, the category "other" includes other salary expenses such as for example temporary transfer in the employer's interest and secondment pays, contributions owed by the employer, other rights which judges and ancillary staff are entitled to (reimbursement of the sums paid for medicines, transportation, rent, travel expenses, fuel and lubricants expenses, periodical medical checks, labor protection etc.). In contrast with the 2010 evaluation, this category subsumes in 2012, 2013, 2014 and 2016 the amounts provided in the writs of execution, i.e. funds allocated for the payment of wage rights established by court decisions.

**Q6 (2018):** Regarding the annual budget allocated to gross salaries, the differences between 2017-2018 were generated, among others, by the changes in the tax legislation regarding the number of compulsory social contributions that employers must pay: according to the provisions of the national legislation in force (GEO no. 79/2017 with subsequent amendments and completions), the social insurance contributions, respectively those of social health insurance that fell to the employer, were transferred to the employee's responsibility and, starting with 2018, are fully supported by the employee, being reflected in the gross amount of the earning. In this context, the explanation given in the last evaluation cycle regarding the differences in this budgetary chapter remains valid and must be reiterated: Since 2000 to the present, the magistrates' salaries have risen steadily, including the latest law on salaries in the public domain (Law no. 153/2017) has set a salary level for magistrates well above the average of the budgetary staff. This law will have its full effect until 2022.

Regarding the budget for computerisation, considering the Government Program priorities and the public expense limitations, the 2018 IT funds related judiciary had to be diminished. But it is very important to underline that, although the budget had these lower values in 2018, the procurement procedure was finalized and two extremely important and substantial contracts were concluded (for which the advance was paid from the budget for 2018), having as object the delivery of IT equipment and software to the Ministry of Justice, the Public Ministry, courts and prosecutor's offices, contracts to carried out during 2019.

In the case of investments in new court building , there were reduction in spending due to fewer large investments compared with previous years. For annual public budget allocated to training, the differences between 2017-2018 reflects certain reductions registered in the budget for training for certain categories of civil servants (other non –judge staff) who work in courts or in the Ministry of Justice. To be remembered here that the professional training of magistrates is done through the SCM, which has a separate budget.

Finally, as to the category "other", the differences between 2017-2018 were generated, among others, by the changes in the tax legislation regarding the number of compulsory social contributions that employers must pay. Also it should be mentioned that the allocated funds for payment of wage rights established by court decisions allocated in 2018 were lower than those allocated in 2017.

**Q6 (2017):** Annual public budget allocated to "salaries" - The increase (2016-2017) was mainly due to wage increases in the justice system following the Constitutional Court Decision no. 794/2016 which increased the sectoral reference value, an index according to which the basic salary / indemnity is established for the whole system of justice.

Annual public budget allocated to "computerisation" - in 2016, the IT budgets covered the need for replacing old equipment for courts (eg, servers, network communications, etc.) with new ones; such change is made once every five to eight years. After the considerable budgetary effort for these acquisitions in 2016 in this field, in 2017 no further investment was made of the scale of the 2016 investment.

Annual public budget allocated to "new court buildings" - the differences between 2016-2017 reflects certain difficulties encountered in carrying out investment projects in the real estate infrastructure. On the other hand, the reduction in the budget of the Ministry of Justice was compensated by the provision of budgetary funds in the budget of other institutions, more precisely in the budget of the Ministry of Regional Development and Public Administration, for the implementation of a program aimed at consolidating the real estate infrastructure of the courts of law located in the municipalities county residence (program financed from the state budget).

Implemented annual public budget allocated to "training" - the implementation of training programs based on grant projects from external non-reimbursable funds has been delayed due to budget limitations imposed by the Ministry of Public Finance provided for in budget projects and annual budget rectifications.

Annual public budget allocated to "other" - the increase (2016-2017) was mainly due to salary increases in the justice system following the jurisprudence of the cited Constitutional Court, which generated an increase of contributions to employers.

**Q6 (2016):** The significant difference between the approved and implemented budgets allocated to "training" is mainly due to the fact that during the development of the activities organised within the training programs were made savings that could not be predicted at the time of the budget allocation.

The increase of the IT budgets is for replacing the old equipment for courts (e.g. servers, network communications etc.) with new ones; such a change is made once every five-to-eight years.

The decrease of the amounts in 2016 as regards the annual public budget allocated to investments in new (court) buildings is mainly explained by the fact that in 2015 larger funds were allocated for the rehabilitation of several court offices - these buildings have been received in early 2016, thus the funds provided for this destination in 2016 (the payments to be made in the course of 2016) were lower.

The increase in funds in 2016 as regards the annual public budget allocated to training is mainly explained by the significant increase in the percentage of participation in training courses, especially for the economists in the courts (participation permitted by the modification of legislation in the financial accounting field and the implementation of the FOREXEBUG system).

The category "other" includes other salary expenses such as for example temporary transfer in the employer's interest and secondment pays, contributions owed by the employer, other rights which judges and ancillary staff are entitled to (reimbursement of the sums paid for medicines, transportation, rent, travel expenses, fuel and lubricants expenses, periodical medical checks, labor protection etc.), the amounts (allocated in 2016) provided in the writs of execution, having as object the granting of salary rights for the judiciary staff.

As to the category "other", the allocated funds for payment of wage rights established by court decisions allocated in 2016 were lower than those allocated in 2015 and 2014. In fact, according to the budgetary records, the highest amounts for payment of wage rights established by court decisions were allocated in 2014, all these salary entitlements (salary differences) being set and paid in salary installments (tranches) starting with 2009-2010.

**Q6 (2015):** The significant increase of the approved and implemented budgets allocated to "computerisation" in 2015 compared to 2014 is mainly due to the fact that additional funds were allocated for the purchase of IT equipment and software for the courts

The decrease between 2014 and 2015 in the approved and implemented budgets allocated to training is mainly due to the fact that in 2015 a smaller number of professional training courses were organised.

The budget for "justice expenses" increased due to the entry into force in 2014 of the new Code of Criminal Procedure requiring for a notification to all defendants of a certified copy of the indictment act and of the authorized translation.

The budget allocated to "other" subsumes also allocated funds for payment of wage rights established by court decisions.

The approved budget for 2014 was allocated both to pay the 25% instalment for the year 2014 and the 25% instalment for the year 2015, while the budget approved for 2015 was allocated only to pay the 35 % instalment for the year 2013.

**Q6 (2014):** In 2014 funds were allocated for the purchase of equipment for the courts which resulted in an increase of the approved budget allocated to "computerization".

Besides, the approved budget for "justice expenses" increased due to the entry into force in February 2014 of the new Code of Criminal Procedure requiring for a notification to all defendants of a certified copy of the indictment act, and, where appropriate, of the authorized translation generating additional costs of translation and interpreting.

As to the decrease of the approved budget allocated to "training", in 2013 the funds allocated for continuous training of judges and prosecutors were also included whereas in 2014, as specified in the explanatory note CEPEJ, those funds have not been reported in question 6.

The significant increase of the approved budget allocated to "other" in 2014 was due to the inclusion of allocated funds for payment of wage rights established by court decisions. The approved budget for 2014 was allocated both to pay the 25% installment for the year 2014 and the 25% installment for the year 2015, while the budget approved for 2013 was allocated only to pay the 10 % installment for 2013. Also, due to the increasing number of occupied posts in 2014 compared to 2013, increased funds were allocated to pay contributions due from the employer, allowances for delegation/secondment allowances for transport, rents, medication, regular medical checks.

**Q6 (2013):** In 2013, the figure provided in respect of the category "computerization" corresponded to funds allocated from the State budget. However, Romania has also benefited in this field from projects implemented by EU and structural funds.

As to the item "justice expenses", starting with 2013, it includes expenses related to interpretation services. For the previous cycles, the latter were encompassed in the category "other".

Concerning the category "new court buildings", the Judicial Reform Program with the World Bank was aimed at building up new court buildings. This program benefited of greater funding in 2013 compared with 2012 (the funding is required to complete investment objectives, for example the Pitesti Court of Appeal, the Tribunal and Court of First Instance Tulcea).

As for the budget of the National Institute of Magistracy (NIM), the assessment of the total amount for training of judges was based on the assumption that all activities of continuous training organized by NIM have close values as far as judges and prosecutors are concerned. As to the budget of the National School for Clerks, it does not include costs of decentralized courses held at the premises of the Courts of Appeal, nor costs of E-learning

**Q6 (2012):** The decrease of the total approved budget allocated to courts and the budget intended to the category “other” in 2012 stemmed from legislative amendments referring to the wage rights established by court decision and paid to court staff in the period 2010-2012. The approved budget for 2010 contained a bigger part (approximately 32 million euros) of the amounts provided in the writs of execution than the approved budget for 2012 (approximately 18.8 million euros). Besides, according to the Law 285/2010 concerning the remuneration in 2011 of the staff paid from public funds, in 2011 no bonuses, no holiday premiums, no overtime, no aid have been granted, measures that were also kept in 2012 according to the provisions of Law 283/2011.

There was an increase in the budget allocated to salaries in 2012 compared to 2010. Basically, after a reduction in June 2010, there was an increase in January 2011 as well as in June and December 2012.

Additionally, according to the Memorandum „Preparation of the judiciary for the entry into force of the new Code. Assessment of the current situation. Action plan”, approved by the Government in September 2012, funds were allocated in 2012 for financing a number of 564 positions at the level of the courts of appeal, law courts and courts of first instance (283 positions of judge and 281 positions of specialized auxiliary staff). According to the Memorandum, there were also allocated funds to courts for purchasing furniture for the new personnel (about 113.379 euros), IT equipment (407937 euros) as well as for redevelopment works necessary for creating council chambers and offices within courts of appeal and law courts facing disturbances in their activity according to the „Study on the operation of the judiciary for the entry into force of the New Code of civil procedure” approved by the Superior Council of Magistracy (285.034 euros).

**Q9 (2014):** Figures provided for 2012 and 2014 refer to the amounts resulting from judicial stamp duties which constitute revenues to the State budget and also the local budget.

**Q9 (2012):** The figures provided for 2012 and 2014 refer to the amounts resulting from judicial stamp duties which constitute revenues to the State budget and also the local budget.

**Q12 (General Comment):** Despite the reply NA in respect of the category “budget allocated to legal aid for non-litigious cases”, the indicated totals are correct. In fact, the budget of this item is included in the budget concerning “other than criminal law cases”. There is no separate budget classification for the moment with regard to litigious and non-litigious matters. Expenditure on legal aid covers costs incurred for beneficiaries’ justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

As a general remark, it is worth emphasizing that since 2008 the approved budget for legal aid has recorded an ascendant trend.

**Q12 (2016):** Expenditure on legal aid covers costs incurred for beneficiaries’ justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

**Q12-1 (2016):** Despite the reply NA in respect of the category 12.2, the indicated totals are correct. In fact, the budget of this item is included in the budget concerning “other than criminal law cases”. There is no separate budget classification for the moment with regard to litigious and non-litigious matters. Expenditure on legal aid covers costs incurred for beneficiaries’ justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

**Q13 (2018):** About differences between 2017-2018, must be mainly highlighted the current explanations given above (for Q 6.1 and Q 6.6 ) concerning the influences on the budget given by the changes in the tax legislation (regarding the number of compulsory social contributions that employers must pay) and by the allocated funds ( in 2018) for payment of wage rights established by court decisions.

**Q13 (2017):** The increase in the public budget allocated to public prosecution was also due mainly to salary increases in the justice system following the aforementioned jurisprudence of the Constitutional Court.

**Q13 (2014):** In 2014, the difference between the approved public budget and the implemented one is mainly caused by fluctuations in human resources; funding allotted for pending judicial proceedings which is estimated before the start of the budget execution; debt recovery based on definitive court decisions favorable to the Public Ministry. According to the Public Ministry, the differences are mainly reflected in the following categories of budgetary outgoes:

personnel outgoes representing the equivalent of the salaries and contributions quota for persons who have been in medical leave, as well as the financial rights for delegations and other social financial rights which have not been solicited for payment in December 2014;

goods and services representing amounts coming from the completion of the sting operations fund for December 2014 with the amounts which have been opened but remained unused during 2014 for organizing and carrying out, according to the law, of the sting operations for corruption offences, as well as from the payment of the expenditures for judiciary and extra judiciary expertise;

post-accession projects with external non-refundable funds financing (FEN) concluded with the European Commission, for which during the implementation the services stipulated within the projects have been contracted to smaller prices than the initial budget provided for.

The main explanation of the increase of the annual approved public budget allocated to the public prosecution services in 2014 is that funds allocated for the payment of wage rights established by court decisions were higher than in previous years (increasing gradually). For example, in 2014, these amounts covered both the installment for the year 2014 (25% of the total amounts stipulated in the writs of execution) and the installment for the year 2015 (25% of the total amounts stipulated in the writs of execution).

**Q14 (2012):** According to 2012 data, the other Ministry is the Ministry of Public Finances. The category "other" refers to the Romanian Court of Accounts.

**Q15-1 (2017):** The budget increase (2016-2017) mainly reflects the developments mentioned in the previous chapters, see the explanations from Q6.

In fact, the total annual public budget allocated to the functioning of courts as well as the total annual public budget allocated to public prosecution services increased between 2016 and 2017 mainly due to wage increases in the justice system following the Constitutional Court Decision no. 794/2016 which increased the sectoral reference value, an index according to which the basic salary / indemnity is established for the whole system of justice.

**Q15-1 (2014):** In 2014, funds allocated for the payment of wage rights of the judiciary staff established by court decisions were even higher than in 2013. Namely, they covered both the installment for the year 2014 (25% of the total amounts stipulated in the writs of execution) and the installment for the year 2015 (25% of the total amounts stipulated in the writs of execution). On the contrary, in 2013, these amounts covered only the installment for the year 2013 (10% of the total amounts stipulated in the writs of execution).

Besides, due to the increasing number of occupied posts in 2014 compared to 2013, funds allocated for the payment of employer contributions due, allowances delegation/secondment allowances for transport, rent, medicines, regular medical checks etc. increased.

Finally, the entry into force in February 2014 of the new Code of Criminal Procedure has generated additional costs for translation and interpretation services.

**Q15-1 (2013):** The increase of the budget allocated to the whole justice system between 2010 and 2013 had a double justification. On the one hand, in 2013, funds allocated for the payment of wage rights of the judiciary staff established by court decisions were higher than in previous years. On the other hand, in 2010 the budgetary staff salaries were reduced by 25%, starting with 2011 they increased by 15% and in 2012 they successively increased by 8% and 7.4%.

**Q15-2 (2015):** Other institutions coordinated by the Ministry of Justice: the National Trade Register, the National Authority for Citizenship

**Q15-2 (2014):** For the last three exercises (2012, 2013 and 2014), the category "other" encompasses other institutions coordinated by the Ministry of Justice, namely the National Trade Register and the National Authority for Citizenship.

**Q15-3 (2018):** Other institutions coordinated by the Ministry of Justice: the National Trade Register, the National Authority for Citizenship

**Q15-3 (2017):** Other institutions coordinated by the Ministry of Justice: the National Trade Register, the National Authority for Citizenship

**Q15-3 (2016):** Other institutions coordinated by the Ministry of Justice: the National Trade Register, the National Authority for Citizenship

## Slovakia

**Q6 (General Comment):** The budgetary data have been collected from the Ministry of Justice and the Supreme Court of the Slovak Republic. It

is noteworthy that the budgetary structures of both institutions are slightly different from the structure of question 6.

**Q6 (2018):** In the category "Other" there are included the expenditures on social insurance and health insurance, the supplements to sickness benefit for judges, the supplement to maternity pay for judges, the severance payment for retiring judges, food allowance for employees.

The increased appropriations were mainly related to the adjustment of the salaries of judges in 2018, the increase in the salaries of employees (non-judge staff) as of 1 January 2018, in accordance with the Government Decree establishing increased scales of salaries of employees in performing public service work. Another increase is related to the implementation of expenditures within EU projects - Operational Program Effective Public Administration, Streamlined Judicial System and Enhanced Law Enforcement and Information Technology, financed from the state budget.

Detailed explanation 22/10/2019:

Subcategory 1:

The increased funds were mainly related to adjustments (valorisation) of the salaries of judges in 2018 pursuant to Act No. 120/1993 Coll. on salary ratios of some constitutional officials of the Slovak Republic, as amended, by increasing the salaries of employees as of 1 January 2018 in accordance with Government Regulation no. 358/2017 Coll. laying down increased salary tariffs for civil servants and Government Regulation no. 359/2017 Coll. laying down increased scales of employees' salaries when performing work in the public interest.

Subcategories 2, 4, 5, 6

In 2018, the following subcategories (approved budget and implemented budget) also included following IT funds:

- the 0EK program Information technology financed from the state budget,
- the sub-program 0EK0C Information technology financed from the state budget - Ministry of Justice of the Slovak Republic,
- the element 0EK0C01 Internal management systems,
- on element 0EK0C02 Specialized systems,
- on element 0EK0C03 Supporting Infrastructure.

Appropriations were used, for example, for the provision of data services to the courts, the purchase of computer and telecommunications equipment, the purchase of licenses and the maintenance of software.

Further comments 06/11/2019:

Re points 4, 5

The approved and the implemented budget for the judiciary (maintenance, operating expenses and investments) as well as the entire budgetary chapter of the Ministry of Justice of the Slovak Republic (hereinafter "MJ") are closely connected with the process of drafting the budget of the public administration of the Slovak Republic. It is also related to the financial capacities and limits of the Ministry of Finance of the Slovak republic (hereinafter "MF"), which covers and coordinates this whole process.

The funds proposed by MF in the expenditure part of the budget do not cover the financial resources even for the basic tasks of the judiciary. MJ regularly claims and submits other requirements in the draft budget in the form of so-called "priority expenditure titles", supported by the opinion of the Judicial Council of the Slovak Republic, which are often not accepted by the

**Q6 (2017):** In the category "Other" there are included the expenditures on social insurance and health insurance, the supplements to sickness benefit for judges, the supplement to maternity pay for judges, the severance payment for retiring judges, food allowance for employees. As regards the expenditures to computerization the structure of the budget has been changed. The new budgetary program has been established. While in previous years the IT expenditures for the courts has been financed from the budget of the Ministry of justice itself, now the IT expenditures are covered by the budget of courts. In addition the IT budget is influenced by the EU projects for justice. 3. The funds for repair and the maintenance of court buildings are allocated according to the current possibilities of the budget of the judiciary in the given year.

**Q6 (2016):** The budget allocated to salaries was increased by providing the funds for increasing salaries, functional surcharges and lump sum compensation for judges and increasing the salaries of employees of the state budget chapters based on the application of Art. 5 of Act no. 411/2015 Z. z. on the state budget for 2016. The increase of implemented budget allocated to IT - the budget was increased by European funds and co-financing (Electronic Collection of Laws SLOVLEX, Development of Electronic Services of the Judiciary, Electronic System for Monitoring of ESMO Persons, Information System of Bankruptcy Registers, Legal Information Portal - Development of SLOVLEX, Information System of Application Architecture and security infra-structure. The approved budget anticipated the EU funding and was consequently lower. The approved budget allocated to court buildings increased compared with 2014 to adjust to the budget actually implement that year. In between in the year 2015 there was significant increase due to investments in reconstruction of court premises.

The budget allocated to training is fully covered by the budget of the Judicial Academy which is the only training institution for judges, prosecutors and the court staff. The budget of the Judicial academy is not included in the budget line for training as per CEPEJ methodology and is included only in Q131. This explains the difference in this budget line compared with previous cycles.

In the category "Other" there are included the expenditures on social insurance and the health insurance, the supplements to sickness benefit for judges, the supplement to maternity pay for judges, the severance payment. In this line there is also included the expenditures paid by the state as a financial satisfaction for the violation of the right to hear the case within a reasonable time upon the findings of the Constitutional court.

**Q6 (2015):** The difference between the approved and the implemented budget has been covered by the budgetary measures of the Ministry of finance from the interdepartmental programs 'Financing of the judicial system', 'Formation and the implementation of politics'.

The legal aid expenses paid in the criminal procedure cannot be separated from the budget of courts.

**Q6 (2014):** Several reasons explain the increase of the implemented budget allocated to the courts functioning in 2014, namely:

financing of the projects of Operational Program "Informatisation of society" – covering three components: electronic collection of laws (SLOV-LEX); development of electronic services related to the judiciary; electronic system of monitoring of persons; payment of the salaries of judges for 2011 on the basis of a judgment of the Constitutional Court of the Slovak Republic; increase of the salaries of non-judge court staff; procurement of software and project works; reconstructions of court buildings.

**Q6 (2013):** For 2012, 2013 and 2014, expenses in connection with ex officio appointed counsels in criminal matters were incorporated within the category "justice expenses". On the contrary, for the 2010 exercise, these expenses were included in the category "other".

For the 2012 and 2013 evaluation cycles, all investments related to court building were included in the sum indicated as annual public budget allocated to court buildings (therefor, investments in new court buildings were encompassed within line 4).

**Q6 (2012):** In 2012, there were investments in respect of several court buildings.

For the 2012 and 2013 evaluation cycles, all investments related to court building were included in the sum indicated as annual public budget allocated to court buildings (therefor, investments in new court buildings were encompassed within line 4).

For 2012, 2013 and 2014, expenses in connection with ex officio appointed counsels in criminal matters were incorporated within the category "justice expenses". On the contrary, for the 2010 exercise, these expenses were included in the category "other".

**Q9 (2018):** The annual income of the court fees is not available. The court fees are collected through the external system administrator "The Slovak Post" who transfers the collected fees directly to the state budget.

**Q9 (2015):** The annual income of the court fees is not available. As of the year 2015 all court fees are collected through the external partner 'Slovak post company' who transfer the fees directly to the state budget.

**Q12 (General Comment):** In Slovak republic, the legal aid is financed by two different sources which are: 1. the budget of the Legal Aid Centre and 2. the

budget allocated to courts. The sum stated in the table represents exclusively the approved budget of the Legal Aid Centre which is the institution granting legal aid to persons in material need in all types of legal disputes except for criminal cases. As regards the criminal cases, the costs for legal aid represents the fees for counsels appointed by the court "ex officio" to defendants in case of compulsory defense. These costs are not predetermined in the budget of courts and they are paid continuously from the budget allocated to the functioning of the courts and therefore cannot be separated.

**Q12 (2018):** The provided sum represents solely the budget of the Legal Aid Center. Its budget has increased significantly compared to previous years mainly in connection with the amendment to Act on Bankruptcy and Restructuring as of 1 March 2017 which introduced the new model of debt relief of natural persons (personal bankruptcy). The new role of the Legal Aid Center was connected with this amendment. If the applicant (the debtor) seeking for personal bankruptcy meets the legal requirements for granting legal aid, the Center pays the remuneration to the bankruptcy administrator in the total amount of € 500.

**Q12-1 (2018):** The increase in implemented budget of the Legal Aid Center is related to the implementation of amendment of Act No. 7/2005 Coll. on bankruptcy and restructuring (personal bankruptcy), wage and salary indexation and the related increase in insurance levies, and the implementation of the National Project Strengthening and Completion of Legal Assistance and Prevention of Escalation of Legal Problems.

**Q12-1 (2017):** The budget of the Legal Aid Centre for the year 2017 has been increased of a sum 5 million € to implement the amendment to the Act on bankruptcy with regard to the personal bankruptcy of the natural persons

**Q13 (2018):** The difference between the approved budget and the real budget is 2 362 391 €.

The financial means were allocated to:

- raise of salaries, additional functional charges, Prosecutor's recompenses, salary and recompenses of the General Prosecutor and for the salary raise of other employees of the departments of the General Prosecutor's Office of the Slovak Republic following the Section 5 of the Act No. 333/2017 Coll. on State's budget of the year 2018,
- ensuring financial coverage of the implementation of the Law on Reducing Administrative Burdens by using Public Administration Information Systems,
- execution of analytical-programming work necessary for execution of the implementation of the police project "Investigation File Management" on the electronic prosecution file IS PATRICIA, electronic court file in the information system "Development of electronic services of justice".



**Q13 (2017):** The increase of the approved budget of the prosecution services has been caused by the adjustment of salaries of prosecutors and public servants (total of 2.291.046 €) and increasing of the operational costs of the General Prosecutor Office (101.873 €)

**Q13 (2016):** The difference between the total approved budget and the implemented budget in 2016 for the General Prosecutor's Office of the Slovak Republic is € 12,117,561.

Main reasons for this difference:

- for the settlement of the salary requirements of the prosecutors in 2015 according to the finding of the Constitutional Court of SR sp. no. PL. ÚS 27/2015 for a total amount of € 4,224,311,
- for reconstruction and modernization of the office premises and buildings of district prosecutors and regional prosecutors in the amount of € 195,966,
- to increase salaries, functional surcharges, lump sum compensation of prosecutors, salary and lump sum compensation of the Attorney General and to increase the salaries of other employees of the Chapter of the Prosecutor General's Office in connection with the application of Section 5 of Act no. 411/2015 Z. z. on the state budget of 2016 for € 6 299 638,
- to accomplish the tasks related to the Presidency of the SR in the EU Council - SK PRES 2016 in the amount of € 105,338,
- to finance the project OPIS - Electronic Services of the General Prosecutor's Office in the amount of € 877,500,
- for paying damages according to the amendment to Act no. 514/2003 Z. z. on liability of the state for damage caused by the public authorities in the amount of € 100,000,
- Other costs of € 314,808 provided for the operation of GP SR

**Q13 (2015):** The difference between total annual approved budget and implemented one allocated to the Public Prosecution Office of the Slovak Republic in the year 2015 is 7 013 978 €.

The increase in budget was caused by following items:

- allocated funds to implement the project 'Electronic services of the General prosecution office' - 4 763 606 €,
- allocated funds to finance the increased number of the public prosecutors - 969 690 €
- allocated funds to finance the approved adjustment of the salaries of administrative staff - 251 071 €,
- allocated funds to overall modernization of IT system (hardware and internal network) - 1 029 611 €.

**Q13 (2014):** In 2014, the difference between the approved budget and the implemented one is of 13 501 546 euros. It is justified by several reasons:

Financing of the project "Developing global IT services for public administration and development of electronic services on central level of the Ministry of Finance of the Slovak Republic – General Prosecutor's Office of the Slovak Republic" (total amount: 8 618 909 euros);

Payment of prosecutors' salaries for 2011 on the basis of a judgment of the Constitutional Court, file number PL US 99/2011 of 11 December 2013 (total amount: 2 316 973 euros);

Increase of salaries for employees/staff in application of the Act No. 473/2013,Coll., par. 5 on State Budget for 2014 and the Government Directive of the Slovak Republic intended to adapt the scale of salary rates and salary rates to collective agreements of higher level for 2014 (total amount: 242 552 euros);

Co-financing of the project "Developing global IT services for public administration and development of electronic services on central level of the Ministry of finance and the General Prosecutor's Office of the Slovak Republic" (total amount: 800 000 euros);

Other expenditures covering the functioning of the General Prosecutor's Office of the Slovak Republic (total amount: 1 523 112 euros).

**Q13 (2013):** In 2013, the implemented budget of public prosecution services was of 71.015.906 euros.

**Q13 (2012):** In 2012, the implemented budget of public prosecution services was of 69 947 692 euros.

**Q14 (2014):** According to 2012 and 2014 data, the Inspection body is the Supreme Audit Office of the Slovak republic which is entitled to inspect the use of budget in any budgetary subject.

**Q14 (2012):** According to 2012 and 2014 data, the Inspection body is the Supreme Audit Office of the Slovak republic which is entitled to inspect the use of budget in any budgetary subject.

**Q15-1 (2018):** The global budgetary sum allocated to whole justice system consists of the approved and implemented budgets of four bodies with own individual budget: Ministry of Justice, Supreme Court, General Prosecutors Office and Judicial Council. The budget of the Ministry of Justice is composed of two parts– the budget of the prison service and the budget assigned both to courts (except the Supreme Court) and to the ministry itself. The budget of the Supreme Court comprises the budget for its own functioning. Judicial Council of the Slovak republic administers its own budgetary chapter in the state budget.

**Q15-1 (2017):** The Judicial Council of the Slovak republic was originally funded from the budget of the Supreme court. From the year 2017 the Judicial council has its own chapter in the state budget. In the answer to Q 15-1 in the previous cycles we added the budgets of Ministry of Justice,Supreme Court and General Prosecutors Office. We now include to the global budget of justice system also the separate budget of Judicial Council.

**Q15-2 (2018):** Included: Courts, Legal Aid, Public prosecution services

**Q15-2 (2015):** The stated sum for the approved budget allocated to whole justice system consists of the overall budget of the Ministry of justice (310 602 195 €) and the budget of the Supreme Court of the Slovak Republic (8 662 521 €). The implemented budget of the Ministry of justice increased to 400 609 479 € and the implemented budget of the Supreme court increased to 8 700 158 €.

**Q15-2 (2014):** For 2014, the approved budget of the Ministry of justice was 315 788 884 euros and the approved budget of the Supreme Court was 5 979 697 euros.

**Q15-2 (2013):** For 2013, the approved budget of the Ministry of justice was 311 166 599 euros and the approved budget of the Supreme Court was 8 788 394 euros.

**Q15-2 (2012):** In 2012, the increase of the total budget allocated to the whole justice system is due mainly to the increased budget of the prison service.

**Q15-3 (2018):** In the category "other" the budget of the Judicial Academy which is the educational and training institution for judges, prosecutors and court staff is subsumed.

**Q15-3 (2017):** In the category "Other" the budget of the Judicial Academy is subsumed.

**Q15-3 (2016):** In the category "other" the budget of the Judicial Academy is subsumed.

## Slovenia

**Q6 (General Comment):** The Courts Act prescribes different budget responsibilities in respect of the functioning of the courts and in that respect the data in Q6 are provided from the Supreme Court Budget and from Ministry of Justice budget. More precisely the following funds are provided by the budget user Supreme Court of the Republic of Slovenia for all courts:

- wages of the judges and the court personnel (included in the 1st category of Q 6),
- information technology for the courts (included in the 2nd category of Q 6) and
- costs of the activities of the courts ( included in the 3rd category of Q 6). The following funds are provided by both the budget user Supreme Court as well as the ministry responsible for justice in Republic of Slovenia for all courts:
  - The funds for the equipment of the courts and maintenance of premises (including maintenance investments, audits on energy efficiency, technical security equipment and the funds spent on leased premises) as well as so called "small" investments (investments which cannot exceed a certain value), (included in the 4th category of Q 6).
  - The funds for the acquisition on new premises for both the courts and public prosecution services (included in the 5th category of Q 6).
  - funds for education of judges and court staff that are provided in the budget of courts (expenses for professional education of employees, expenses for business travels, expenses of conferences, seminars and symposiums, expenses for training for the use of information technologies in courts, the Central Judicial Library of the Supreme Court of Republic of Slovenia). (included in the 6th category of Q 6) The funds of the Judicial Training Centre, which is part of the Ministry of Justice, are not included, because it provides the education for all functionaries and public officials in judiciary not only to judges and public prosecutors. Regarding computerisation: It is important to note that the majority of the informatisation projects are financed from EU sources and this amount is not included in the approved budget of Q6. For this reason a decrease in this budget line can be noticed during years.

**Q6 (2018):** As regards the category "computerization", from 2017 on, the figures represent the budget, approved by the Parliament and financing from EU sources (in previous years financing from EU sources was not included in the courts' budget). The approved budget for 2018 from EU funds at courts was 2.685.000 EUR and implemented budget was 560.588 EUR.

Courts also spent 312.221 EUR of EU funds for ADR from the Ministry of Justice budget in 2018.

The increase in budget allocated to investments in new (court) buildings in 2018 (and 2017) is due to the acquisition of court buildings in this period.

**Q6 (2017):** As regards the category "computerization", from 2017 on, the figures represent the budget, approved by the Parliament and financing from EU sources (in previous years financing from EU sources was not included in the courts' budget).

In 2017, 2.043.338 EUR from EU sources were planned, however only 179.707 EUR were actually implemented (figures included in the budget above). Additionally 286.787 EUR from EU sources were spent for ADR (not included in the budget above).

4. and 5. - Court buildings:

The figures include funds that were approved/implemented at the budget users Supreme Court and the Ministry of Justice.

5. "New court buildings" - the important increase in the approved and the implemented budgets is due to the fact that in 2017, two previously rented court buildings (not newly built) were acquired by the Ministry of Justice (this does not affect the answer to Q42 - court entities and geographical locations).

6. Training:  
The figures include only the funds for education of judges and court staff that are provided in the budget of courts (expenses for professional education of employees, expenses for business travels, expenses of conferences, seminars and symposiums, expenses for training for the use of information technologies in courts, the Central Judicial Library of the Supreme Court). We did not include the funds of the Judicial Training Centre (JTC), which is part of the Ministry of Justice, because it provides the education for all functionaries and public officials in the judiciary, not only to judges and public prosecutors. The approved budget of the JTC in 2017 was 177.330 EUR and implemented budget was 157.990,62 EUR and is included at Q15.1.

**Q6 (2016):** The figures above represent the budget, approved by the Parliament, while financing from EU sources is not included (in 2016, no EU funds were spent).

According to the Courts Act the funds for the salaries of judges and court staff and for the operational costs of courts, as well as funds for the computerisation of courts are provided at the budget user the Supreme Court of the Republic of Slovenia, while funds for providing the equipment of the courts and the spatial conditions of courts and provided at the ministry, responsible for justice. For additional comments on categories, see below.

4. and 5. - Court buildings:

The figures include funds that were approved/implemented at the Supreme Court and expenses of the Ministry of Justice.

6. Training:

The figures include only the funds for education of judges and court staff that are provided in the budget of courts (expenses for professional education of employees, expenses for business travels, expenses of conferences, seminars and symposiums, expenses for training for the use of information technologies in courts, the Central Judicial Library of the Supreme Court). We did not include the funds of the Judicial Training Centre (JTC), which is part of the Ministry of Justice, because it provides the education for all functionaries and public officials in judiciary, not only to judges and public prosecutors. The approved budget of the JTC was 220.000 EUR and implemented budget was 412.020 EUR and is included at Q15.1.

Differences to 2014 within categories Computerisation and Training:

In past years, the annual amount was cut down due to austerity measures and several activities were somehow impeded due to the limited budget. In the recent year, the spending returned close to the level before austerity measures.

**Q6 (2015):** The figures above represent the budget, approved by the Parliament, while financing from EU sources is not included.

According to the Courts Act the funds for the salaries of judges and court staff and for the operational costs of courts, as well as funds for the computerisation of courts are provided at the budget user the Supreme Court of the Republic of Slovenia, while funds for providing the equipment of the courts and the spatial conditions of courts and provided at the ministry, responsible for justice. For additional comments on categories, see below.

### 3. Computerisation:

The major part of the informatisation projects (computerisation) are financed from EU sources (project "E-pravosodje"), as well as the alternative dispute resolution (ADR) programmes. Apart from the figures above, courts spent an additional 1.312.301 EUR of EU funds for informatisation (should be considered at category 2. Computerisation) and 374.510 EUR for ADR (should be considered at category 3. Justice expenses) – these funds are not included at Q6 (functioning of all courts), and are reported as a part of the budget of Ministry of Justice (see answer and comment to Q15.2).

### 4. Court buildings:

The figures include funds that were approved/implemented at the Supreme Court and expenses of the Ministry of Justice as stated below:

general (approved budget 132.800 EUR / implemented budget 132.798 EUR),  
building rental costs (4.780.000 EUR / 4.772.487,59 EUR);  
equipment incl. technical security equipment (16.500 EUR / 16.439 EUR) and  
energy renovation of buildings (20.900 EUR / 20.876 EUR).

### 6. Training:

The figures include only the funds for education of judges and court staff that are provided in the budget of courts (expenses for professional education of employees, expenses for business travels, expenses of conferences, seminars and symposiums, expenses for training for the use of information technologies in courts, the Central Judicial Library of the Supreme Court). We did not include the funds of the Judicial Training Centre (JTC), which is part of the Ministry of Justice, because it provides the education for all functionaries and public officials in judiciary, not only to judges and public prosecutors. The approved budget of the JTC was 160.000 EUR and implemented budget was 164.698,74 EUR and is included at Q15.1.

The Centre for informatics at the Supreme Courts estimates the annual amount for a regular functioning and maintenance of equipment (5 year equipment renewing cycle) at 2.400.000 EUR. However, with austerity measures in place, the amount was cut down to approximately 1.800.000 EUR per year. The 5 year cycle is strictly followed for server equipment. On the other hand the investments in infrastructure at the side of the users (workstations) were somehow impeded due to the limited budget. The increase in spending for 2015 is due to a planned major investment in server equipment (data storage). In future years, the spending will probably return close to the level before the austerity measures.

The answer at Q6 does not include public prosecution service and/or legal aid.

**Q6 (2014):** In 2014 the data in Q6 for 2010 to 2013 was corrected and approved budget was reported instead of implemented. All comments were adjusted accordingly.

The variation of the budget for computerisation occurs because the reported figures represent the budget, approved by the Parliament, while financing from EU sources is not included.

Regarding computerisation: It is important to note that the majority of the informatisation projects are financed from EU sources. The Centre for informatics at the Supreme Court (refer to comment at Q62) spends 3.500.000 to 4.000.000 EUR per year for informatisation projects. The clarifications below apply only to the reported number (budget as approved by Parliament and corresponding implementation).

### Approved (adopted) budget (computerisation):

The approved (adopted) budget we reported for 2014 was lower than 2013 mostly on the account of the following categories: maintenance, purchasing of equipment, office inventory and services and lastly, purchasing of non-material assets.

### Implemented budget (computerisation):

Most notably, fewer means were spent on the account of the maintenance.

**Q6 (2013):** 2013: The decrease of the budget allocated to computerisation from 3.454.684 EUR in 2012 to 1.863.576 EUR in 2013 can be attributed to short-cuts of investments in public sector'.

The considerable decrease in the figures allocated to "new court buildings" is a result of the economic crisis and postponement of the construction of the new court palace in Ljubljana. Consequently the budget for investments in new court buildings in 2013 was considerably lower and includes only the funds for acquiring new premises for the District court in Celje and the District prosecution office in Celje and for documentation in the new court palace in Ljubljana.

The considerable increase of the budget in the category 'court buildings' between 2012 and 2013 is due to the fact that, unlike to the 2012 exercise, in 2013, it was possible to report the exact amount of the budget allocated specifically to courts for equipment and provision of spatial conditions (maintenance investments, audits on energy efficiency ...). Additionally, in 2013 the value for the so called "small" investments (investments which cannot exceed a certain value) was also included. The both amounts have been included to in the 4th category of Q 6'."

**Q6 (2012):** In 2012: It is important to note, that for the most part of 2012 the Ministry of Justice was unified with the former Ministry for Public Administration into a uniform Ministry of Justice and Public Administration that as such existed until March of 2013, when a new government took office. Therefore for 2012 it is not possible to report the exact amounts of the budget allocated specifically to spatial planning specifically to the courts and justice system, as these were reported together with the figures for the whole public administration part of the formerly unified ministry.

**Q7 (2013):** In 2013, the funds for the acquisition on new premises for both the courts and public prosecution services are provided by the Ministry of Justice and were included in the 5th category of Q 6. No clear separation is possible.

**Q12 (General Comment):** The law prescribes that legal aid shall mean the right of the eligible person to the entire or partial provision of funds necessary to cover the costs of legal assistance and the right to exemption of payment of the costs of the judicial proceeding (Free Legal Aid Act, Article 1).

Further on the law defines that legal aid may be approved for legal advice, legal representation and other legal services laid down in this Act, for all forms of judicial protection before all courts of general jurisdiction and specialised courts based in the Republic of Slovenia, before the Constitutional Court of the Republic of Slovenia, and before all authorities, institutions or persons in the Republic of Slovenia authorised for out-of-court settlement, as well as in the form of exemption from payment of the costs of the judicial proceeding (Free Legal Aid Act, Article 7).

On the other hand the approved legal aid shall not cover the costs of the proceeding and actual expenditure of and remuneration for the person authorised by the opposing party (Free Legal Aid Act, Article 9).

The law specifically lists the costs that can be covered by the approved legal aid (Free Legal Aid Act, Article 26): - for legal advice;

- for the formulation, verification and certification of documents on legal relations, facts and statements;
- for legal advice and representation in cases of out-of-court settlement;
- for legal advice and representation before courts in the first and second instances;
- for legal advice and representation involving extraordinary appeals;
- for legal advice and representation involving constitutional action;
- for legal advice and representation before international courts;
- for legal advice and representation involving the filing of a petition for the assessment of constitutionality;
- in the form of exemption from payment of the costs of the judicial or extrajudicial proceeding.

Legal aid may also be granted in the form of an exemption from payment of the costs of proceedings before courts, particularly in the form of an exemption from payment of:

1. Costs of experts, witnesses, interpreters, servicing orders and translations, costs of external operations of the court or other authority in the Republic of Slovenia, and other justified costs;
2. Security deposits for the costs or of the costs, of the implementation of the proceeding (advance payments);
3. Costs of public documents and receipts required for the proceeding before a court;
4. Other costs of the proceeding."

In the adoption of the budget, no separation between the amounts that will be allocated for legal aid in criminal or other cases or cases brought to court (or not) is made.

**Q12 (2014):** 2014: The further decrement in the budget for legal aid in 2014 can be attributed to the amendment of insolvency legislation in 2013, which abolished the right for legal persons to apply for legal aid for financing the advances of the costs of the bankruptcy proceedings (legal persons are now exempt from paying the advance in bankruptcy proceedings in all cases, without having to apply for legal aid)."

**Q12-1 (General Comment):** The data on budget, spent on criminal and other than criminal cases is available at the level of the case management system, however the sum will differ from final budgetary data reported above due to accounting rules. Detailed budgetary data on cases brought to court or not is currently not available, due to the data structure of the case management system. In single "legal aid" cases, the request can be granted for multiple forms (costs) of legal aid (general comment to Q12), some of them fitting in the category "cases, brought to court" while others not (i.e. in one case, legal aid can be granted for verification of documents and representation before courts), however the amount spent for legal aid is currently not recorded by form of legal aid, therefore the sums for cases brought to court or not cannot be calculated.

**Q12-1 (2018):** The difference between adopted and implemented budget is due to hiring additional court staff to reduce the backlogs in this area (legal aid).

**Q12-1 (2015):** According to art. 26 of the Free Legal Aid Act, legal aid may (in addition to expenses, related to cases, brought to court) also be granted for:

- legal advice;
- the formulation, verification and certification of documents on legal relations, facts and statements;
- legal advice and representation in cases of out-of-court settlement;
- legal advice and representation involving constitutional action;
- legal advice and representation before international courts;
- legal advice and representation involving the filing of a petition for the assessment of constitutionality and
- in form of exemption from payment of the costs of the extrajudicial proceedings.

No distinction is possible for the budget allocated to legal aid for:

- cases brought to court and cases not brought to court or
- civil or criminal matters.

**Q13 (General Comment):** The indicated amount of approved and implemented budget is allocated for the overall functioning of State Prosecutor's Office of the Republic of Slovenia. It does not include budget for functioning of the State Prosecution Council (included in Q15.1 and Q15.2.)

**Q13 (2018):** The figure above does not include budget for functioning of the State Prosecution Council (approved: 132.321 EUR, implemented: 130.932 EUR).

**Q13 (2016):** The indicated amount of approved and implemented budget is allocated for the overall functioning of State Prosecutor's Office of the Republic of Slovenia. The increase in the budget comparing to the previous exercise is due to employment of additional 40 Judicial Advisors in the autumn of 2014 and nomination of 30 new state prosecutors in the autumn of 2015.

The amount includes budget for alternative resolution of criminal cases (approved: 90000 EUR, implemented: 71587 EUR). It does not include budget for functioning of the State Prosecution Council (approved: 126023 EUR, implemented: 97881 EUR).

**Q13 (2015):** The data includes all spending for public prosecution services except for the State Prosecution Council (approved budget: 116.148 EUR EUR, implemented budget 115.811 EUR EUR).

The State Prosecution Council (institution) is analogue to the Judicial Council, therefore we feel that its budget should be reported at Q15.1 and Q15.2, rather being included at Q13 (similar as the Judicial Council spending is not reported at Q6, but it is included at Q15.1 and Q15.2).

**Q13 (2014):** In 2014, contrary to 2012 and 2013, the data includes the State Prosecution Council (approved budget: 95.249 EUR, amended budget 99.612 EUR, implemented budget 92.753 EUR).

The initially approved budget for functioning of the public prosecution services in 2014 was 16.830.579 EUR. After the decision to appoint a large number of new state prosecutors was taken, the budget was amended to 17.559.460 EUR. The appointment procedures were not carried out as soon as they were planned, therefore the actually implemented budget was 17.337.132 EUR.

**Q13 (2013):** In 2013, The figure does not include the amount for the State Prosecution Council (89401 EUR in 2013)

**Q13 (2012):** 2012: The figure we provided does not include the amount for the State Prosecution Council.

**Q14 (General Comment):** The Supreme Court as the entity proposing the financial plans of all the courts has a specific role in the process of adoption of the state budget. Although the volume of financial resources for the all salaries of judges and judicial personnel, and for all the operation costs of courts is to be provided at the Supreme Court of the Republic of Slovenia (budget user), the Supreme Court has limited access to the first, crucial phases of the preparation of the state budget (establishing macroeconomic framework, development priorities and tasks of the Government, cross section of the budget in accordance with the program and the plans, Budgetary Manual of the Ministry of Finance). Once the priorities are set, it is impossible to reach important changes in the volume of financial resources during budget negotiations. During first phases, only the Ministry of Justice has significant influence on the decisions of the Government.

The Supreme Court proposes a cross section of the budget quota specified by the Government, regarding the judiciary for the following two years: The budget quotas are determined on the level of individual courts. The Supreme Court also prepares internal manuals for the users as well as internal forms for budgetary items, which may reflect any additional needs for funds along with a short explanation, which is used as a basis for subsequent negotiations with the Ministry of Finance. Then, each court prepares its own financial plan and submits it to the Supreme Court. The Supreme Court examines every court's financial plan proposal and prepares a new assessment of the needed funds to facilitate an uninterrupted operation of the courts within the following two years.

The negotiations with the Ministry of Finance may occur in several phases depending on the divergence between the posed requests on one hand and the possibilities or the constraints posed by set priorities. If the Ministry of Finance agrees, the additionally provided funds are distributed among the courts in line with the proposed priorities. However, if no agreement is reached, the proposed budget of the courts is submitted to Parliament, which takes the final decision.

**Q14 (2015):** The legal basis for the procedure for adoption of the budget are the Public Finance Act and the Regulation for the Basis and Procedures for the Preparation of the Proposal State Budget.

The establishing of the budget may be shown through an eight step scheme:

- Establishing of a macroeconomic framework
- Specifying of the development priorities and tasks of the Government
- Setting up of a framework cross section of the budget in accordance with the program and the plans
- Budgetary Manual of the Ministry of Finance
- Preparing of detailed financial plans of direct budget users
- Negotiations with the Ministry of Finance
- Governmental proposal of the state budget
- Discussion and adoption of the budget and the Law on Execution of the Budget, within Parliament.

The Supreme Court as the entity proposing the financial plans of all the courts has a specific role in this process. Although the Courts Act provides that "the volume of financial resources for the salaries of judges and judicial personnel, and for the operation costs of courts, shall be provided within the framework of the state budget of the Republic of Slovenia for all courts on the basis of financial plans of individual courts at the budget user, the Supreme Court of the Republic of Slovenia", the Supreme Court has limited access to the first four phases, which are crucial. Once the priorities are set, it is impossible to reach important changes in the volume of financial resources during budget negotiations. During these four phases it is only the Ministry of Justice that can influence the decisions of the Government, but it has not sufficient knowledge of the needs of the courts, the Supreme Court has some influence only by informal ways.

The Supreme Court enters the process between the fourth and fifth phase. It proposes a cross section of the budget quota specified by the Government, regarding the judiciary for the following two years.

The budget quotas are determined on the level of individual courts, whereby in addition to the initial rules determined by the budget manual, the following criteria are also taken into consideration:

- level of the financial plan of the user for the current year;
- semester realization of the financial plan of the user in the current year.

The Supreme Court also prepares internal manuals for the users as well as internal forms for budgetary items, which may reflect any additional needs for funds along with a short explanation, which is used as a basis for subsequent negotiations with the Ministry of Finance. Then, each court prepares its own financial plan within the framework of the assigned quota in line with the budget items up to the level of a sub-account and submits it to the Supreme Court. During this process job allocation schedules are also prepared, because they have to be adjusted to the proposed budget. The Supreme Court examines every court's financial plan proposal and based on the gathered data and internal forms with appropriate explanations which reflect the additional needs of the users, prepares a new assessment of the needed funds to facilitate a smooth operation of the

**Q15-2 (2018):** /

**Q15-2 (2015):** Public budget for the whole justice system includes:

- Courts: total at Q6 without the amounts financed by the Ministry of Justice (approved budget 152.436.526 EUR / implemented budget 155.940.974 EUR),
- Legal aid: amount at Q12 (3.043.999 EUR / 3.184.217 EUR),
- Public prosecution services: amount at Q13 (18.276.528 EUR / 18.134.349 EUR),
- Prison system: Prison Administration of the Republic of Slovenia (36.758.054 EUR / 36.048.907 EUR),
- Council of the judiciary: the Judicial Council of the Republic of Slovenia (343.776 EUR / 343.266 EUR),
- Constitutional court: Constitutional Court of the Republic of Slovenia (3.955.730 EUR / 3.955.730 EUR),
- State advocacy: State Attorney's Office of the Republic of Slovenia (7.119.832 EUR / 6.981.242 EUR),
- Functioning of the Ministry of justice: the Ministry of Justice (including JTC) without prison system (54.713.839 EUR / 52.990.192 EUR) - the budget includes the EU funds (for EU funds, spent on courts on computerisation and ADR see comment to Q6) and
- Other: the Public Prosecution Council (116.148 EUR / 115.811 EUR).

**Q15-3 (General Comment):** Public budget for the whole justice system includes:

1. 'Courts' – total at Q 6 without the amounts financed by the Ministry of Justice
2. 'Legal aid' – amount at Q 12
3. 'Public prosecution services' – amount at Q 13
4. 'Prison system' – Prison Administration of the Republic of Slovenia
5. Probation services - Probation Administration of the Republic of Slovenia
6. 'Council of the judiciary' – the Judicial Council of the Republic of Slovenia
7. 'Constitutional court' – Constitutional Court of the Republic of Slovenia
8. 'State advocacy' – State Attorney's Office of the Republic of Slovenia
9. 'Functioning of the Ministry of justice' – Ministry of Justice (including Judicial Training Centre) without prison system or probation services
10. „Other“ - the Public Prosecution Council

**Q15-3 (2018):** Public budget for the whole justice system includes:

- Courts: total at Q6 without the amounts financed by the Ministry of Justice - Legal aid: amount at Q12
  - Public prosecution services: amount at Q13
  - Prison system: approved 41.331.001 EUR / implemented 40.034.390 EUR,
  - Probation services: 938.193 EUR / 830.729 EUR,
  - Council of the judiciary: 501.655 EUR / 506.649 EUR,
  - Constitutional court: 4.496.390 EUR / 4.429.551 EUR,
  - State advocacy: 7.606.421 EUR / 7.431.948 EUR,
  - Functioning of the Ministry of justice: 27.649.968 EUR/ 21.803.961 EUR
- and
- Other (the Public Prosecution Council) 132.321 EUR / 130.932 EUR.

In 2018, the newly established Probation Administration of the Republic of Slovenia began to function.

**Q15-3 (2016):** Public budget for the whole justice system includes:

- Courts: total at Q6 without the amounts financed by the Ministry of Justice - Legal aid: amount at Q12
- Public prosecution services: amount at Q13
- Prison system: Prison Administration of the Republic of Slovenia (approved 36.441.312 EUR / implemented 35.027.181 EUR),
- Council of the judiciary: the Judicial Council of the Republic of Slovenia (371.793 EUR/ 369.456 EUR),
- Constitutional court: Constitutional Court of the Republic of Slovenia ( 4.071.218 EUR / 3.912.332 EUR),
- State advocacy: State Attorney's Office of the Republic of Slovenia (12.418.832 EUR/ 12.292.591 EUR),
- Functioning of the Ministry of justice: the Ministry of Justice (including JTC) without prison system (17.731.134 EUR/15.923.488 EUR) and
- Other: the Public Prosecution Council (101.677 EUR/97.882 EUR).

## Spain

**Q6 (2017):** Annual public budget allocated to court buildings: there has been a rise of expenditure. We really appreciate important raises in Catalonia, Galicia and in the autonomous regions under the competence of the Ministry of Justice (five of them). Regarding the latter, between 2016 and 2017, austerity policies followed in previous years were moderated. In the 7 (other) we take into account, among others: locomotion, postal communications, peace courts, books and magazines, some consulting and publicity activities.

**Q6 (2015):** The breakdown of the budget as presented by the CEPEJ is very complex. In 2015 an effort has been made to improve the accuracy of the answer, and from this can derive the differences and decreases between 2014 and 2015.

'Other' includes: Functioning of peace judges, payments for wrongful functioning of the justice system, judicial archives, functioning of the forensics, expenses in meetings, conferences, telephonic costs, costs of the post services, protocol costs and working material

**Q6 (2012):** In the frame of the 2012 exercise, the budget of legal aid and this of public prosecution services have been separated from the budget allocated to the functioning of courts.

The provided data concern the approved budget.

**Q7 (2014):** The data provided concerns the budget of the Ministry of Justice and that of the Autonomous Communities.

The category other encompasses: functioning of peace judges, payments for wrongful functioning of the justice system, judicial archives, functioning of the forensics, expenses in meetings, conferences, telephonic costs, costs of the post services, protocol costs and working material.

**Q7 (2012):** In the frame of the 2012 exercise, the budget of legal aid and this of public prosecution services have been separated from the budget allocated to the functioning of courts and are not included in the indicated total in the ambit of question 6.

The category other encompasses: functioning of peace judges, payments for wrongful functioning of the justice system, judicial archives, functioning of the forensics, expenses in meetings, conferences, telephonic costs, costs of the post services, protocol costs and working material.

**Q9 (2018):** The Royal Decree 1/2015, 27 February amending the Law 10/2012 and requiring the payment of court fees to start court proceedings only from companies and not natural persons, on the one hand; the Judgments of the Constitutional Court that declared the nullity of certain components of the final amount, on the other hand. Both reasons can explain the decrease.

**Q9 (2017):** Legal reforms resulted in a decrease in the income. The legal reforms concern: the Royal Decree 1/2015, 27 February amending the Law 10/2012 and requiring the payment of a court fees to start court proceedings only from companies and not natural persons, on the one hand; the Judgments of the Constitutional Court that declared the nullity of certain components of the final amount, on the other hand.

**Q9 (2016):** The Royal Decree 1/2015 exempted natural persons from paying fees. Besides, the judgment of the Constitutional Court 140/2016 suppressed the fees in appeals and in the filing of administrative cases. All of this has resulted in a reduction in tax collection.



**Q12 (2014):** The significant increase in the budget intended to legal aid between 2012 and 2014 stems from the fact that, by contrast to data provided for 2014, for the 2012 exercise, the budget allocated by the autonomous communities for legal aid was not included in the indicated figures. The total budget for legal aid in 2012 was 253.034.641 euros. It includes the budget allocated by the autonomous communities for legal aid.

**Q13 (General Comment):** In Spain, it is very difficult to carry out a perfect separation between the budget of Courts and the Budget of Prosecution services, because some concepts are common (civil servants, material resources, buildings, etc). Therefore, the figure represents only the salaries.

**Q13 (2018):** Prosecution services budget only includes the gross salaries. The rest of the items cannot be separated of the functioning of the Courts.

**Q13 (2017):** Prosecution services budget only includes the gross salaries. The rest of the items cannot be separated from the budget allocated to the functioning of courts.

**Q13 (2015):** The budget for prosecution service is partial and includes only the budget allocated for personnel and training which can be clearly separated, but there are other expenses referred to the public prosecution service the budget of which is part of the total budget of the Ministry of Justice or it is part of budget approved by the Regions with competences over the justice system. This is the case for items such as buildings and material resources and these costs are included in the budget of courts

**Q13 (2014):** The increase of the total budget between 2012 and 2014 results mainly from a different estimation of the budget allocated to the public prosecution services.

**Q14 (2018):** In the Autonomous Regions with competences in Justice (12 from 17): Justice Department and parliamentary Assembly

**Q14 (2016):** In the Autonomous Regions with competences in Justice (12 from 17): Justice Department and parliamentary Assembly

**Q14 (2015):** Spain is a highly decentralized country. The State is gradually transferring competences in the field of the administration of justice with the appropriate financial means to the Autonomous Regions, except for matters related to national corps (judges, prosecutors and judicial counsellors). The State still holds powers in matters of justice in the Autonomous Region where competences have not been transferred.

Consequently, the budget allocated to courts within the scope of the Ministry of Justice is prepared by the Ministry itself, adopted by the Parliament, managed by the Ministry and lastly evaluated by the Parliament. In the Autonomous regions holding powers in matters of justice, the role of the Ministry of Justice and the Parliament are played by the regional ministries and assemblies respectively.

This way, the figures above are the sum of the budget allocated for the functioning of courts by the Spanish Parliament and Ministry of Justice and by the Assemblies and ministries of the regions holding power on the justice system.

**Q15-1 (2018):** National Comision for Judicial Statistics centralizes and provides data.

**Q15-2 (2018):** Budgetary data centralized by National Comision for Judicial Statistics.

**Q15-2 (2015):** The budget approved for the National Agency of the Personal Data Protection and for the Public Registers for the Justice Administration are also included.

In 2014 and 2015, the protection of juveniles was included only partly in the whole justice system budget.

**Q15-2 (2014):** In the frame of the 2014 exercise, the category "other" encompasses compensation to peace judges, compensation to psychologists, transferences to autonomous regions and also the budget approved for the National Agency of the Personal Data Protection.

For 2014, the budget allocated to the prison system has been included in the figure provided, even though it is of the competence of the Ministry of Internal Affairs and not of the competence of the Ministry of Justice. Furthermore, we have included the budget allocated by Cataluña since this region holds competences over the prison system (by the way, in this case the Justice Department holds the competences over the prison system).

**Q15-2 (2012):** In the ambit of the 2012 exercise, the category "other" includes the following components: compensation to peace judges (2 107 761€); compensation to psychologists (560 610€); transferences to autonomous regions (3 527 352, 85€).

**Q15-3 (2018):** Regarding the probation services, it does not exist a unit or department called 'probation services'. Depending on the phase of the proceeding (Judgement or Enforcement), the Court competent to order the suspension of the prison penalty can be the Court that has judged the case or other specialized Courts (on Prison Supervision). The subsequent control of the compliance by the person sentenced of the legal conditions is followed by the Police, and by the 'Penalty and Alternative Measures Management Services' (both of them within the Ministry of Interior) and also by the competent Court. The Budget for the judicial system includes only the part for Courts and civil servants that serve in Courts. Not the control carried out by bodies within the Ministry of Interior.

Regarding forensic services, these services are under the competences of the Ministry of Justice, and their buildings, material resources and main professionals are part of the budget for Justice provided. Since 2016 the Notariat is included in the whole justice system budget whereas it was not the case for previous cycles.

**Q15-3 (2017):** Budget for Data Protection Agency is included in "Other".

Regarding the probation services, depending on the phase of the proceeding (Judgement or Enforcement), the Court competent to order the suspension of the prison penalty can be the Court that has judged the case or other specialized Courts (on Prison Supervision). The subsequent control of the compliance by the person sentenced of the legal conditions is followed by the Police, and by the 'Penalty and Alternative Measures Management Services' (both of them within the Ministry of Interior) and also by the competent Court. The Budget for the judicial system includes only the part for Courts and civil servants that serve in Courts. Not the control carried out by bodies within the Ministry of Interior.

Regarding forensic services, these services are under the competences of the Ministry of Justice, and their buildings, material resources and main professionals are part of the budget for Justice provided. The data for Protection for Juvenils is only a partial data (some Autonomous Regions, not all of them).

**Q15-3 (2016):** Regarding the probation services, depending on the phase of the proceeding (Judgement or Enforcement), the Court competent to order the suspension of the prison penalty can be the Court that has judged the case or other specialized Courts (on Prison Supervision). The subsequent control of the compliance by the person sentenced of the legal conditions is followed by the Police, and by the 'Penalty and Alternative Measures Management Services' (both of them within the Ministry of Interior) and also by the competent Court. The Budget for the judicial system includes only the part for Courts and civil servants that serve in Courts. Not the control carried out by bodies within the Ministry of Interior.

Regarding forensic services, these services are under the competences of the Ministry of Justice, and their buildings, material resources and main professionals are part of the budget for Justice provided. In 2016 the Notariat is included in the whole justice system budget whereas it was not the case for previous cycles.

## Sweden

**Q6 (General Comment):** Until 2013 exercises, the indicated figures do not reflect the approved budget but the implemented expenses. From 2014 onwards implemented budget is available and approved budget is NA since the approved government budget does not include these details. The implemented budget allocated to:

"justice expenses" is included within the figure provided in respect of item "other". It cannot be identified accurately, because there is not such a category in the Swedish statistical system.

"new court buildings" in NAP since all court buildings are rented from different property owners. "Other" includes Deprecation, Consulting services, Bailiffs, Security services, Costs for Printing matters, Postage, Costs for enouncements, Traveling expences

**Q6 (2018):** Due to differences in nomenclature within different audit systems there is an inherent problem in comparing numbers. As a result, the figures presented in question 6 should be used with prudence. Annual implemented budget allocated to training excludes expenses for food and lodging, these expenses are included in "Other".

**Q6 (2017):** For 2017 the annual implemented budget allocated to computerisation has increased since 2016 due to changes in the categorization of accounts. During 2016 the accounts for computerisation service and maintenance contracts were parts of the category "7. Other", during 2017 these accounts were parts of the category "2. Annual public budget allocated to computerisation (equipment, investments, maintenance)". Due to differences in nomenclature within different audit systems there is an inherent problem in comparing numbers. As a result, the figures presented in question 6 should be used with prudence. Annual implemented budget allocated to training excludes expenses for food and lodging, these expenses are included in "Other". The annual implemented budget allocated to justice expenses has decreased during 2017 compared to 2016 due to significant payments in 2016 to bankruptcy administrators and other justice expertise.

**Q6 (2016):** Due to differences in nomenclature within different audit systems there is an inherent problem in comparing numbers. As a result, the figures presented in question 6 should be used with prudence. Annual implemented budget allocated to training now excludes expenses for food and lodging, these expenses are now included in "Other".

**Q6 (2014):** In the frame of the 2014 exercise, it has been pointed out that courts de facto did not invest as much in "computerization" as the previous year, hence the decrease.

As for the category "other" (which contains a large number of different posts, only the main posts being specified in the comment under question 7), the explanation of the noticed decrease lies partly in the decreasing costs for consulting services.

**Q6 (2013):** In the frame of the 2010, 2012 and 2013 exercises, the indicated figures do not reflect the approved budget but the implemented expenses.

**Q6 (2012):** In the frame of the 2010, 2012 and 2013 exercises, the indicated figures do not reflect the approved budget but the implemented expenses.

**Q7 (2016):** Public Prosecution offices not included.

**Q9 (2016):** On 1st of July 2014 the application fees was significantly raised. Some impact on the income from taxes was visible 2014 cycle but the full impact was visible in the 2016 cycle.

**Q9 (2015):** The increase in annual income of court fees are due to a raise of the fees from July 1st 2014.

**Q12 (2017):** There is no specific budget allocated to legal aid in criminal cases or legal aid in other than criminal cases. However, there is a specific budget allocated to legal aid in cases involving aliens and aliens cases but these numbers have been included in the total number above.

**Q12 (2016):** The increase in the budget for legal aid is because in 2016 they include legal aid in cases involving aliens and aliens cases.

**Q12 (2012):** As concerns the observed differences between the figures provided respectively for the 2010 and 2012 exercises, more funds have been allocated in 2012 on the one hand, and the exchange rate has varied between the two years, on the other hand. Actually, the increase which could be noticed appears more significant in Euro than in Swedish kronor.

**Q12-1 (2017):** See comments to question 12.

**Q12-1 (2016):** The increase in the budget for legal aid is because in 2016 they include legal aid in cases involving aliens and aliens cases.

**Q13 (2012):** As concerns the observed differences between the figures provided respectively for the 2010 and 2012 exercises, more funds have been allocated in 2012 on the one hand, and the exchange rate has varied between the two years, on the other hand. Actually, the increase which could be noticed appears more significant in Euro than in Swedish kronor.

**Q14 (General Comment):** In Sweden all Government decisions are made collectively which means that all ministries are involved in the preparation and evaluation of the budget. The inspection body is the Swedish National Audit office and the category "other" refers to the National Courts Administration.

**Q14 (2016):** The other Ministry is the Ministry of Finance. The inspection body is the Swedish National Audit office and the category "other" refers to the National Courts Administration.

**Q15-3 (2018):** The category "other" encompasses namely the Swedish Police; the Swedish Security Service; the Swedish Economic Crime Authority; the Swedish National Council for Crime Prevention; the Swedish Gene Technology Advisory Board; the Crime Victim Compensation and Support Authority; the Swedish Commission on Security and Integrity Protection; Economic compensation for damages suffered due to crime; Economic costs for certain claim settlements; Economic contributions to local crime prevention; the Judges Proposals Board; EU funding for EU internal security efforts.

**Q15-3 (2017):** The category "other" encompasses namely the Swedish Police; the Swedish Security Service; the Swedish Economic Crime Authority; the Swedish National Council for Crime Prevention; the Judges Proposals Board; the Swedish Gene Technology Advisory Board; the Crime Victim Compensation and Support Authority; the Swedish Commission on Security and Integrity Protection; Economic compensation for damages suffered due to crime; Economic costs for certain claim settlements; Economic contributions to local crime prevention; EU funding for EU internal security efforts.

**Q15-3 (2016):** The category "other" encompasses namely the Swedish Police; the Swedish Security Service; the Swedish Economic Crime Authority; the Swedish National Council for Crime Prevention; the Swedish Gene Technology Advisory Board; the Crime Victim Compensation and Support Authority; the Swedish Commission on Security and Integrity Protection; Economic compensation for damages suffered due to crime; Economic costs for certain claim settlements; Economic contributions to local crime prevention; the Judges Proposals Board.

# Indicator 1: The budget and resources of courts and the justice system

## Comments provided by the national correspondents

### organised by question no.

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

*Question 7. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:*

*Question 9. Annual income of court fees received by the State (in €):*

*Question 12. Annual approved public budget allocated to legal aid, in €.*

*Question 12-1. Annual implemented public budget allocated to legal aid, in €.*

*Question 13. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.*

*Question 14. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):*

*Question 15-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)*

*Question 15-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)*

*Question 15-3. Other budgetary elements*

### Question 6

#### Austria

**(General Comment):** In Austria the budget for courts cannot be separated from the budget of the prosecution services and legal aid and for that reason only the budget of judicial system as per CEPEJ definition is available.

#### Belgium

**(General Comment):** .

**(2017):** The indicated budget includes budgets for courts and public prosecution services. Currently, there are no separate budgets for the courts and public prosecution services.

**(2016):** The budgets mentioned include the budgets for courts and prosecutor's offices. At present, there is no separate budget for the courts and the public prosecutor's office.

The difference between the 2016 budget and the 2015 budget (notably in the budget allocated to legal costs) is due to a "punctual" catch-up" of the backlogs that were paid in 2015.

**(2015):** The budget of courts includes public prosecution services, but it does not include legal aid.

## Bulgaria

**(General Comment):** The answers on budgetary questions for 2010, 2012 and 2013 evaluation cycles are based on implemented budget and not on approved budget due to unavailability of data in sub-categories.

**(2018):** In line "Annual public budget allocated to computerisation" the data in columns "Approved budget" and "Implemented budget" are significantly lower than the figures given when filling in the questionnaire in 2018, with reference year 2017, due to the fact that in 2017 369823 Euros were provided for and spent for the computerization of the new building for the needs of the Regional Court of Sofia and 691350 Euros – for the purchase of computer equipment for the needs of the courts, paid at the expense of the SJC's budget. Computerization of a whole building in 2018 was not carried out, nor was a centralized delivery of computer equipment for the needs of the courts due to the replacement in 2017 of a significant part of the depreciated and obsolete equipment.

As can be seen from the figures mentioned above, the data regarding computerization in 2018, the Columns Approved Budget and Implemented Budget are almost the same with the data for the reference year 2017 when deducting the amounts for the Regional Court of Sofia (one-time cost) and the purchase of computers for the needs of the courts at the expense of the SJC.

In 2018 no investment costs (purchase or construction) were made in new court buildings. When completing the questionnaire in 2018 when the reference year was 2017 in the column Approved budget for new buildings is indicated the amount of EUR 443 290 - the sum is provided for the construction of a new building for the needs of the Administrative Court of Pazardzhik and has not been utilized. The procedures under the Spatial Development Act and the Public Procurement Act (PPA) have been suspended in 2018 and by 31 of December 2018 no funds have been approved for acquiring new buildings for the needs of the courts.

In "Other" are stated the amounts for compensations under the Labour Code (LC) and Judiciary System Act (JSA), costs for apparel, social and cultural services and payments for sickness absence that has been paid at the expense of the employer, as well as the amounts paid for major repairs of court buildings, respectively 2 064 625 Euros, that include 909800 Euro used for courts, at the expense of the budget of the SJC in column Implemented Budget, and 2733032 Euros in column Approved Budget. In 2018 has been spent 1 573 384 BGN more (2064625 Euro - 491241 euro) for major repairs due to the completion of procedures under the PPA that started in 2017. The compensations paid under the LC and JSA in 2018 are by 802470 EUR less than in 2017 but on the other hand there is an increase in the amount of the funds used for major repairs.

The difference between the Approved and the Implemented Budget in the column "Other" is due to the under-execution of the planned major repairs due to unfinished procedures under the Public Procurement Act and the implementation of procedures and activities under the Spatial Development Act and other co-ordination procedures with competent authorities. This is also the reason why there is a significant difference between the TOTAL Approved and Implemented Annual Budget.

**(2017):** In section Annual public budget allocated to computerisation and for columns Approved budget and Implemented budget the amount of 691350 euro has been included, which is used for purchase of computers for the courts which was paid from the budget of the Supreme Judicial Council.

Also are included 369823 euros, which were used for computerization of a new building for the needs of the Sofia Regional Court. The increase of funds is due not only to the purchased equipment for the needs of Sofia Regional Court but also to the replacement of amortised and obsolete computer equipment for the needs of the courts. In 2016, the approved budget for computerization was considerably higher - 2 251 935 euros but only 1 031 772 euros was spent, due to unfinished procedures under the Public Procurement Act.

The increase with 24% of the Annual public budget allocated to court buildings, column Implemented budget, in comparison with the same indicator for 2016 reference year, is due not only to the rise in prices of electricity, heat, fuel, services but also to the entry into service and the payment of maintenance costs of the new building of the largest court - Sofia Regional Court.

In section Annual public budget allocated to investments in new buildings, column Approved Budget, the stated amount has not been absorbed due to the implementation of procedures and activities under the Spatial Development Act and other co-ordination procedures with competent authorities related to the acquisition of buildings. In 2017 no expenditure on investment in new buildings was made.

In section Other, the amounts for compensations under the Labor Code and the Judiciary System Act, costs for apparel, social and cultural services and payments paid for sickness absence paid at the expense of the employer, as well as the amounts for major repairs of court buildings - 491241 euro, including 348 971 euros used for courts at the expense of the budget of the Supreme Judicial Council in column Implemented budget, and 2 946 331 euros in the column Approved budget.

The data in section Other, column Approved budget, is 27,5% higher than the indicator for the reference year 2016 due to the planning and payment of 591000 euros more than the previous period as compensations under the Labor Code and the Judiciary System Act, as well as of the envisaged funds amounting to over 2 500 000 EUR more than the previous period for major repairs. The difference between the Approved and the Implemented Budget in section Other is due to the under-execution of the envisaged funds for major repairs because of unfinished procedures under the Public Procurement Act and the implementation of procedures and activities under the Spatial Development Act and other co-ordination procedures with competent authorities. This is also the reason why there is a significant difference between the Total Approved and the Implemented Annual Budget.

**(2016):** In Category 2 Annual public budget allocated to computerisation (approved and implemented) the amount of 631830 euro has been included, which is used for purchase of computers for the courts from the budget of the Supreme Judicial Council. The significant difference between approved and implemented budget allocated to computerisation comes from the impossibility of spending the ensured funds for purchase of computers, because of pending procedures under the Public Procurement Act.

The difference between the approved budget for computerisation between 2014 and 2016 is a result of the additional funds of 631830 euro that have been included for purchase of computers for the courts from the budget of the Supreme Judicial Council, as well as other investments in IT. However due to the delays in procurement procedures, these funds were not spent and this is reflected also in the difference with implemented budget for computerisation for 2016.

The increase in the annual state budget (approved and implemented) for justice expenses – expert opinions, translations, etc. is due to a change in the way of determining the remunerations of court experts. According to the Ordinance in force until the middle of 2015, the court experts shall receive BGN 5 per hour and according to the amendment, the remuneration paid shall be 2.3% of the minimum wage. This is an increase of 75% of the remuneration per hour in 2015 and 93% in 2016, with a minimum wage as of 01.07.2015 amounting to BGN 380 and with a minimum wage as of 01.01.2016, amounting to BGN 420. The increase in the annual state budget (approved and implemented) for court expenditures – expert opinions, translations, etc. - in 2016 compared to 2014 is 36.09%. Besides, the amount of court expenditures (approved and implemented budget) has been influenced also by the cases related to the flow of refugees, passing or remaining on the territory of Bulgaria. This is due to the need for specific knowledge in foreign languages, the need for translators/interpreters, special expert opinions and etc. The fact, that the number of cases, their type and the carrying out of expertise for which specific knowledge is needed depends on the situation, the situation in the respective year in the country, is not insignificant in determining the amount of court expenditures. The presence or absence of significant cases, cases involving the interrogation of many witnesses or others also have a direct impact on the amount of these expenditures. The increase in the annual state budget (approved and implemented) for training in 2016 and in 2015 compared to 2014 is due to the fact that in 2014 most of the trainings were carried out through European Union funds under the Operational Programme “Administrative Capacity”. In Category 7 Other, the amounts for compensations under the Employment Code and Judiciary System Act, costs for apparel, social and cultural services and payments paid for sickness absence has been paid at the expense of the employer. For 2016 this category also includes the amounts for major renovations of court buildings - respectively 119690 euro in implemented budget column and 142954 in approved budget column. The last is due to the amendments in the Judiciary System Act according to which the budget for investments in new (court) buildings and for major renovations of court buildings is allocated to the Judiciary, not to the Ministry of Justice.

Regarding the approved annual public budget to “court buildings” the increase between 2014 and 2016 is due to the necessary amounts for the maintenance and running costs for the newly acquired building for Sofia regional court (Sofia first instance court) on “Tsar Boris” boulevard, which is used for first time for a full year .

**(2015):** Under item 3 - The difference in the amount compared to the previous evaluation cycle appears due to the entry into force in July 2015 of a new Ordinance on Registration, Qualification and Remuneration of Court Experts, pursuant to which is increased the hourly rate of remuneration of court experts.

Under item 6 - The difference in the amount compared to the previous evaluation cycle appears due to the approved funds for the courts by the Act for the State Budget of the Republic of Bulgaria for 2015 which allows spending more money for training in comparison to 2014.

Under item “other” are included the amounts for benefits/compensations due under the Labour Code and the Judiciary System Act, expenses for clothing, SWCS (social, welfare and cultural services) and benefits for temporary disability of workers on the expense of the employer.

**(2014):** In the frame of the 2013 exercise, several explanations have been provided.

With regard to the budget allocated to “new court buildings”, the sum of 7402177 € (which is not encompassed in the table) was allocated by the State budget to the Ministry of Justice.

It has been specified that the approved annual public budget allocated to the functioning of the courts is a common value (114 102 964 € for 2013) and no breakdown of salaries, court costs, buildings, expertise, insurance and others can be carried out. The indicated total in the table is the executed budget because data related to the different components are taken from the cash account report for the budget implementation of the judiciary.

Besides, for 2012 and 2013 the budget of the Judiciary, including this allocated to courts, has been increased pursuant to Decrees of the Council of Ministers.

It is noteworthy that for the 2012 cycle, the amount allocated to the social insurance contributions is included in the item 'other', while for the 2013 exercise it is encompassed in the “gross salaries”. As a result of this new distribution, in 2013, the annual public budget allocated to the category “other” has considerably decreased, while the budget of the category “gross salaries” has increased.

Finally, it should be noticed that for 2010, the budget allocated to “justice expenses” subsumes amounts for expertise and ongoing maintenance of buildings, while the budget allocated to “court buildings” encompasses only the cost of current repair of buildings. On the contrary, for 2012 and 2013, the former includes only amounts for expertise, while ongoing maintenance of buildings and the cost of current repair of buildings are included in the latter. Consequently, the important decrease of the budget allocated to “justice expenses” between 2010 and 2013 and the meaningful increase of the budget allocated to “court buildings” for the same period are only the consequence of the transfer of the costs of current repair and on-going maintenance of buildings from one category to another.

In the frame of the 2014 exercise, several clarifications have been provided.

As for the budget allocated to gross salaries, the variation observed for the period 2013-2014 has two justifications. On the one hand, the Public Social Insurance Budget Act has been modified in 2014. Accordingly, the maximum amount of social security income has been raised. On the other hand, the Military Courts of Varna and Pleven were closed.

With regard to the category “computerization”, the difference in the amount compared to the previous evaluation cycle is justified by the renewal of the obsolete computer equipment and the replacement of the one that is not beyond repair.

As for the category “investments in new court buildings”, the sum was allocated by the State budget to the Ministry of Justice under Investments of Judiciary Bodies Programme.

Finally, in respect of the category “other”, the variation between 2013 and 2014 is justified by the amount of benefits due under the Labour Code and the Law on the Judiciary, paid at a higher rate. Over the years, this amount varies depending on the number of persons leaving the system and the time they have worked in it. The amount of benefits paid during the previous evaluation cycle is € 1 667 350, and in this evaluation cycle - € 3 368 650. The benefits paid in connection with the closing of the two military courts also have an impact.

**(2013):** In the frame of the 2013 exercise, several explanations have been provided.

With regard to the budget allocated to “new court buildings”, the sum of 7402177 € (which is not encompassed in the table) was allocated by the State budget to the Ministry of Justice.

It has been specified that the approved annual public budget allocated to the functioning of the courts is a common value (114 102 964 € for 2013) and no breakdown of salaries, court costs, buildings, expertise, insurance and others can be carried out. The indicated total in the table is the executed budget because data related to the different components are taken from the cash account report for the budget implementation of the judiciary.

Besides, for 2012 and 2013 the budget of the Judiciary, including this allocated to courts, has been increased pursuant to Decrees of the Council of Ministers.

It is noteworthy that for the 2012 cycle, the amount allocated to the social insurance contributions is included in the item 'other', while for the 2013 exercise it is encompassed in the “gross salaries”. As a result of this new distribution, in 2013, the annual public budget allocated to the category “other” has considerably decreased, while the budget of the category “gross salaries” has increased.

Finally, it should be noticed that for 2010, the budget allocated to “justice expenses” subsumes amounts for expertise and ongoing maintenance of buildings, while the budget allocated to “court buildings” encompasses only the cost of current repair of buildings. On the contrary, for 2012 and 2013, the former includes only amounts for expertise, while ongoing maintenance of buildings and the cost of current repair of buildings are included in the latter. Consequently, the important decrease of the budget allocated to “justice expenses” between 2010 and 2013 and the meaningful increase of the budget allocated to “court buildings” for the same period are only the consequence of the transfer of the costs of current repair and on-going maintenance of buildings from one category to another.



**(2012):** In the frame of the 2012 exercise, the attention was drawn on three points.

Firstly, with regard to the budget allocated to new court buildings, the sum of 5828727 € (which is not encompassed in the table) was allocated by the State budget to the Ministry of Justice under Investments of Judiciary Bodies Programme. The latter includes activities on improving the material basis of Judiciary Bodies (court and prosecution), namely: acquisition of buildings; rehabilitation, reconstruction and major repairs of buildings; design and construction of new buildings.

Secondly, it has been specified that the approved annual public budget allocated to the functioning of the courts is a common value (114 000 706 € for 2012) and no breakdown of salaries, court costs, buildings, expertise, insurance and others can be carried out. The indicated total in the table is the executed budget because data related to the different components are taken from the cash account report for the budget implementation of the judiciary.

Finally, during the 2012 and 2013 the budget of the Judiciary, including the courts, has been increased pursuant to Decrees of the Council of Ministers.

## Croatia

**(2016):** The total budget has not changed much but there are differences within categories. The gross salaries increase is due to the regresses and Christmas bonuses, which did not exist in 2015.

Larger budget have been approved for computerisation.

The amount for justice expenses is smaller because bigger amount had been allocated to state attorney's offices so less remained for the courts.

6.4.&6.6. - The implemented and approved budget in these two categories differ because during the year a need for a larger amount had arisen in budget allocated for training and was compensated by the another.

**(2015):** No. 1: In the said amount gross salaries, benefits, transportation costs and other expenses for employees (jubilee awards, severance pay, help) are included.

No. 4: The above mentioned amount refers to the costs of current maintenance and investments of buildings, utilities, phone, inventory, energy.

No. 5 the declared amount also includes investments and renovations of the existing buildings.

No. 5 includes investments in buildings. Considering that there were no investments in new buildings in 2015, the amount of investments for adaptation and restructuring of existing buildings was included into item no 4.

No. 7 includes postal services, office materials, insurance premiums, banking and health services.

Budget of courts and budget of the public prosecution services are presented separately.

**(2014):** • In the 2014 exercise, it has been specified that the category "gross salaries" includes benefits, transportation costs and other expenses for employees (jubilee awards, severance pay, help).

• The category "justice expenses" encompasses as in 2013 expenses related to intellectual services, postal and telephone services, office equipment, witness and interpreters, as well as smaller amounts for other justice expenses.

• The budget allocated to "court buildings" refers to the costs of current maintenance of buildings and investments, utilities, phone, inventory, energy etc. The stated amount is significantly different from this indicated for 2012 because of a different presentation of data. By contrast to the 2012 evaluation, the category is construed in a wider way and subsumes also the operating expenses. Out of that figure, the total amount of investments is 709.245,75 Euro.

• Concerning the item "new court buildings", provided that there were no investments in new buildings in 2014, the amount of investments for adaptation and restructuring of existing buildings was added to item n° 4.

**(2013):** • In the 2013 exercise, the category “justice expenses” subsumes expenses related to intellectual services, postal and telephone services, office equipment, witness and interpreters, as well as smaller amounts for other justice expenses.

- As to the budget allocated to “court buildings”, in 2013, in contrast with the 2012 exercise, it also encompasses investments and renovations of the existing buildings.
- As to the category “new court buildings”, in 2012 it was interpreted narrowly, while for the 2013 evaluation, it encompasses all investments related to the court buildings.
- Besides, the budget allocated to “justice expenses” and “new buildings”, has significantly decreased between 2010 and 2013 as a result of the economic situation and public expenditure rationalization, as well as the effects of the reorganization and reduction of the number of courts.
- Variations noticed in respect of the budget allocated to “computerization” for the period 2010-2012-2013 are the consequence of reduced investments but also of the implementation of measures intended to rationalize costs and savings related to computerization (e.g., maintenance of IT equipment is carried out under more favourable financial conditions than in 2010).
- As for the budget allocated to “training” and its decrease between 2010 and 2013, it should be noticed that in 2013, there was no recruitment of judicial and state attorney’s trainees, unlike in 2010. Therefore, the budget for 2013 did not allocate funds for the educational activities of judicial and state attorney’s trainees. In addition, due to the smaller number of students, the budget for educational activities for the purposes of the National School for the Judicial Officials was reduced.

**(2012):** Concerning the categories “new court buildings”, “justice expenses” and “other”, in 2012 they have been construed in a restrictive way which explains the reply NA.

## Cyprus

**(2018):** Other includes publications, compensation and cost in action

The difference between the approved budget and the implemented budget with regard to investment in new buildings is that for 2018 an amount of 5 million was paid for the arbitration costs for the erection of the supreme court building.

1. Total (Approved budget discrepancy comment): 5 millions for arbitration awards.
1. Total - (Implemented budget discrepancy comment): 3 millions for arbitration awards.
2. Annual public budget allocated to computerisation (Approved budget discrepancy comment): new computers
2. Annual public budget allocated to computerisation (Implemented budget discrepancy comment): new computers
3. Annual public budget allocated to justice expenses (Approved budget discrepancy comment): increase in cost for experts
3. Annual public budget allocated to justice expenses (Implemented budget discrepancy comment): increase in the costs for experts
4. Annual public budget allocated to court buildings (Implemented budget discrepancy comment): maintenance of the old supreme court building.
5. Annual public budget allocated to investments in new (court) buildings (Approved budget discrepancy comment): erection of new building.
5. Annual public budget allocated to investments in new (court) buildings (Implemented budget discrepancy comment): erection of new building and arbitration award
6. Annual public budget allocated to training (Approved budget discrepancy comment): setting up of a judicial training school

**(2017):** The annual public budget allocated to computerisation increased between 2016 and 2017 due to the purchase of new computers. The budget allocated to justice expenses increased between 2016 and 2017 because consultancy services of experts were included. Indeed, for previous cycles, consultancy services were included in the category “justice expenses”. Nevertheless, in 2017, there is an increase of this amount as a result of the general reform of the courts and the reports prepared by experts to this effect. However the actual expenditure was lower than the approved budget.

With regard to the difference between approved and implemented budget for new buildings, the approved budget included the amount for the erection of a new district court of Famagusta as well as for the family court which did not occur in 2017.

The category “other” includes publications and compensation costs. It is noteworthy that publications and compensation costs were included in “justice expenses” for previous years.

**(2016):** The annual public budget (approved and implemented) allocated to computerization decreased between 2015 and 2016 because no new computers were purchased.

Concerning the annual public budget (approved and implemented) allocated to justice expenses, the discrepancy with previous data is due to the fact that in the last cycles (2014 and 2015) legal aid could not be isolated.

The annual public approved budget allocated to training increased between 2015 and 2016 because more training activities were organised. In 2016 the budget allocated to new buildings included a budget for the erection of a new district court of Pafos. However this was not achieved in 2016 therefore there is a big difference between the approved and the implemented budget.

**(2015):** Regarding the approved budget:

Before 2015, new computers were installed explaining the variations regarding the category "computerisation" between 2015 and the previous years.

Starting in 2014 there was a difference in methodology calculating different categories and for that the category justice expenses increased enormously. From 2014 the amount for cost in action as well as for publishing were included in "justice expenses" while in the previous cycle this was included in the category "other".

In 2015, there was no new building built.

The budget allocated to training decreased over the years due to austerity measures. From 2015, this budget has been increased again.

**(2014):** 2014: - The supreme Court is also the constitutional court and the High council of the judiciary, therefore the budget is the same.

Variations:

In 2014 there was a difference in methodology calculating different categories and for that the category justice expenses increased enormously. In 2014 the amount for cost in action as well as for publishing were included in "justice expenses" while in the previous cycle this was included in the "other" and mentioned in the comments. Now it is corrected and included in justice expenses.

The numbers for new buildings decreased because in 2012 new district court was built and there are no new buildings in 2013 or 2014.

The budget allocated to training is decreasing over the years due to austerity measures. However that amount was the approved amount and not the implemented. The implemented budget is substantially bigger than approved.

**(2013):** 2013 The numbers for new buildings decreased because in 2012 new district court was built and there are no new buildings in 2013.

2010, 2012, 2013 The amount for cost in action as well as for publishing were included category "other".

**(2012):** 2010, 2012, 2013 The amounts for cost in legal action as well as for publishing were included within the category "other".

## **Czech Republic**

**(General Comment):** The data on approved budget allocated to justice expenses cannot be separated from category "Other" in the approved budget. The data on implemented budget are obtained from individual courts from their economic system.

Please note that budget allocated to training and education does not include education realized by the Judicial Academy.

The implemented budget can be changed during the year, there can be movement even among individual chapters. During the year it also can increase by the expenses that were not used in previous year. That is why the implemented budget can sometimes be higher than the approved one. It is noteworthy that before 2014, the implemented budget was provided instead of the approved one. Accordingly, comparison should be made with care.

**(2018):** There can be movement between the different categories of the budget during the year according to the current needs. Moreover, there is also influence of exchange rate.

**(2017):** The data on approved budget allocated to justice expenses cannot be separated from category "Other" in the approved budget. The data on implemented budget are obtained from individual courts from their economic system.

**(2016):** The data on approved budget allocated to justice expenses cannot be separated from category "Other" in the approved budget.

The approved Legal Aid budget is included in the court budget and cannot be separated at this stage. The implemented budget changes during the year, there can be movement even among individual chapters. During the year it also can increase by the expenses that were not used in previous year. That is why the implemented budget per categories can sometimes significantly differ and it also exceeds the approved budget.

**(2015):** The data on approved budget allocated to justice expenses do not exist, the approval budget is not divided to this level. The data on implemented budget are obtained from individual courts from their economic system.

Please note that budget allocated to training and education does not include education realized by the Judicial Academy.

**(2014):** In the frame of the 2014 exercise, it was specified that the implemented budget covers also means which were not spent in the previous period. Data related to the approved budget allocated to justice expenses do not exist because the approval budget is not divided to this level. Owing to the impossibility to identify the approved public budget with regard to justice expenses, the reply in respect of this category is NA. Data on implemented budget are obtained from individual courts from their respective economic systems. As a matter of fact, the annual implemented budget of the Judicial Academy was 2 706 956 EUR in 2014.

**(2013):** Within the ambit of the 2013 exercise, it was explained that the justification of the observed discrepancies for the period 2012-2013 lies in the course of the exchange rate. As a matter of fact, the annual implemented budget of the Judicial Academy was 2 343 612 EUR in 2013.

Moreover, according to the Economic department of the Ministry of Justice there were some investments to new buildings in 2013 contrary to the previous year.

As for the category "training and education", although the difference is quite significant, the data are correct.

## Denmark

**(General Comment):** The total annual budget in question 6 does not encompass the budget of the public prosecution services, neither the budget of legal aid. The annual budget allocated to investments in new (court) buildings is part of the allocated budget to court buildings which justifies the reply NA.

**(2018):** 1) The approved and implemented budget for 5) Investments in new court buildings are included under 4) Court buildings.

2) The category "other" includes the courts expenses in connection to case handling, including postage costs, purchases of goods and services and any extraordinary expenses not directly attributable to other items.

**(2017):** The approved and implemented budget for 5) Investments in new court buildings are included under 4) Court buildings. The same applies to previous years. The category "other" includes the courts expenses in connection to case handling, including postage costs, purchases of goods and services and any extraordinary expenses not directly attributable to other items.

**(2016):** The approved and implemented budget for 5) Investments in new court buildings are included under 4) Court buildings. The same applies to previous years. The answers for 2014 and 2015 regarding 5) should therefore be changed from NAP to NA. The category "other" includes the courts expenses in connection to case handling, including postage costs, purchases of goods and services and any extraordinary expenses not directly attributable to other items. The category "Other" shows a decrease of 30% between 2014 and 2016, primarily due to exceptional circumstances in 2014, which necessitated large financial provisions.

**(2015):** Building-related expenses, including rent, increased greatly during the years 2013-2014, when 4 district courts and 1 High Court moved into new courthouses.

The budget for new court buildings are included in the budget "court buildings".

Regarding the category "other", the variation between 2010 and 2015 result to the fact that in 2010 there were extraordinary high costs to consultants in connection to several tenderings' proceedings.

## Estonia

**(2018):** 2. Implemented computerisation budget in 2018 was bigger than approved budget because the government financed the Project "Paperfree court" with extra 217 000 euros. 3. Expenses are different every year and they depend on concrete cases.

5. There was investment into a new court building in 2018.

**(2017):** With regard to the category "justice expenses", the budget is different every year because of the nature of such expenses.

In respect of the category "training", it should be mentioned that most of the training courses are carried out by the Supreme Court. The training budget includes the budget of the Ministry of Justice and the Supreme Court. The previous year training was also ensured by the Ministry of Justice. Now, it is centralized within the Supreme Court and more efficient. When MoJ was responsible for the training of court officials (excluding judges) the training costs were bigger. The Supreme Court can organize the same training for officials and judges. The category "other" refers to vehicle costs, medical costs, judges' pensions.

**(2016):** The approved annual public budget allocated to training was bigger than the year before because the implemented budget was taken into account.

Investment in court buildings is done by Public Real Estate Company and does not appear in courts' budget. Only Supreme Court's investment budget has been shown in previous years. In 2016 they did not invest in court buildings.

**(2015):** For the 2015 exercise (as for 2014), the total annual public budget allocated to courts includes the Supreme Court's budget which resulted in variations compared to the previous evaluations.

Regarding the budget allocated to computerisation, the main expenses of first and second instance courts are not part of the court's budget but are included in the budget of the Center of Registers and Information Systems. The budget allocated to computerisation mentioned refers mainly to the budget of the Supreme Court. In 2015, the Supreme Court developed its own system in the Court Information System.

The budget allocated to justice expenses is very difficult to predict. In recent years, the trend is that expenses are increasing (partly due to the influx of cases which need translators). If the budget allocated to justice expenses is not sufficient, it is possible to apply for more budgets from the reserves.

Most investments in court buildings are done by State Real Estate Ltd and is not included in the courts' budget.

If by the end of the year, there are funds left from one category of the courts' budget, these funds are transferred to the budget allocated to training.

As for the sub-category "other", the meaningful increase of the budget between 2010 and 2015 is due to the difference of content. From 2012, more components were included in the category "other".

**(2014):** For the 2014 exercise, the annual public budget allocated to all courts does not include the budget of legal aid, neither the budget of public prosecution services. Moreover, the indicated total does not subsume the following budgets: prison and probation systems; Ministry of Justice (and/or any other institution which deals with the administration of justice); other institutions (other than courts) attached to the Ministry of Justice; judicial protection of youth (social workers, etc.); High Council for the Judiciary; annual income of court fees or taxes received by the State.

Besides, some of the expenses for the installation, use and maintenance of computers in first and second instance courts are not included since the Center of Registers and Information systems has a separate budget.

On the contrary, in the frame of the 2014 exercise, the total annual public budget allocated to courts includes the Supreme Court's budget which resulted in variations compared to the previous evaluations. Namely, the figures indicated for investments in new court buildings concern only the Supreme Court's budget, while 1st and 2nd instance courts don't have any investments. Likewise, training costs of 1st and 2nd instance judges are encompassed within the budget of the Supreme Court.

In 2014, there was a slight increase of the salaries in general. Moreover, the methodology of calculation of judges' salaries has changed resulting in an increase. Additionally, in 2013 a project related to the position of assistant to judge (per each judge of first and second instance) was launched. The salary of a judge's assistant is at least half of the first instance judge's salary.

The significant decrease of the budget allocated to "computerization" since 2013 has a double explanation. On the one hand, in 2013 there were costs of developing the 2nd generation Court Information system. On the other hand, in 2014, the main costs are in the budget of the Center of Registers and Information Systems which is a separate one.

As for the budget allocated to "justice expenses", the observed increase between 2012 and 2014 results mainly from the significant increase of the translation costs (asylum seekers cases) and other costs related to court proceedings.

As for the category "other", the observed increase for the period 2012-2014 is due to the increase of judges' pensions.

**(2013):** In the frame of the 2013 exercise, several variations are noticed with regard to different budgetary sub-categories. Relevant explanations are provided in this respect.

As for the budget allocated to “justice expenses”, the observed increase between 2012 and 2013 stems mainly from the significant increase of interpretation and translation costs. On the one hand, the number of cross-border cases has increased within the years, which requires more interpretation and translation services to be provided in court proceedings. On the other hand, in the Supreme Court the way of payment of translation costs has changed (before, the translation service was ordered and paid on the basis of labour contracts and was a part of the personnel costs; after the change, the translation service is ordered as a service and it is paid on the basis of the invoice and it is considered to make part of the justice expenses). In addition, costs of expertise and costs related to bankruptcy proceedings have been increased during the last years.

As for the budget allocated to training (only judges and not court staff), its increase between 2012 and 2013 is a result of the increased need of training of judges. The latter is justified by the new or changed legislation and the new IT systems implemented lately in the judicial field (new court information system, State claims payment information system).

**(2012):** For 2012, the budget allocated to “computerization” has significantly increased due to the large IT development projects like the digital court file project, the new court information system that brought along the need to develop other information systems and registers connected to it, and many other projects.

As to the budget allocated to “justice expenses”, it has considerably decreased due to the fact that before the expenses of expertise were included in the budget allocated to the functioning of courts, while now they are a part of the Estonian Forensic Science Institute’s budget.

As for the sub-category “other”, the meaningful increase of the budget between 2010 and 2012 is due to the difference of content. If for 2010 this item includes only unpredictable expenses, for 2012 it encompasses numerous components. With regard to the latter, the main increase is caused by including the pensions of former Supreme Court justices. Basically, before 2012 all the pensions of public officials were in the budget of the Ministry of Social Affairs. From 2012, the pension has to be included in the budget of the institution where the pension receiver has worked. Therefore the funds for the pensions of the former justices of the Supreme Court are now included in the budget of the Supreme Court.

## Finland

**(General Comment):** The budget of legal aid and the budget allocated to public prosecution services are not included within the total of annual public budget allocated to the functioning of all courts.

The amount for justice expenses (3.) is estimated appropriation and in fact is not counted as budget, so when calculating the sums of the implemented budget together the approved budget sum is exceeded. However this does not mean that the budget is truly exceeded. The other sums in budget are transferable appropriations and counted as budget allocation.

Other expenses (7) include health services, postage, office supplies, telephone and telecommunications services.

**(2018):** The implemented budget for computerisation increased significantly in 2018 compared to 2017 and 2016. The main reasons for this are the two large IT development projects called the AIPA project and the HAIPA project which are both in progress. For more information about the projects, please see the question 208.

**(2016):** The amount for justice expenses includes for example fees for translations of court documents and interpretation in court hearings. The implemented budget varies a lot so it is quite impossible to know the correct appropriation beforehand. These variations also explain the differences in the implemented budget for 2014 and 2016.

**(2015):** For 2015, the costs of computerisation have increased. Also, the budget allocated to justice expenses includes expenses for the interpretation which have increased.

**(2014):** The increase of the budget allocated to “justice expenses” between 2013 and 2014 is mainly due to the increase of translation and interpreting costs as well as the increase of the compensation paid from State funds to witnesses for their necessary travel and maintenance expenses as well as for loss of earnings.

As to the significant increase of the budget allocated to the category “other” between 2013 and 2014, it is not possible to identify the specific reason because there is no available detailed information on each of the components of this category.

## France

**(General Comment):** The communicated data correspond to expenses of civil and criminal courts on the one hand and administrative courts on the other hand, regulated through separate programmes.

**(2018):** The data provided for the approved and allocated budget are those voted in the initial finance law for 2018. The data mentioned for the executed budget correspond to those indicated in the Annual Performance Report for 2018. It is impossible to distinguish the budget allocated to the courts from the budget allocated to the prosecution and/or the budget allocated to legal aid. Also, it was decided to apply a court allocation key 80% /public ministry 20%.

Concerning the budget allocated to the investment in new buildings, the increase is mainly explained by the financing of the Caen and Batignolles courts. Indeed, the payment needs of these two public-private partnership contracts correspond to the investment and financing schedules of the contract related to the Caen Court (€2.6 million per year) and the contract related to the Paris Court (€50.7 million per year), i.e. €53.29 million per year from 2018 to 2022. Concerning the increase in the budget allocated to training, the increase is explained by the increase in the number of paid staff. These are the promotions of student clerks (330 in 2016 compared to 579 in 2019)

The breakdown of the appropriations under point 7 "Other" is as follows: - an assessment of the cost of the transfer of escorted persons, of the cost of courtroom guards, and the cost of prosecutors' officers borne by the Ministry of the Interior (160 million euros);

- an assessment of the rental value of judicial buildings made available to the judiciary by local authorities (€60 million);  
- an assessment of the staff appropriations of the specialised courts of justice in the social field: social security courts - TASS - and incapacity courts - TCI - (' 28.7 million). This estimate is an addition to the previous years' estimate of the annual public budget allocated to all courts.

- 65.8M€ million corresponding to the contribution of the central administration to the functioning of the courts (in particular the legislative departments) For question 6, the data provided for the approved and allocated budget are those voted in the initial finance law for 2018. The data mentioned for the implemented budget correspond to those indicated in the Annual Performance Report for 2018.

**(2017):** The annual public budget allocated to the functioning of all courts (without the budget of public prosecution services) cannot be distinguished from the budget allocated to public prosecution services. A distribution key is therefore applied to the overall budget resulting in 80% of the expenditure for the courts and 20% for the budget of public prosecution services.

Variations between 2016 and 2017 are due to numerous investments in information systems as well as in new courts (and in particular the Paris court). In addition, major efforts have been made in the field of training, including new training courses for non-professional judges such as consular judges and judges in labor courts.

**(2016):** The increase in this part of the budget is justified by a special effort made for the reception of the public and the working conditions of the staff. The annual public budget allocated for the functioning of all courts (without the budget of the Public Prosecutor's Office) is not distinguishable from the budget allocated to the Public Prosecutor's Office. A distribution key is therefore applied to the overall budget implying 80% of the expenditure for the courts and 20% for the budget of the public prosecutor.

In addition to the civil and criminal justice budget, this amount also includes: an evaluation of the cost of the transfer of persons under escort, the cost of courtroom guards, and the cost of public prosecutors borne by the Ministry of the Interior ('160 million); an evaluation of the rental value of judicial buildings made available to the judiciary by local authorities ('55 million); an evaluation of the appropriations of staff of courts specialising in the social field: social security courts - TASS - and tribunals for disputes concerning incapacity - TCI - ('19.5 million) - this estimate is an addition to the estimate of previous years of the annual public budget allocated to all courts; 68 million euros corresponding to the contribution of the central administration to the functioning of courts (including legislative departments).

The considerable increase in the budget allocated to buildings and maintenance is explained by the special budgetary effort made for public reception and staff working conditions. The decrease in investment in new court buildings is part of a multi-year cycle and follows a wave of major investments. The increase allocated to the functioning shows that this is not a reduction in the effort devoted to real estate as a whole. As for the training budget, there is not a significant decrease, but an error has been corrected. Finally, the increase in appropriations for IT is due in particular to the implementation of various large-scale projects: the "justice.fr" portal and the single reception service for litigants, but also to the support given to certain information systems, in particular that of labour courts.

**(2015):** Data shown correspond to the expenditure of judicial and administrative courts carried by separate programs.

Data entered for the approved budget allocated are those voted in the initial budget act for 2015. For the data mentioned for the implemented budget, they correspond to those indicated in the annual performance report for 2015.

Although the budget of the public prosecution services merges with that of the courts, an allocation key has been applied so as to distinguish between the budget allocated to the activity of the courts and that allocated to the public prosecution services. The implemented budget is different from the approved and allocated annual public budget.

Personnel costs :

As in previous years, there are margins on personnel costs. An under-consumption of full-time equivalents worked as well as a different distribution of jobs by category explain this discrepancy.

Justice expenses :

In 2015, expenditures regarding justice expenses rose slightly, by 1.2% compared with 2014.

Real estate :

Real estate credits of judicial courts have grown by 13% compared to the 2014 implemented. Nevertheless they have incurred a significant portion of the arbitrations rendered in management which explains the discrepancy between the budget act and the 2015 implemented.

The "other expenses" refer to:

- an estimate of the cost for the transfer of an accused under escort, the costs of on-call for courtrooms, cost of officers of the public prosecution service incurred by the Ministry of Interior;
- an estimate of the rental value of judicial buildings made available to the courts by local and regional authorities;
- an estimate of the costs related to the staff of specialised judicial courts in the social field: social security courts (TASS) and incapacity dispute courts (TCI). This estimate is an addition to the estimate of previous years of the annual public budget allocated to all courts.
- the contribution of the central administration to the functioning of the courts

**(2014):** The data indicated for the approved and allocated budget are those passed in the initial Finance Law for 2014. Regarding the data reported for the executed budget, they correspond to those indicated in the annual performance report for 2014. The executed budget is different from the annual approved and allocated public budget.

Regarding staff costs, as in previous years, there are margins. Underconsumption of full-time equivalent of working and a different distribution of jobs by category between the Finance Law and the Annual Performance Report 2014 explain this discrepancy.

The budget allocated to computerisation decreased by 23% between 2013 and 2014. The distribution key applied this year explains this fall, since part of the budget is in the public prosecution services budget. Also, if the allocated budget fell slightly, the executed budget is below the allocated one.

The increase of the budget allocated to training is explained by the massive increase in recruitment (from 105 in 2010 to 212 in 2012 and 273 in 2014).

Recruitment without competition has also increased. The measures to train these future judges and public prosecutors has been adapted with the recruitment of staff for the School. This is to compensate retirements that have been more important than recruitment in the recent years, as illustrated by the number of judges and public prosecutors. It is noteworthy that the National School intervention field of the judiciary is also expanding to non-professional judges: judges of commercial courts, delegates of the public prosecutor.

## Germany

**(2018):** The budget of the courts cannot be separated from budget from the public prosecution.

**(2016):** The budget of the courts cannot be separated from budget from the public prosecution.



**(2015):** The data refer to the year 2014. At present, no more recent data are available. Inasmuch as sub-questions 6.2, 6.4, 6.5, 6.6, and 6.7 were answered by “NA,” this is due to the fact that most of the Länder were unable to provide information, meaning that any amount cited would not be meaningful in substantive terms. Re. 6.1 and 6.3: Some of the Länder were unable to provide data in this regard. Accordingly, the information provided here is incomplete and is not comparable with the previous data.

Re. 6.1: The background for the difference made by the Federation between the approved budget and the implemented budget is that the departments have been granted funds for augmenting their staff in the context of their budget management in 2014. It is not possible to separate the budget of the public prosecution offices for a number of Federal Länder.

**(2014):** On the occasion of the 2014 exercise, several clarifications have been provided. Firstly, the difference between the approved budget and the implemented one stems from the fact that the departments have been granted funds for augmenting their staff in the context of their budget management in 2014. Secondly, in 2014, the Federal Landers of Hamburg, Saarland, and Thuringia did not provide any answers to Question 6. Accordingly, the information is incomplete. As to the other categories, namely “computerization”, “court buildings”, “new court buildings”, “training” and “other”, a considerable number of Landers were not able to provide figures for 2014. The reply NA was preferred in order to avoid inconsistent figures.

**(2013):** In the frame of the 2013 exercise, it has been recalled, as in 2012, that since individual Landers were unable to provide specific data with regard to all of the sub-categories, the information remained incomplete. Moreover, some Lander indicated total amounts that were higher than the sum of all data provided under items 6.1 to 6.7. Accordingly, a total of € 102,320,057 could not be attributed to individual items. Therefore, this amount was not included in the amount indicated as total budget allocated to the functioning of all courts. For 2013, the federal Landers of Hamburg and Saarland did not provide any reply to question 6. Accordingly, the information was incomplete. On the other hand, Berlin, Schleswig-Holstein, North-Rhine/Westphalia, Brandenburg and Saxony provided general comments on the content of some of the sub-categories. The Lander of Mecklenburg-Western Pomerania pointed out the difficulty to provide detailed data in respect of the different items, due to the peculiarity of its budgetary system. The decrease of the budget allocated to “computerization” between 2012 and 2013 was due to the different number of Landers that had replied respectively for both evaluations. As to the considerable variation noticed in respect of the category “training”, it was the result of variations in this specific budget in four individual Landers (Bade-Wurtemberg, Berlin, Rhineland-Palatinate and Saarland). Only Bade-Wurtemberg and Berlin provided explanations. The latter mentioned that the budget related to training of candidates to a judicial position was encompassed in the category “other”. The former referred to a change of the consideration of remuneration of trainees and candidates to a judicial position. On the occasion of the 2013 evaluation, the North Rhine-Westphalia mentioned in respect of the reform of the budget system implying the gradual introduction of an integrated combined accounting) described in 2010 that the first courts will begin to operate under the new accounting system in April 2015.

**(2012):** In the frame of the 2012 exercise, it has been explained that since individual Lander were unable to provide specific data with regard to all of the sub-categories, the information remained incomplete. Moreover, some Lander indicated total amounts that were higher than the sum of all data provided under items 6.1 to 6.7. Accordingly, a total of € 123,382,583 could not be attributed to individual items. Therefore, this amount was not included in the amount indicated as total budget allocated to the functioning of all courts. Additionally, it has been confirmed that the variation observed in respect of the category “other” between 2010 and 2012 was due to the different number of Landers that had replied respectively for both evaluations. A speculative comparison between comparable data for this period revealed an increase of only 14%. Besides, considerable variations characterized the budgets allocated to the category “other” in Berlin and Hesse over the period 2010-2012. However, both Landers could not provide in time explanations in this respect. The Lander of Saxony highlighted the difficulty to provide detailed data in respect of all the items, due to the peculiarity of its budgetary system.

## **Greece**

**(2017):** N/A

**(2014):** The approved budget allocated to “gross salaries” for 2014 was not sufficient. It is within the Ministry of Finance competence to adjust the amount, which it did towards the end of the year 2014.

The increase of the approved budget allocated to “computerization” was the result of the undertaking of new (larger) projects in this specific field.

No specific reason explains the decrease of the approved budget allocated to “court buildings”. Generally, it depends each time on the needs. It should be noted though, that the last years there is a general demand (from the Ministry of Finance) for cutting on public expenses.

As to the meaningful decrease of the budget allocated to “new court buildings” between 2012 and 2014, it is noteworthy that this budget refers completely to the budget of the Courts Building Fund. Thus, the variation does not reflect any public policies, but is merely the outcome of the Fund’s programming of expenses.

**(2012):** The decrease in all categories in 2012 was justified by the budgetary adjustment that Greece has been going through during the last years.

It has been specified that the annual budget allocated to training and education was mostly the budget of the National School of Judges, responsible for the prefatory training of judges to be appointed and the conduct of seminars attended by the already appointed judges (lifelong training). The budget of this State body depends on the number of candidates who pass the annual exams (held by the same entity). In addition to that, these expenses are so far funded by programs of the National Strategic Reference Framework.

## Hungary

**(General Comment):** The budget allocated to training (Nr.6.) is included in categories Nr.1. and Nr. 7. There is a tendency since 2012 that the budget of the court system is increasing every year.

**(2018):** "Other" includes taxes, unpredicted personal (salary) expenditures, other maintenance costs.

The main difference between the approved and the implemented budgets derives from the fact that for public budget allocated to gross salaries, to computerization and to the category "other", the approved budget was modified during the year.

Regarding the increase for the approved and implemented budget for computerization between 2016 and 2018, it is due to the implementation of the "Digital courts" program, which is one of the top priorities of the court system (More about the program:<https://birosag.hu/en/digital-court>.)

Regarding the increase of the implemented budget allocated to salaries between 2016 and 2018, this variation appears as a consequence of the increase observed between 2016 and 2017. The latter was explained by the fact that the salary of judges and court employees increased in 2017; accordingly, the implemented budget was higher than the approved budget. What is more, the base salary of judges and judicial employees increased by 5% from the 1st of January 2018. This also had an impact on the budget. Finally, regarding the decrease of the implemented budget allocated to new court buildings, most of the new court building projects are currently in progress (being constructed or at least in preparation phase), thus the renovation and maintenance of older buildings is getting bigger importance. It also explains the the difference between the approved budget for new courts buildings and the implemented one.

**(2017):** 7. Other includes: taxes, other unusual personnel expenditures, trainings, other maintenance.

Budget allocated to training (Nr.6) is included in Nr.1. and Nr. 7.

The salary of judges and court employees increased during the year; accordingly, the implemented budget is higher than the approved budget.

The raise of approved budget allocated to computerization is a result of the increasing use of IT tools in the communication with parties and other authorities and the preparation of "digital courts" (e.g. voice recognizing software for judges to help them drafting decisions). As concerns the decrease in the approved budget allocated to new court buildings: most of the new court building projects are currently in progress (being constructed or at least in preparation phase), thus the renovation and maintenance of older buildings is getting bigger importance.

**(2016):** The main difference between the approved and the implemented budgets derives from the following:

1. Some positions are not filled (at least for a while) during the year and some people are on a leave for a longer time (e.g. serious illness, maternity leave) and get benefits from other sources.
2. The approved budget was modified during the year.
4. The approved budget was modified during the year. The reason of the increase in the implemented annual public budget allocated to court buildings is that many small and some large building reconstruction and modernization projects have been implemented during the year.
5. Some new court building projects take more years to finish, so although the budget has been provided specially for these it takes more years to finish these projects.
7. "Other" includes taxes, unpredicted personal (salary) expenditures, trainings, other maintenance costs. The implemented public budget allocated to the category "other" increased between 2015 and 2016 because there has been an increase in the basis of the salary of judicial employees in 2016 and it was included in this category.

Explanations on variations observed between 2014 and 2016:

- 1) The increase in the implemented budget allocated to computerization is the result of an increase in the number of implemented projects (not part of the budget of the court system).
- 2) The increase in the implemented public budget allocated to "court buildings" is due to the fact that some developments were carried out from funds approved during the previous years, but implemented in later years.
- 3) With regard to the decrease in the budget allocated to "new courts", it should be noticed that some court buildings projects take more years to be finalized.
- 4) As concerns the approved budget allocated to "justice expenses", it should be mentioned that justice expenses are not exactly foreseeable as they mainly depend on the number of incoming cases.

**(2015):** Budget allocated to training (Nr.6) is included in Nr.1. and Nr. 7.

Other: Among other elements are miscellaneous maintenance expenses, unexpected personal (salary) expenses, training's budget, etc.

Before 2013, in the budget allocated to "gross salaries" were included non regular allowances, employers' contributions due to employees and trustees fees. From 2013, these amounts were included in the category "other".

The decrease between 2010 and 2015 in the approved budget allocated to "computerisation", is due to the fact previously some developments were carried out through project financing (such as EU funding, which are not part of the court budget).

The decrease in the approved budget allocated to "court buildings" between 2010 and 2014, is due to the inclusion of the category "new court buildings" from 2014. "

The increase between 2014 and 2015 in the implemented public budget allocated to "computerisation" is the result of an increase in the number of implemented projects (not part of the budget of the court system).

The increase between 2014 and 2015 of the implemented public budget allocated to "court buildings" is due to the fact that some developments were carried out from funds approved during the previous years, but implemented in later years.

**(2014):** The decrease in the approved budget allocated to "court buildings" between 2010 and 2014, is due to the inclusion of the category "new court buildings" in 2014.

For the 2014 evaluation cycle, the budget allocated to "training" could not be identified as a separate value and constitutes a part of the items "gross salaries" and "other".

Due to changes in the methodology of presentation of data, some items that were included in 2013 in the category "other" are subsumed in 2014 in the category "justice expenses" which explains the variations observed in respect of both categories between 2013 and 2014.

The difference between the approved budget and the implemented one derives mainly from the following:

some positions are not filled (at least for a while) during the year and some staff are on leave for a longer time (e.g. serious illness, maternity leave) and get benefits from other sources;

justice expenses are not exactly foreseeable as they mainly depend on the number and the nature of incoming cases;

some new court building projects take more years to be finalized.

**(2013):** In the frame of the 2013 exercise, the attention was drawn on the endeavors of the Hungarian Government in recent years to improve the infrastructural conditions and develop appropriate standards in respect of the IT working environment. In contrast with the 2012 evaluation, in 2013, the budget allocated to "gross salaries" did not encompass non regular allowances, employers' contributions due to employees and trustees fees. These amounts were included in 2013 in the category "other". More specifically, it was highlighted that according to the Act (CLXII) 2011 on the Status and Remuneration of Judges, the salaries of the latter should be determined in the Act on the Central Budget in such a way that the amount should not be lower than it had been in the previous year.

As to the category "computerisation" and the considerable increase of the budget allocated in its respect in 2013, it was indicated that the Swiss Contribution covered some IT and security developments between August 2012 and January 2015, within a total amount of 1,98 billion HUF. Likewise, ongoing projects (co-) founded by the EU also covered a part of the IT development.

As for the budget allocated to "training", it increased between 2010 and 2012, and especially between 2012 and 2013. The main reason is that training courses for magistrates are more and more numerous and diversified. Besides, the number of participants increased radically in 2013 (2010 - 5 153; 2012 - 5 671; 2013 - 14 241).

The closing of the preparatory phase of the return of the Supreme Court to its original building and the preparation of the placement of the Budapest Environs Regional Court in a property complex were indicated as major successes in 2013. A number of important projects and refurbishments also took place throughout the country (e.g. refurbishment of the Salgótarján District Court and the Salgótarján Administrative and Labour Court, start of construction of the building of the Debrecen District Court).

**(2012):** In 2012, the budget allocated to "computerization" continued to decrease in comparison with 2010 and especially with 2008 when a specific project had been financed in this area. As to the budget intended to "court buildings", for long time there were not sufficient investments in this respect. In 2012, this budget was increased.

## **Ireland**

**(General Comment):** Annual public budget allocated to justice expenses includes: Digital Audio Recording, Interpreting and Medical Reports, Judicial Attire, Law Books, Meals for Jurors and Jury Minding. Other includes: Entertainment (Official Functions), Legal Services, Staff Training, Postal Services, Telecommunications, Photocopying Equipment, Office Machinery and related supplies, Consultancy, Travel and Subsistence.

**(2017): Total (Approved Budget):** The Estimates for 2017 were published on 11th October 2016. The published Estimates for 2017 when compared to the revised REV for 2016 was an increase in Total Gross Funding for the Courts Service of €26.908m (24%). This was mainly due to the once off approved funding for the upfront VAT and ICT costs relating to the PPP Bundle of Projects (new Courthouses) Annual Public Budget Allocation to Computerisation (Approved Budget): this increase (2017) as compared to 2016 is due to the €3m additional once off ICT capital funding (approved) for the PPP Bundle of Projects "Other" (Approved Budget and Implemented Budget): the increase in this category regarding the approved budget as compared to 2016 is due to the once off additional funding for the PPP Bundle of Projects. The difference in implemented budget and approved budget is due to the delay and complex nature of the PPP Bundle and the difficulty in being precise in determining the outturn for the year, which contributed to the under spend in the payment of the upfront construction VAT and Unitary Charge. As part of the 2017 capital carryover the 2018 capital budget was increased by €6.0m. The carryover has been allocated across ICT, Capital Works and the PPP Regional Unitary and VAT Payments for 2018. This will allow the payment of PPP Bundle VAT which could not be paid in 2017.

**(2016):** Training - this subhead relates to Judicial Training in the Courts Service. This budget was revised downwards from €0.425m to €0.225m in 2014 as part of our Technical Supplementary for that year, based on an analysis of funding requirements for the year. The budget in the following years was largely in line with the revised budget of 2014 being €0.250m in 2015 and €0.310m in 2016. The Implemented Budget for 2014 was in line with the Revised Budget, and in 2015 and 2016 the Implemented Budget was in line with the Budget. The full budget allocated for training was not spent during the year.

As concerns the category "computerization", the budget originally approved differs from that implemented due to additional provision made during the year for ICT expenditure. Additional funding of €2.5m was provided to the Courts Service in 2016 by way of Supplementary Estimate. The additional €2.5m spent in 2016 was across the following headings: New video conferencing installations; replacement of equipment - €1.1m; Fines Act - €0.630m; DAR refresh - €0.350m and Prepayment of the ICT managed services charge for Q1 2017 - €0.500m.

ICT Budget - it has been acknowledged that the minimum requirement by the Courts Service in ICT for the maintenance of business critical systems is in the order of €7.2m, which allows for a minimum level of investment and development of business critical systems. The ICT budget increased from €3.820m in 2014 to €4.820m in 2015. This increase was primarily in order to provide for the development of ICT systems in preparation for the introduction of the Fines (Payment and Recovery) Act. An additional €1.0m was provided to the ICT budget in 2016, bringing the budget up to €5.820m. This increase was provided for critical operational ICT systems and the development of new systems to support Government projects in the areas E-Filing and Courtroom Technology. An additional €2.5m was provided by way of Supplementary Estimate in 2016. The €2.5m was broken down by €1.0m for general ICT requirements and €1.5m for Video Conferencing facilities. The additional funding of €2.5m brought the 2016 budget up to €8.320m. Outturn - The outturn in 2014 in ICT was €5.655m, in 2015 was €6.492m and in 2016 was €9.026m. Due to the pressure on the ICT budget year on year the Courts Service managed underspends or excess income in other areas to allow for additional expenditure in ICT.

Training: the Committee for Judicial Studies is the body responsible for judicial training. However its budget is provided through the Courts Vote and some administrative support is provided by Courts Service staff. Therefore, the same budget line is reflected in both Q6 and Q131-0 (€310,000 for 2016). According to the explanation of the Courts Service, the lack of vertical consistency concerning the implemented budget is due to small adjustments in some of the figures as follows: "Training": 276000 and "Other": 30439000.

**(2015):** On agreement with the Department of Justice and Equality, the Courts Service allocation for training was adjusted to bring it in line with requirements for 2015

**(2014):** 2014: Variations:

The approved budgets allocated to computerisation and the investments in new court buildings remained areas where austerity measures continued to be applied. It should also be noted that since 1999 there had been significant capital investment in the courts.

In addition, it has been decided that the provision of new courthouse buildings and also major refurbishment and extension of certain existing courthouses will be progressed by way of Public Private Partnership Programmes and this also has implications for the annual capital budget.

There have been 7 Public Private Partnership Projects commenced, however the majority of this work has been done in 2015 rather than 2014.

Regarding the increase in the approved public budget allocated to justice expenses between 2013 and 2014 is due to the fact that in 2014, this category includes the significant amount for travel and subsistence expenses which was not included in the 2013 figure.

The increase of the approved budget allocated to the category 'other' can be explained by the fact that in 2014 it includes the allocation provided for the Public Private Partnership Unitary Payment which did not exist in 2013.

**(2013):** 2013 Variation: The budget for computerisation was still significantly decreased as a result of economic climate and in line with the Government commitment to on-going strong expenditure control to enable the exit of the bailout programme at the end of 2013.

**(2012):** 2012: Variation: The total approved budget of the court decreased as a result of the economic climate and in line with the Government commitment to on-going strong expenditure control, budget allocations across the public sector generally decreased compared with previous cycle. Measures needed to be put in place to ensure that Ireland was in a position to stabilise the economy, meet its international commitments and ensure a timely exit from the bailout programme which was achieved at the end of 2013. This is also visible in different categories of the budget except in justice expenses where the increase is due to the change in how the Courts Service is categorising the expenses. For example, in 2010 the costs for interpretation were included under "other" since 2012 they are included under justice expenses. As to the considerable increase in the budget allocated to justice expenses, it should be noted that in 2010, the only budget subhead included in this category related to medical reports. From 2012 onwards the following budget subheads were included under Justice expenses - jury minding, interpreting, medical reports, digital audio recording, judges' attire, law books and meals for jurors. It is believed that these subheads are more appropriate to be included under Justice expenses as they all relate directly to court business.

## Italy

**(General Comment):** Due to the structure of the Italian judicial system, the Ministry of Justice has one single budget which does not distinguish between the budget allocated to courts, the budget allocated to public prosecution services and the one allocated to the administration. The figures provided in this chapter are the result of a re-classification of the budget statements which takes into consideration several criteria.

The administrative courts are not taken into consideration at question 6.

As far as point 6 in Italy there are two different public schools that deal with the training of both judges/prosecutors on one hand and civil servants on the other.

Both the School for the Judiciary (<http://www.scuolamagistratura.it/>) and the National School of Administration (<http://sna.gov.it/nc/en/>) have their own budget. The above figure (point 6) is just the budget of the Ministry of Justice in terms of training and it doesn't include the budget of these schools.

**(2018):** Figures at Q.6 include the budget of both Ordinary and Administrative Justice.

The substantial increment of the budget for "computerization" and "court building" is due to a couple of recent pieces of legislation. One is specifically addressed to Building for the justice system in the regions of southern Italy. Moreover the Budget Law has specifically allocated extra funds to both computerization and building. These funds are also allowed the so-called "horizontal flexibility", i.e. the possibility of moving unused funds (for any reason) in subsequent years. Therefore it is quite likely to expect a similar level of investments for the future.

As far as the training, please consider that starting from 2017 about 1500 court personnel has been employed (the recruitment is still undergo). All this new personnel need specific training, hence the increase in budget.

**(2017):** The implemented budget allocated to "computerization" increased compared to 2016 because part of the funds granted in 2016 were eventually used in 2017. Moreover, generally speaking, the judicial system in the last few years is investing in IT quite intensely. The approved budget allocated to court buildings slightly increased compared to 2017. Indeed, when it comes to "court buildings (maintenance, operating costs)" it is unlikely have a linear trend as maintenance costs are subject to high fluctuation. "Training" - the approved budget for training represents the maximum expenditure allocated to the judicial system. The increase in both approved and implemented budget is mainly due to the additional training for personnel coming from other public administrations (personnel mobility) which the judicial system has experienced during the period 2015-2016-2017. Nevertheless, figures at Q.52 do not reflect the above mentioned additional human resources because they barely filled the vacancies resulting from retirement.

**(2016):** As far as the annual public budget allocated to training (point 6) both approved budget and implemented budget are considerably higher compared to 2014 and 2015. In 2016 extra funds were destined to the training of around one thousand employees who joined the justice system from other administrations. It is noteworthy that there was an extra budget destined to "computerization" in 2016. When it comes to "court buildings (maintenance, operating costs)" it is unlikely have a linear trend as maintenance costs are subject to high fluctuation. In respect of the sub-category "other", there is no particular explanation for the observed increase in both approved and implemented budgets.

**(2015):** Due to the structure of the Italian judicial system, the ministry of justice has one single budget which does not distinguish between the budget allocated to the courts, the budget allocated to the public prosecution services and the one allocated to the administration itself. The figures provided in this chapter are the result of a re-classification of the budget statements which takes into consideration several criteria.

As far as point 6 in Italy there are two different public schools that deal with the training of both judges/prosecutors on one hand and civil servants on the other.

Both the School for the Judiciary (<http://www.scuolamagistratura.it/>) and the National School of Administration (<http://sna.gov.it/nc/en/>) have their own budget. The above figure (point 6) is just the budget of the Ministry of Justice in terms of training and it doesn't include the budget of these schools.

In 2015 extra funds were allocated to IT compared to 2014 in order to further modernize the IT systems.

In 2015 the Ministry of Justice has experienced a significant increment of costs related to the maintenance of buildings that were previously borne by the local administrations.

'Other' includes for instance compensation, reimbursement, document issuing, etc. Luncheon vouchers are included in "gross salaries".

**(2014):** For 2014, it has been specified that generally speaking the difference between “approved budget” and “implemented budget” is mainly due to the salary of personnel as the retirement age is not exactly foreseeable. For all the other areas (such as IT, training, etc.) there are other elements which may affect the gap but they are not easy to identify precisely. Currently the Government is investing in new IT solutions that require appropriate training. One hypothesis might be that such training process is running slightly behind its schedule because the modernization of the IT infrastructure is still undergone. Besides, it has been specified that in Italy, there are two different public schools that deal with the training of both judges/prosecutors on one hand and civil servants on the other. Both the School for the Judiciary (which became fully operational in 2013) and the National School of Administration have their own budgets which are not included in the figure indicated for the category “training”. The latter encompasses only the budget of the Ministry of Justice in terms of training.

**(2013):** In the ambit of the 2013 exercise, the attention was drawn to the variations observed in respect of the category “other” for the periods 2010-2012 and 2012-2013. This fluctuation was justified by the accountability factor on the one hand, and by the fact that some costs are not spread uniformly across time, on the other hand. Moreover, considered at the long run (2 years), such variations would disappear.

With regard to the category “training”, as already explained on the occasion of the 2012 evaluation cycle, the successive decrease in the budget allocated to it between 2010, 2012 and 2013 results from the spending review carried out by the Italian Government, which affected education and training considerably more than other costs. Besides, it has been specified that in Italy, there are two different public schools that deal with the training of both judges/prosecutors on one hand and civil servants on the other. Both the School for the Judiciary (which became fully operational in 2013) and the National School of Administration have their own budgets which are not included in the figure indicated for the category “training”. The latter encompasses only the budget of the Ministry of Justice in terms of training.

**(2012):** In the frame of the 2012 exercise, it is explained that the economic crisis had a meaningful impact on the country and the public sector in particular. The spending review carried out by the Italian Government deeply affected budgets of all the Italian Ministers. The overall reduction of the approved annual public budget allocated to the functioning of the courts was approximately of 2%. However, strong measures had been adopted only in specific areas (i.e. maintenance of buildings, training and education), in other words, in areas where cuts were possible.

With regard to the category “training”, it has been explained that in Italy there is a specific school for civil servants. The National School of Administration has its own budget which is not included in the figure indicated for the category “training”. The latter encompasses only the budget of the Ministry of Justice in terms of training.

## Latvia

**(General Comment):** For all of the last five evaluation cycles, the indicated budget for all courts includes budgets for district (city) courts, regional courts, the Administrative regional court, the Administrative district court and the Supreme Court.

Expenses for new court buildings are not included within the public budget allocated to the functioning of courts. The latter is used to finance only expenses for rent of premises. The competence in respect of the budget intended to new buildings is granted to another institution which is also responsible for planning such expenses. The reply in this respect is NA because the budget in question exists in Latvia but is not a part of the public budget allocated to courts.

The budget position "other" varies each year, depending on the courts requests and budget for capital expenditure distribution.

**(2018):** Computerization – Additional costs were created due to changes in the legislation, that resulted in upgrades within the Court Informative System and Unified State Land Register. Also new applications, licenses and systems were purchased.

Justice expenses - There were changes in the legislation that resulted in reduction of postal costs, because court summons can now be sent by ordinary mail instead of registered.

Other - Due to the the court reform there was changes in administrative procedures, for example, the expenses for car rental increases, because additional cars were rented for the courts needs to ensure daily logistics procedure between court houses. Due to the price increase, the expenses for seminars and conferences have increased.

**(2017):** Expenses for new court buildings are not included within the public budget allocated to the functioning of courts. The latter is used to finance only the expenses for rent of premises. The competence in respect of the budget intended to new buildings is granted to another institution which is also responsible for planning such expenses. The reply in this respect is NA because such budget in Latvia exists, but it is not a part of the public budget allocated to the courts.

In the section other expenses are included - Equipment, furniture, communication expenses (postage, internet, etc.), stationery costs, administrative expenses, allowances for relatives due to death of the employee, rent and maintenance of vehicles, taxes. As regards the increased budget allocated to computerisation, in 2017 several acquisitions were made that were not in 2016, for example: - payment for Office 365 licenses in connection with the switch to cloud service; - improvements of BI Microstrategy Tool; - improvements of electronic mail infrastructure and so on.

As regards the budget allocated to justice expenses (expertise, interpretation, etc) without legal aid, postal services costs were significantly reduced (more than EUR 700 000) due to the fact that legal documents are supplied in the form of a single postal item rather than a registered postal item, as well as refusal of the postal service - receipt of notice (only in certain cases it is used after the court opinion), and also the practice of circulation of electronically signed documents is increasing. The cost of translation services have decreased (lower number of cases required, less exotic languages, what is more expensive service).

**(2016):** The difference of the amount for computerisation with previous cycle is due to expensive projects in previous period. For the category "Other" in 2015 there were unused funds for which reason this category was decreased in 2016. Expenses for new court buildings are not included within the public budget allocated to the functioning of courts. The latter is used to finance only the expenses for rent of premises. The competence in respect of the budget intended to new buildings is granted to another institution which is also responsible for planning such expenses. The reply in this respect is NA because such budget in Latvia exists, but it is not a part of the public budget allocated to the courts.

**(2015):** The indicated budget for all courts includes, budget for district (city) courts, regional courts, Administrative regional court, Administrative district court and for the Supreme court.

In the section 'other' are included following items: taxes, administrative expenditure, purchase of furniture, rent of vehicles, its maintenance.

Budget for computerisation decreased in 2015 compared with 2014 because the investment that was intensive in the previous period is now going back to normal.

Category other increased in 2015 due to acquisition of equipment and its maintenance. In the frames of the pilot project - "Security in the courts" one court received security equipment while for other courts archive systems were purchased.

**(2014):** The increase of the approved budget allocated to "computerization" between 2013 and 2014 is due to the fact that totally 750 new computers with the appropriate operating system were purchased. Basically, computers were obsolete and old computer slow activity hampered performance. Also in connection with implementation of e-services approximately 200 courtrooms were equipped with a computer for a judge. Besides, the increase of the approved budget allocated to "computerization" over the period 2012-2014 is due to the fact that in 2013 servers and copiers were purchased for courts and land registry departments, as well as computer equipment were purchased in 2014 for courts and land registry departments, as explained above.

The increase of the approved budget allocated to "court buildings" between 2013 and 2014 is due to the fact that in 2014 additional funding was scheduled to cover the rent of Rezekne Court, Riga City Kurzeme District Court, the District Court in Valmiera, Vidzeme Regional Court, the Court of Jelgava, Aizkraukle District Court, Latgale Regional Court. These court buildings are transferred to a State stock company "Courthouse Agency" and financing lease payment was required in addition to the State budget. Besides, in 2014, physical guarding was ensured and financed in 47 court objects in order to warrant the protection of the existing property and staff safety and inviolability.

The decrease of the budget allocated to the category "other" between 2013 and 2014 is due to the fact that in 2013 the budget was earmarked for one-time expenses for the purchase of furniture and equipment in connection with the Administrative District Court of Riga court house and the Riga Ziemeļu District Court movement to other premises, which were not planned in 2014, respectively.



**(2013):** The enumerated factors explain also the increase of the annual public budget allocated to “gross salaries” between 2010 and 2013.

As concerns the annual public budget allocated to “computerization”, the noticed variations are due to the fact that a new hardware was purchased, while the out-dated hardware was gradually replaced. Moreover, every year servers are purchased and refurbished and additional licenses are purchased for a different amount of money. Funding for these purposes is used in accordance with the financial capacity and budget savings in other expenditure items.

In 2013, the budget allocated to “training” increased by 33% compared to 2012 due to the fact that the training seminars organized by the Latvian Judicial Training Centre were attended more by court clerks. Additionally, in 2013 were reimbursed the expenses for judges’ internship in the European Court of Human Rights. The number of seminars organized by the Latvian Judicial Training Centre increased and judges attended courses of French language.

The variations between 2010, 2012 and 2013 noticed with regard to the budget allocated to the category “other” are explained by the fact that in 2010 were purchased more furniture and equipment, stock shelves for courts and Land Registry Offices, including for the new court building for the Jurmala City Court. On the other hand, expenses in 2013 increased because of the purchase of furniture and archival system in accordance with the priority measures - provision of new working premises for the Administrative District Court Riga Court House and the Riga City Northern District Court.

**(2012):** The total annual approved budget allocated to the functioning of all courts increased between 2010 and 2012 owing to different factors: 1) since 2011, the remuneration of judges is determined according to the unified remuneration system as a result of which it increased by an average of 43%; 2) the monthly salary of court employees increased by an average of 28.46 euros; 3) the funding related to the remuneration increased, providing that a judge must receive a premium up to 20% in connection with his/her functions within the judicial self-government institutions; 4) the minimum wage has been increased up to 284.57 euros; 5) court maintenance and operating costs increased in order to restore payments for premise rent and other payments for the period 2009-2010; 6) the postal costs increased due to the proceeds of the trial-related expenses; 7) Microsoft licenses were purchased.

Besides, this budget increased with 30% between 2010 and 2013 because in 2013, in addition to the above mentioned factors, there were: 1) an increase of the monthly salary of court employees more than 56.91 euros and a guarantee of a health insurance policy for court employees; 2) an increase of the expenditure on rents, utilities and removal expenses due to the move to new premises for the Administrative District Court Riga Court House and the Riga City Northern District Court.

In 2012, the total funding granted to Latvia from the European Union and other financial instruments for its court system development was of 5 360 613 euros. This sum concerns all international projects for 2012 and includes financing from the Latvian and Swiss cooperation programme, the EU specific programme „Criminal Justice”, the European Regional Development Fund, the Nordic Baltic mobility programme for „State Administration”. This figure is not subsumed in the total.

## Lithuania

**(General Comment):** Starting from 2012, data on the budget of courts include the budget of all courts together with the part of the budget of the National Courts Administration intended for courts. All the issues regarding the increase in the budget for 2014 are related to the end of the crisis in Lithuania. Gradually the budget, which has been reduced in 2009-2010, is re-established. Besides, in 2012-2013 the National Courts Administration took from the Ministry of Justice the authority/functions in providing the courts with property, implementing investment projects for court buildings, training of judges. Accordingly, in the data of recent years we could take into account financing of courts in all these spheres. As the budget, related to the property, needed for courts, investments in court buildings was part of the budget of the Ministry of Justice in 2010-2011, the National Courts Administration did not have data of this budget. Besides, since 2013, data on budget of courts is more precise, following the establishment of a new accounting system in courts and the National Courts Administration.

**(2018):** Taxes related to the salaries (social insurance) paid by the employer are included in 1. Finances for 2 (computerisation), for 5 (investment in new buildings), also partly for 3 (expertise), 4 (building repair), 6 (training) are allocated to the budget of the National Courts Administration. “Other” includes other finances for expenses of the courts (telecommunications, post, transport, paper etc.).

Annual public budget for 2 (computerisation), 6 (training) and 7 (other - security measures), allocated to the budget of the National Courts Administration decreased in comparison with the previous period because of the decrease of the finances Norway funds that were included into the budget of the National Courts Administration (approved and implemented).

Discrepancy of annual implemented budget for 5 (investments in new (court) buildings) from approved budget is due to the fact that the budget was increased at the stage of the adjustment of the budget.

**(2017):** Taxes related to the salaries (social insurance) paid by the employer are included in 1.

Finances for 2 (computerisation), for 5 (investment in new buildings), also partly for 3 (expertise), 4 (building repair), 6 (training) are allocated to the budget of the National Courts Administration. "Other" includes other finances for expenses of the courts (telecommunications, post, transport, paper, security devices etc.). The National Courts Administration implemented programme dedicated to the courts, financed by Norway funds. That hugely influenced budgets for 2 (computerisation), 6 (training) and 7 (security devices) in 2014-2017 and in 2017 this programme ended.

The projects' activities were carried out and implemented in different timing, therefore the funds for 2, 6, 7 differ in 2016 and 2017. The most discrepancies between allocated and implemented budgets are in 2 and 5 (year 2017) - this was due to the circumstances that part of the allocated budget in construction was not implemented and returned to state budget (almost 1 mln euro) and more than 0.5 mln euro from Norwegian programme was also not implemented and returned (mostly in IT sector). Also the budget allocated to computerization was decreased in 2017 due to the finalized activities funded by Norwegian financial mechanism. The increase in 3 (expertise sector) was due to the legal reforms establishing incapacity in certain area for natural persons; one of the aspects was that the need for expertise was established for all the persons, that were recognized incapable by the court in previous years (ordered by court).

The increase in 4 (maintenance) stems from the additional funds allocated for renting court premises and repairs.

**(2016):** Taxes related to the salaries (social insurance) paid by employer are included in 1. Finances for 2 (computerisation), for 5 (investment in new buildings), also partly for 3 (expertise), 4 (building repair), 6 (training) are allocated to the budget of the National Courts Administration. "Other" includes other finances for expenses of the courts (telecommunications, post, transport, paper, etc.). The National Courts Administration is implementing programme dedicated to the courts, financed by Norway funds. That hugely influences budgets for 2 (computerisation), 6 (training) and 7 (security devices) in 2016. The approved and implemented budget may differ because of the public procurement procedures.

**(2015):** Taxes related to the salaries (social insurance) paid by employer are included in 1.

Finances for 2 (computerisation), for 5 (investment in new buildings), also partly for 3 (expertise), 4 (building repair), 6 (training) are allocated to the budget of the National Courts Administration. "Other" includes other finances for expenses of the courts (telecommunications, post, transport, paper, etc.).

The National Courts Administration is implementing 2 internationally financed programmes dedicated to the courts, one – financed by Switzerland, another – by Norway funds. That hugely influences budgets for 2 (computerisation), 6 (training) and 7 (security devices) in 2015.

The main difference between allocation and implementation of the budget is because of long procurement procedures in the projects.

**(2014):** In the frame of the 2014 exercise, akin to the 2012 evaluation cycle, taxes related to the salaries (insurance) paid by the employer are included in the item “gross salaries”. Likewise, finances related to the categories “computerization”, also partly “justice expenses” (expertise), “court buildings” (building repair), “new court buildings” (building repair) and “training” have been allocated to the budget of the National Courts Administration. The category “other” includes other finances for expenses of the courts (telecommunications, post, transport, paper, etc.).

The implemented annual public budget allocated to the functioning of all courts differs from the approved annual public budget, mainly because of the budget allocated to “investments in new (court) buildings” and the long procurement procedures.

Several explanations have been provided in respect of the variations noticed with regard to some items:

An additional budget was provided to Lithuanian courts information system LITEKO investment programme which resulted in an increase of the budget allocated to “computerisation”.

As for the sub-category “justice expenses”, courts were provided with additional budget for court expenses and additionally 103 000 EUR were allocated to National Courts Administration to cover debts with regard to judicial expertise.

An additional budget was provided to investment programme of court buildings which resulted in an increase of the budget allocated to “new court buildings”.

As for the budget allocated to “training”, in 2014, in contrast with the previous cycles, it does not include the budget of the Judicial Training Centre.

It should be noted, that National Courts Administration (later referred as NCA) also implements international projects for the judiciary system.

The NCA also implements international projects for the judiciary system. In 2014 it worked on individual project “The Creation and Implementation of the System for Video Transmission, Recording and Storage in Courts” which was funded by the Lithuanian-Swiss Cooperation programme and the Republic of Lithuania (1 907 935,6 Euro). NCA also started the implementation of 3 projects under the Norwegian Financial Mechanism 2009-2014 Programme LT13 “Efficiency, Quality and Transparency in Lithuanian Courts”(8 210 465 Euro). These 3 projects are: “Modernization of the Courts Information System (System for Case-Handling and Audio Recording for Courts Hearings)”, “Improved Support to Witnesses and Crime Victims During the Court Procedure Including Strengthening of Security in Court Buildings”, “Strengthening the Competence of Representatives of Judicial System (Including Judges, Court Staff and Representatives of NCA (training))”. The use of funds of the projects mentioned above is planned for 2015 and it will be reflected in the statistics of 2015.

In 2014 NCA also worked on two other projects:

“Electronic Services in the Implementation of Justice”, funded by the European Regional Fund and the Republic of Lithuania (2 661 097,6 Euro),

“Implementation of Quality Management Models in Lithuanian National Courts Administration and Courts and Their Certification” (699 715,6 Euro).

Funds of these projects are not allocated in a specific year budget. They are not allocated to the NCA’s budget nor to courts’ budgets. Financing of these EU funded projects is gained in accordance with the costs incurred and obtained through the requests for payment submitted to the authorities responsible for the administration of the EU structural support.

**(2013):** The Trainings division (now Trainings and International relations division) has been established at the National Courts Administration in January 2013. It is responsible for trainings of judges, chairpersons. With the establishment of this division, international trainings are also available to judges (we are members of the EJTN, ERA).

**(2012):** In the ambit of the 2012 exercise, the attention has been drawn on the fact that taxes related to the salaries (insurance) paid by the employer were included in the item “gross salaries”. Finances related to the categories “computerization”, also partly “justice expenses” (expertise), “court buildings” (building repair) and “training” were allocated to the budget of the National Courts Administration. On the contrary, finances for the item “investments in new buildings” in 2012 were allocated to the Ministry of Justice. The category “other” included for 2012 other finances for expenses of the courts (telecommunications, post, transport, paper, etc.).

Owing to this distribution of the budget, it is possible to notice a considerable increase of the budget intended to “gross salaries” which in contrast with the 2010 exercise encompasses the insurance paid by the employer. Besides, the increase of the budget allocated to “justice expenses” is due to the fact that for the previous exercise, a big part of the sum was indicated as “other”. For 2012, a special accounting program made it possible to distinguish the expenses. Accordingly, the budget allocated to the category “other” has decreased in a meaningful way.

As to the annual public budget allocated to “computerization”, the decrease noticed in 2012 is explained by the fact that in 2010 there were more investments in this field which, afterwards due to the crisis decreased. From 2014, it is expected to grow.

Finally, the reason of the increase of the annual public budget allocated to training in 2012 is that the Training center of the National Courts Administration (later - Training center) was established in 2007 and was under the control of the Ministry of Justice until 2011 (therefore the budget of this training centre was included in the budget of the Ministry of Justice). From October 2011, the rights and duties of the Training center are assigned to the National Courts Administration.

## Luxembourg

**(General Comment):** There is no isolated budget for the public prosecution services.

**(2017):** There is no isolated budget for the public prosecution services.

**(2015):** Investments in new buildings (category #5) are included in the budget of the Ministry of Sustainable Development and Infrastructure.

Expenditure on initial training of judges is included in the expenditure of the Ministry of Justice per se and not in the total expenditure of the judicial services.

The category "other" includes expenditure related to legal aid, postal and telecommunications costs, traveling expenses, operating costs, purchases of equipment...

Possible significant variations in certain budget items are explained by the introduction of new accounting within the State in 2014/15.

The judicial system of Luxembourg cannot distinguish between the budget allocated to courts and the budget allocated to public prosecution services.

**(2014):** The decrease in the budget allocated to "other expenses" is due to a different methodology of categorisation used in 2014. More expenses could be distributed among the specific sub-categories.

**(2012):** 2012: The figures regarding computerisation, justice expenses, court buildings, and new court buildings have to be nuanced because these expenditure items are mainly paid by departments other than the Ministry of Justice or by other budget items. Thus, the establishment of a new court will not appear at all in the budget of the Ministry of Justice. In addition, the program for establishing a new statistical collection system was funded by another budget item than the one worded "computerisation".

## Malta

**(General Comment):** The budget of public prosecution services and the budget of legal aid are not incorporated in question 6 and have always been provided separately.

**(2018): Q6.1:** The increase in the Implemented Budget is due to the recruitment of Court Attorneys and judicial assistants throughout 2018.

Q6.2: The budget for computerisation is an amalgamation of the budget allocated by the courts and that allocated by the Office of the CIO. It is not possible to quantify the Approved budget for computerisation requirements for the court dedicated by the Office of the CIO, so this field has been marked as NA. However one should say that in 2018, the approved budget for computerisation by the Courts was of Euros33,600. On the other hand, it is possible to exactly quantify the Implemented Budget for computerisation by both the Courts and the Office of the CIO, and that is why the Implemented Budget is noted down.

The disproportionate increase in the implemented budget quoted at Point 3 (Justice expenses) relates specifically to costs incurred by Magisterial Inquiries. Throughout 2018, there was 1 high profile Inquiry that incurred considerable expenditure, but in general, it is difficult to forecast the budget needed for this line item given that no one can predict the number or type of Magisterial Inquiries that will be opened in the forthcoming year. Much of the increase in this budget had to do with the payment of experts relative to a number of high profile cases requiring the intervention of foreign experts.

The items incorporated in the budget at Point 7 (Others) include payments to court jurors, their accommodation and hire expenses related to their transportation, the cost of transcribers for both civil and criminal courts, overtime for judicial teams, remuneration to mediators in family court proceedings, expenses related to child advocates, payments to architects and costs related to the Small Claims Tribunal.

Point 4.4: This is budget that is still being used to pay off previous investments in buildings. The increase in this budget since 2017 relates to pending payments relative to the new halls that have been set-up within the courts as well as other related expenditure.

The variation between the approved budget and the implemented budget at Point 2 (Computerisation) is due to the fact that the implemented budget contains the expenditure of the Office of the Chief information Officer on costs related to computerisation in the courts. It is not possible to quantify the approved budget for this item, so only the implemented budget is provided.

The budget of public prosecution services and the budget of legal aid are not incorporated in question 6 and have always been provided separately.

Last but not least, the budget allocated to training (Q6.6) refers specifically to the budget allocated to the training of the non-judge staff working at the Department of Courts of Justice. The budget is very small and the implemented budget fell short of the approved budget because training activities throughout the year were sparse and did not make full use of the funds available. Furthermore, certain training provided to the non-judge staff does not require any further financial input from the Department of Courts of Justice.

**(2017):** The discrepancy between the approved budget and the implemented budget under sub-section 2 (Computerisation budget) is due to the fact that this year we included the funds employed by the Information Management Unit (IMU) on court-related ICT expenses in the implemented budget.

Previously, this budget which in 2017 accounted for Euros 186, 520 (expenditure of the IMU related to ICT in the courts), was never included in the neither in the approved budget nor in the implemented budget because it does not fall within the line item of the Department of Courts of Justice budget. However this is a more true rendition of the actual budget used by the Courts of Justice for 'computerisation'. As in previous years, the expenditure under Sub-section 7 (Others) refers to Payment to Criminal Court Jurors and expenses related to their accommodation and transport, payments to transcribers of the civil and criminal courts, payment of overtime to judicial teams, remuneration to mediators in the Family Court, payment to Child Advocates, payments to architects under the reletting of urban property and agricultural leases, and payments related to the Small Claims Tribunal. The variations regarding the "annual public budget allocated to justice expenses" might be related to a possible increase in the number of court experts and translators. The discrepancy between approved and implemented budget is related to an increase in expenditure related to magisterial inquiries. In particular, throughout 2017 and 2018, there was a magisterial inquiry that involved a lot of foreign experts, and hence the spike in court expenditure.

**(2016):** The expenditure under Sub-section 7 refers to Payment to Criminal Court Jurors and expenses related to their accommodation and transport, payments to transcribers of the civil and criminal courts, payment of overtime to judicial teams, remuneration to mediators in the Family Court, payment to Child Advocates, payments to architects under the reletting of urban property and agricultural leases, and payments related to the Small Claims Tribunal. Regarding "4. Annual public budget allocated to court buildings (maintenance, operating costs)": Prior to the 2014 budget, a financial request was lodged in respect of a major project that involved the renovation of the Sir Thomas Moore building. Hence, the 2014 budget had a dedicated line item for new court buildings. The 2015 and 2016 budgets showed only an implemented budget because no pre-programmed expense was being forecasted at the time of the budget planning. Hence the implemented budget relates to new court building requirements that emerged during the year in question (hence implemented not forecasted) and that required an injection of additional funds specifically for that purpose.

The variations regarding the "annual public budget allocated to justice expenses" might be related to a possible increase in the number of court experts and translators.

**(2015):** The expenditure under Sub-section 7 refers to Payment to Criminal Court Jurors and expenses related to their accommodation and transport, Payments to transcribers of the civil and criminal courts, payment of overtime to judicial teams, remuneration to mediators in the Family Court, payment to Child Advocates, payments to architects under the reletting of urban property and agricultural leases, and payments related to the Small Claims Tribunal.

The budget of the Public Prosecution Services and that of Legal Aid are not incorporated in the above allocations.

Before 2015, the approved budget allocated to the category "new court buildings" was linked to a specific project which ended in 2014.

As for the budget allocated to "computerization", the figure indicated for 2014 and 2015 do not include the allocation of capital IT which the information management unit at the responsible Ministry pays to MITA (the government agency responsible for ICT) on behalf of the courts.

**(2014):** Two observations have been made in respect of the 2014 data.

As for the budget allocated to "computerization", the figure indicated for 2014 does not include the allocation of capital IT which the information management unit at the responsible Ministry pays to MITA (the government agency responsible for ICT) on behalf of the Courts of Justice.

The budget allocated to "new court buildings" decreased since the bulk of architectural and restoration works including mechanical and electrical installations for the new judiciary building called Sir Thomas More were carried out in 2013. This building was inaugurated and first used in 2014.

## Netherlands

**(General Comment):** In the Netherlands, the budget is never formally approved. Basically, the budget for the upcoming year is proposed and published in September, and discussed in Parliament in October/November. It is then adjusted in spring and autumn of the running year. In May of the following year the annual report is published and formally approved by Parliament. So only the actual expenditures are ever formally approved. The figures provided within the CEPEJ report as approved budget correspond to the budget published in September for the upcoming year, while the figures provided as implemented budget relate to the annual report published in May of the following year. Figures communicated on the occasion of the evaluation cycles before 2014 reflect the implemented and not the approved budget. The budget allocated to "justice expenses" did not encompass expenditure related to criminal matters (which fall under the budget of the public prosecution services).

Up to and including 2013 questionnaire the category "other" subsumed the total costs of the Supreme Court. However since 2011 the Supreme Court publishes more detailed financial figures, Therefore, as of 2014 exercise, the costs for the Supreme Court are spread out over all 7 categories.

Source: Statistics Netherlands

**(2018):** Budgets of 2018 include the High Court (not always included in previous years)

The total approved budget has declined in recent years as the workload is declining, and because of cost cuts after an IT innovation program terminated in 2015. Regarding the decrease of justice expenses and of implemented budget for court buildings, there is no specific explanation.

**(2017):** decline in budget is due to the termination of the ICT project KEI.

**(2016):** Q6.3.Council of Judiciary only. Justice expenses are excluding the justice expenses for criminal cases.

Other: depreciation, interest, administration, service centre, etc., since 2012 incl. justice expenses of the Supreme Court.

Ad Q6.4 Exceptionally, a one time, and extra amount of 65.1 million was planned for the new government housing system" (Report Annual Budget).

**(2015):** The total annual approved budget allocated to all courts includes the budget allocated to the courts and prosecution services.

**(2014):** The total annual approved budget allocated to all courts includes the budget allocated to the courts, legal aid and prosecution services.

The total budget provided for 2014 excludes the judiciary part of the Council of State. It has been explained that the budget allocated to "justice expenses" does not include legal aid, except for taxes and fees to be paid by the parties.

**(2013):** The indicated total for 2013 excluded the budget of the Council of State but included this of the Supreme Court. The total budget of the Council of the Judiciary, excluding the Supreme Court and the Council of State, was 10.10.913.000 euro. Figures provided in respect of all the sub categories, except for item "other" were related to the budget of the Council of the Judiciary. The budget of the Supreme Court was subsumed in item "other".

**(2012):** As in 2010, figures reported for 2012 did not include the budget for the High Council which is the highest appeal court, as well as expenditure related to the justice tasks of the Council of State general (which is not available, only the total expenditure being published). The latter does not fall under the budget of the Ministry of security and Justice but under the budget of the High colleges of State.

## Poland

**(2018):** Implemented budget allocated to computerisation was higher due to numerous projects and investments made in IT. Expenditures concerned mainly modernisation of national register systems and equipment for courts.

**(2017):** In regard to budgetary data, we kindly indicate that we can observe difference in exchange rate of national currency. In Dec. 2016 it was 4,42 PLN/Euro, but in 2017 it was 4,17 PLN/Euro. Besides in fact we spotted that annual court building maintenance costs have increased. Higher maintenance expenditures are noted especially in security services, cleaning services, renovation services and buying energy. In regard to annual public budget allocated to investments in new (court) buildings, we would like to indicate that observed difference comes from investment schedule. Usually, new investments are planned on three years. The most expenditure are carried in first and second year. Finishing of numerous investments were planned in 2017 and it is shown in budgetary data. We also indicate, that difference in budgetary data can be caused by some savings, which were made during the whole investment process. Please note that eventual savings can be identified only at the end of investment process, when all payments are made. It should be noted that the expenditure on training are planned on the basis of the training needs reported by the presidents of the courts and it always depends on the current needs for training in courts. We can note, that the number of trainings and therefore expenditure are higher especially when there are implemented numerous changes in law or changes in IT systems.

**(2016):** Point 7 contains expenditures on personal benefits, current expenditures related to purchases of goods and services, investment spendings (construction, purchases), housing loans for judges, various fees and contributions. In relation to reduction of the amount of funds allocated and spent on computerization in 2016 we would like to inform that the planning and implementation of IT spending is mainly dependent on the additional tasks that the public sector faces in the budgetary year, especially technological development in common court proceedings and purchasing of equipment necessary for the implementation of planned IT projects. We also would like to indicate that in 2014, IT systems have been modified and maintained, in particular in the area of e-payments, integrated accounting and human resources management systems in the common courts and the Ministry of Justice, the electronic protocol, the Land Registry, the Judicial Decisions Portal, the Information Portal, The Central Bankruptcy Register and IT System for the Support of Substantive Processes. In addition, when we analyze the judicial budgets in 2014 and 2016 in euro, it should be considered that in 2016 the euro exchange rate of the National Bank of Poland (NBP) on 30 Dec. 2016 was PLN 4.4240 / €. Whereas the exchange rate of the NBP on 31 Dec. 2014 was PLN 4.2623 / €. Therefore amounts presented in the CEPEJ 2016 are lower. It should be noted that the spendings on training are planned on the basis of the training needs reported by the presidents of the courts, and that annual increase demonstrates the growing need for training of staff in common courts, mainly due to the additional tasks imposed on judicial staff in connection with legislative changes.

## Portugal

**(2018):** 6.2. The decrease in relation to 2016 is related to the non-payment of information and communication technology licenses in 2018, which resulted from the unpredictability of the procurement process.

6.3 This value corresponds to the expenses related to psychologist, interpreters and experts. There is no apparent justification for the noted increase.

6.6. The increase in relation to 2017 is due to the general budget increase.

**(2017): Q6.1:** “Annual public budget allocated to (gross) salaries” - this data comes from a different source within the Ministry of Justice than the rest of Q6 (that originates from the Financial and Equipments Institut); accordingly, data on the implemented budget is not available.

Q 6.2: The increase in the approved budget allocated to “computerization” is due to the inscription of amounts concerning IT projects financed by the European Union. However, not having obtained the approval of the applications, there was no implementation of these amounts in 2017, which is the reason for the discrepancy between approved and implemented budgets for 2017 as well as between the respective implemented budgets for 2016 and 2017. Q 6.3: The approved budget allocated to “justice expenses” decreased between 2016 and 2017 due to a correction based on the analysis of the 2016 budget implementation, taking into account the difference between implemented budget and approved budget (the latter being much higher than the former). The implemented budget allocated to “justice expenses” increased in 2017 compared to 2016. 6.6. - In contrast with previous cycles, the 2017 data does not include the budget of the training institution - the Center for Judicial Training.

**(2016): Q.6.2** The annual public budget allocated to “computerization” (approved and implemented) decreased in relation to 2014 following the conclusion of a project called Tribunal XXI. This project aimed to centralize and store data of the Citius platform in a data center structure, as well as the development of IT platforms, digitalization and integration of ongoing court cases, integration of video recordings of hearings and installation of centralized counters citizen service. The increase between 2015 and 2016 in the approved budget allocated to computerization is explained by the increase of the foreseen investment in IT and software equipment in the Financial and Equipment Institute (Instituto de Gestão Financeira e Equipamentos da Justiça), in administrative equipment and buildings in the Institute of Registry and Notary (Instituto dos Registos e do Notariado) and in administrative equipment and informatics software in the Directorate-General for Justice Administration (Direcção-Geral da Administração da Justiça).

Q.6.3 The annual public budget allocated to “justice expenses” (approved and implemented) increased compared to 2014 data due to the entry into force of Law 23/2013, 5th February, regulated by Ordinance n.46/2015, of 23rd February and Ordinance 278 of 26th August that established the payment of notary fees related to the inventory process. The decrease between 2015 and 2016 in the implemented budget allocated to justice expenses is explained by the decrease in the number of judicial proceedings in relation to 2015.

Q.6.4 The decrease between 2014 and 2016 in the implemented budget allocated to court buildings is explained by the reduction of construction works carried out to guarantee the normal functioning of the courts.

**(2015): Q6.2** – This value decrease in relation to 2014 is explained by the conclusion of a project called Tribunal XXI. This project aimed to centralize and store data of the Citius platform in a data center structure, as well as the development of IT platforms, digitalization and integration of ongoing court cases, integration of video recordings of hearings and installation of centralized counters citizen service.

Q.6.3 – the value increase results of the entry into force of Law 23/2013, 5th February, regulated by Ordinance n.46/2015, of 23rd February and Ordinance 278 of 26th August that established the payment of notary fees related to the inventory process.

**(2014):** On the occasion of the 2014 exercise, it has been explained that there was a decrease between 2012 and 2013, as well as between 2013 and 2014. This decrease is explained by the decrease of the budget allocated to the project Court XXI (which aim is the dematerialization of court proceedings), as well as by the fusion of the Informatics Justice Institute (Instituto das Tecnologias Informáticas da Justiça -ITIJ) and the Financial and Equipment Institute (Instituto de Gestão Financeira e Equipamentos da Justiça) which resulted in a significant budget reduction for the Ministry of Justice between 2012-2013.

As for the budget allocated to court buildings, the noticed increase stems from the preparation needed to the set-up of the judicial organization reform that took place in 2013 and implied a major relocation and reform of court buildings.

Concerning the budget allocated to training, the decrease observed between 2013 and 2014 is explained by the reduction of the number of staff of the Centre for Judicial Studies, as well as by the fact that during 2013, there was a significant number of judges still under training that performed services for this Centre.

**(2013):** In 2013 the budget allocated to the category “computerization” increased in a significant way owing to the preparation work related to the set-up of the judicial organization reform that took place in 2013 and the IT project attached to it.

**(2012):** In the ambit of the 2012 exercise, it has been specified that for 2010, the category “justice expenses” was also including, by mistake, costs related to computerization, while for 2012 it encompasses only costs of expertise and interpretation. Besides, it has been stressed that in the past years, the Portuguese government had some financial constraints that are reflected in the Justice budget and that explain the decrease in the budget allocated to “computerisation” and to “training and education” between 2010 and 2012.



## Romania

**(General Comment):** The total budget allocated to the functioning of all courts (question 6) does not encompass the budget of legal aid and the budget of public prosecution services. For the last four exercises, the category "other" includes other salary expenses such as for example temporary transfer in the employer's interest and secondment pays, contributions owed by the employer, other rights which judges and ancillary staff are entitled to (reimbursement of the sums paid for medicines, transportation, rent, travel expenses, fuel and lubricants expenses, periodical medical checks, labor protection etc.). In contrast with the 2010 evaluation, this category subsumes in 2012, 2013, 2014 and 2016 the amounts provided in the writs of execution, i.e. funds allocated for the payment of wage rights established by court decisions.

**(2018):** Regarding the annual budget allocated to gross salaries, the differences between 2017-2018 were generated, among others, by the changes in the tax legislation regarding the number of compulsory social contributions that employers must pay: according to the provisions of the national legislation in force (GEO no. 79/2017 with subsequent amendments and completions), the social insurance contributions, respectively those of social health insurance that fell to the employer, were transferred to the employee's responsibility and, starting with 2018, are fully supported by the employee, being reflected in the gross amount of the earning. In this context, the explanation given in the last evaluation cycle regarding the differences in this budgetary chapter remains valid and must be reiterated: Since 2000 to the present, the magistrates' salaries have risen steadily, including the latest law on salaries in the public domain (Law no. 153/2017) has set a salary level for magistrates well above the average of the budgetary staff. This law will have its full effect until 2022.

Regarding the budget for computerisation, considering the Government Program priorities and the public expense limitations, the 2018 IT funds related judiciary had to be diminished. But it is very important to underline that, although the budget had these lower values in 2018, the procurement procedure was finalized and two extremely important and substantial contracts were concluded (for which the advance was paid from the budget for 2018), having as object the delivery of IT equipment and software to the Ministry of Justice, the Public Ministry, courts and prosecutor's offices, contracts to carried out during 2019.

In the case of investments in new court building, there were reduction in spending due to fewer large investments compared with previous years. For annual public budget allocated to training, the differences between 2017-2018 reflects certain reductions registered in the budget for training for certain categories of civil servants (other non –judge staff) who work in courts or in the Ministry of Justice. To be remembered here that the professional training of magistrates is done through the SCM, which has a separate budget.

Finally, as to the category "other", the differences between 2017-2018 were generated, among others, by the changes in the tax legislation regarding the number of compulsory social contributions that employers must pay. Also it should be mentioned that the allocated funds for payment of wage rights established by court decisions allocated in 2018 were lower than those allocated in 2017.

**(2017):** Annual public budget allocated to "salaries" - The increase (2016-2017) was mainly due to wage increases in the justice system following the Constitutional Court Decision no. 794/2016 which increased the sectoral reference value, an index according to which the basic salary / indemnity is established for the whole system of justice.

Annual public budget allocated to "computerisation" - in 2016, the IT budgets covered the need for replacing old equipment for courts (eg, servers, network communications, etc.) with new ones; such change is made once every five to eight years. After the considerable budgetary effort for these acquisitions in 2016 in this field, in 2017 no further investment was made of the scale of the 2016 investment.

Annual public budget allocated to "new court buildings" - the differences between 2016-2017 reflects certain difficulties encountered in carrying out investment projects in the real estate infrastructure. On the other hand, the reduction in the budget of the Ministry of Justice was compensated by the provision of budgetary funds in the budget of other institutions, more precisely in the budget of the Ministry of Regional Development and Public Administration, for the implementation of a program aimed at consolidating the real estate infrastructure of the courts of law located in the municipalities county residence (program financed from the state budget).

Implemented annual public budget allocated to "training" - the implementation of training programs based on grant projects from external non-reimbursable funds has been delayed due to budget limitations imposed by the Ministry of Public Finance provided for in budget projects and annual budget rectifications.

Annual public budget allocated to "other" - the increase (2016-2017) was mainly due to salary increases in the justice system following the jurisprudence of the cited Constitutional Court, which generated an increase of contributions to employers.

**(2016):** The significant difference between the approved and implemented budgets allocated to "training" is mainly due to the fact that during the development of the activities organised within the training programs were made savings that could not be predicted at the time of the budget allocation.

The increase of the IT budgets is for replacing the old equipment for courts (e.g. servers, network communications etc.) with new ones; such a change is made once every five-to-eight years.

The decrease of the amounts in 2016 as regards the annual public budget allocated to investments in new (court) buildings is mainly explained by the fact that in 2015 larger funds were allocated for the rehabilitation of several court offices - these buildings have been received in early 2016, thus the funds provided for this destination in 2016 (the payments to be made in the course of 2016) were lower.

The increase in funds in 2016 as regards the annual public budget allocated to training is mainly explained by the significant increase in the percentage of participation in training courses, especially for the economists in the courts (participation permitted by the modification of legislation in the financial accounting field and the implementation of the FOREXEBUG system).

The category "other" includes other salary expenses such as for example temporary transfer in the employer's interest and secondment pays, contributions owed by the employer, other rights which judges and ancillary staff are entitled to (reimbursement of the sums paid for medicines, transportation, rent, travel expenses, fuel and lubricants expenses, periodical medical checks, labor protection etc.), the amounts (allocated in 2016) provided in the writs of execution, having as object the granting of salary rights for the judiciary staff.

As to the category "other", the allocated funds for payment of wage rights established by court decisions allocated in 2016 were lower than those allocated in 2015 and 2014. In fact, according to the budgetary records, the highest amounts for payment of wage rights established by court decisions were allocated in 2014, all these salary entitlements (salary differences) being set and paid in salary installments (tranches) starting with 2009-2010.

**(2015):** The significant increase of the approved and implemented budgets allocated to "computerisation" in 2015 compared to 2014 is mainly due to the fact that additional funds were allocated for the purchase of IT equipment and software for the courts

The decrease between 2014 and 2015 in the approved and implemented budgets allocated to training is mainly due to the fact that in 2015 a smaller number of professional training courses were organised.

The budget for "justice expenses" increased due to the entry into force in 2014 of the new Code of Criminal Procedure requiring for a notification to all defendants of a certified copy of the indictment act and of the authorized translation.

The budget allocated to "other" subsumes also allocated funds for payment of wage rights established by court decisions.

The approved budget for 2014 was allocated both to pay the 25% instalment for the year 2014 and the 25% instalment for the year 2015, while the budget approved for 2015 was allocated only to pay the 35 % instalment for the year 2013.

**(2014):** In 2014 funds were allocated for the purchase of equipment for the courts which resulted in an increase of the approved budget allocated to "computerization".

Besides, the approved budget for "justice expenses" increased due to the entry into force in February 2014 of the new Code of Criminal Procedure requiring for a notification to all defendants of a certified copy of the indictment act, and, where appropriate, of the authorized translation generating additional costs of translation and interpreting.

As to the decrease of the approved budget allocated to "training", in 2013 the funds allocated for continuous training of judges and prosecutors were also included whereas in 2014, as specified in the explanatory note CEPEJ, those funds have not been reported in question 6.

The significant increase of the approved budget allocated to "other" in 2014 was due to the inclusion of allocated funds for payment of wage rights established by court decisions. The approved budget for 2014 was allocated both to pay the 25% installment for the year 2014 and the 25% installment for the year 2015, while the budget approved for 2013 was allocated only to pay the 10 % installment for 2013. Also, due to the increasing number of occupied posts in 2014 compared to 2013, increased funds were allocated to pay contributions due from the employer, allowances for delegation/secondment allowances for transport, rents, medication, regular medical checks.

**(2013):** In 2013, the figure provided in respect of the category “computerization” corresponded to funds allocated from the State budget. However, Romania has also benefited in this field from projects implemented by EU and structural funds. As to the item “justice expenses”, starting with 2013, it includes expenses related to interpretation services. For the previous cycles, the latter were encompassed in the category “other”.

Concerning the category “new court buildings”, the Judicial Reform Program with the World Bank was aimed at building up new court buildings. This program benefited of greater funding in 2013 compared with 2012 (the funding is required to complete investment objectives, for example the Pitesti Court of Appeal, the Tribunal and Court of First Instance Tulcea).

As for the budget of the National Institute of Magistracy (NIM), the assessment of the total amount for training of judges was based on the assumption that all activities of continuous training organized by NIM have close values as far as judges and prosecutors are concerned. As to the budget of the National School for Clerks, it does not include costs of decentralized courses held at the premises of the Courts of Appeal, nor costs of E-learning

**(2012):** The decrease of the total approved budget allocated to courts and the budget intended to the category “other” in 2012 stemmed from legislative amendments referring to the wage rights established by court decision and paid to court staff in the period 2010-2012. The approved budget for 2010 contained a bigger part (approximately 32 million euros) of the amounts provided in the writs of execution than the approved budget for 2012 (approximately 18.8 million euros). Besides, according to the Law 285/2010 concerning the remuneration in 2011 of the staff paid from public funds, in 2011 no bonuses, no holiday premiums, no overtime, no aid have been granted, measures that were also kept in 2012 according to the provisions of Law 283/2011.

There was an increase in the budget allocated to salaries in 2012 compared to 2010. Basically, after a reduction in June 2010, there was an increase in January 2011 as well as in June and December 2012.

Additionally, according to the Memorandum „Preparation of the judiciary for the entry into force of the new Code. Assessment of the current situation. Action plan”, approved by the Government in September 2012, funds were allocated in 2012 for financing a number of 564 positions at the level of the courts of appeal, law courts and courts of first instance (283 positions of judge and 281 positions of specialized auxiliary staff). According to the Memorandum, there were also allocated funds to courts for purchasing furniture for the new personnel (about 113.379 euros), IT equipment (407937 euros) as well as for redevelopment works necessary for creating council chambers and offices within courts of appeal and law courts facing disturbances in their activity according to the „Study on the operation of the judiciary for the entry into force of the New Code of civil procedure” approved by the Superior Council of Magistracy (285.034 euros).

## **Slovakia**

**(General Comment):** The budgetary data have been collected from the Ministry of Justice and the Supreme Court of the Slovak republic. It

is noteworthy that the budgetary structures of both institutions are slightly different from the structure of question 6.

**(2018):** In the category "Other" there are included the expenditures on social insurance and health insurance, the supplements to sickness benefit for judges, the supplement to maternity pay for judges, the severance payment for retiring judges, food allowance for employees.

The increased appropriations were mainly related to the adjustment of the salaries of judges in 2018, the increase in the salaries of employees (non-judge staff) as of 1 January 2018, in accordance with the Government Decree establishing increased scales of salaries of employees in performing public service work. Another increase is related to the implementation of expenditures within EU projects - Operational Program Effective Public Administration, Streamlined Judicial System and Enhanced Law Enforcement and Information Technology, financed from the state budget.

Detailed explanation 22/10/2019:

Subcategory 1:

The increased funds were mainly related to adjustments (valorisation) of the salaries of judges in 2018 pursuant to Act No. 120/1993 Coll. on salary ratios of some constitutional officials of the Slovak Republic, as amended, by increasing the salaries of employees as of 1 January 2018 in accordance with Government Regulation no. 358/2017 Coll. laying down increased salary tariffs for civil servants and Government Regulation no. 359/2017 Coll. laying down increased scales of employees' salaries when performing work in the public interest.

Subcategories 2, 4, 5, 6

In 2018, the following subcategories (approved budget and implemented budget) also included following IT funds:

- the 0EK program Information technology financed from the state budget,
- the sub-program 0EK0C Information technology financed from the state budget - Ministry of Justice of the Slovak Republic,
- the element 0EK0C01 Internal management systems,
- on element 0EK0C02 Specialized systems,
- on element 0EK0C03 Supporting Infrastructure.

Appropriations were used, for example, for the provision of data services to the courts, the purchase of computer and telecommunications equipment, the purchase of licenses and the maintenance of software.

Further comments 06/11/2019:

Re points 4, 5

The approved and the implemented budget for the judiciary (maintenance, operating expenses and investments) as well as the entire budgetary chapter of the Ministry of Justice of the Slovak Republic (hereinafter "MJ") are closely connected with the process of drafting the budget of the public administration of the Slovak Republic. It is also related to the financial capacities and limits of the Ministry of Finance of the Slovak republic (hereinafter "MF"), which covers and coordinates this whole process.

The funds proposed by MF in the expenditure part of the budget do not cover the financial resources even for the basic tasks of the judiciary. MJ regularly claims and submits other requirements in the draft budget in the form of so-called "priority expenditure titles", supported by the opinion of the Judicial Council of the Slovak Republic, which are often not accepted by the

**(2017):** In the category "Other" there are included the expenditures on social insurance and health insurance, the supplements to sickness benefit for judges, the supplement to maternity pay for judges, the severance payment for retiring judges, food allowance for employees. As regards the expenditures to computerization the structure of the budget has been changed. The new budgetary program has been established. While in previous years the IT expenditures for the courts has been financed from the budget of the Ministry of justice itself, now the IT expenditures are covered by the budget of courts. In addition the IT budget is influenced by the EU projects for justice. 3. The funds for repair and the maintenance of court buildings are allocated according to the current possibilities of the budget of the judiciary in the given year.

**(2016):** The budget allocated to salaries was increased by providing the funds for increasing salaries, functional surcharges and lump sum compensation for judges and increasing the salaries of employees of the state budget chapters based on the application of Art. 5 of Act no. 411/2015 Z. z. on the state budget for 2016. The increase of implemented budget allocated to IT - the budget was increased by European funds and co-financing (Electronic Collection of Laws SLOVLEX, Development of Electronic Services of the Judiciary, Electronic System for Monitoring of ESMO Persons, Information System of Bankruptcy Registers, Legal Information Portal - Development of SLOVLEX, Information System of Application Architecture and security infra-structure. The approved budget anticipated the EU funding and was consequently lower. The approved budget allocated to court buildings increased compared with 2014 to adjust to the budget actually implement that year. In between in the year 2015 there was significant increase due to investments in reconstruction of court premises.

The budget allocated to training is fully covered by the budget of the Judicial Academy which is the only training institution for judges, prosecutors and the court staff. The budget of the Judicial academy is not included in the budget line for training as per CEPEJ methodology and is included only in Q131. This explains the difference in this budget line compared with previous cycles.

In the category "Other" there are included the expenditures on social insurance and the health insurance, the supplements to sickness benefit for judges, the supplement to maternity pay for judges, the severance payment. In this line there is also included the expenditures paid by the state as a financial satisfaction for the violation of the right to hear the case within a reasonable time upon the findings of the Constitutional court.

**(2015):** The difference between the approved and the implemented budget has been covered by the budgetary measures of the Ministry of finance from the interdepartmental programs 'Financing of the judicial system', 'Formation and the implementation of politics'.

The legal aid expenses paid in the criminal procedure cannot be separated from the budget of courts.

**(2014):** Several reasons explain the increase of the implemented budget allocated to the courts functioning in 2014, namely: financing of the projects of Operational Program "Informatisation of society" – covering three components: electronic collection of laws (SLOV-LEX); development of electronic services related to the judiciary; electronic system of monitoring of persons; payment of the salaries of judges for 2011 on the basis of a judgment of the Constitutional Court of the Slovak Republic; increase of the salaries of non-judge court staff; procurement of software and project works; reconstructions of court buildings.

**(2013):** For 2012, 2013 and 2014, expenses in connection with ex officio appointed counsels in criminal matters were incorporated within the category "justice expenses". On the contrary, for the 2010 exercise, these expenses were included in the category "other".

For the 2012 and 2013 evaluation cycles, all investments related to court building were included in the sum indicated as annual public budget allocated to court buildings (therefor, investments in new court buildings were encompassed within line 4).

**(2012):** In 2012, there were investments in respect of several court buildings.

For the 2012 and 2013 evaluation cycles, all investments related to court building were included in the sum indicated as annual public budget allocated to court buildings (therefor, investments in new court buildings were encompassed within line 4).

For 2012, 2013 and 2014, expenses in connection with ex officio appointed counsels in criminal matters were incorporated within the category "justice expenses". On the contrary, for the 2010 exercise, these expenses were included in the category "other".

## Slovenia

**(General Comment):** The Courts Act prescribes different budget responsibilities in respect of the functioning of the courts and in that respect the data in Q6 are provided from the Supreme Court Budget and from Ministry of Justice budget. More precisely the following funds are provided by the budget user Supreme Court of the Republic of Slovenia for all courts:

- wages of the judges and the court personnel (included in the 1st category of Q 6),
- information technology for the courts (included in the 2nd category of Q 6) and
- costs of the activities of the courts ( included in the 3rd category of Q 6). The following funds are provided by both the budget user Supreme Court as well as the ministry responsible for justice in Republic of Slovenia for all courts:
  - The funds for the equipment of the courts and maintenance of premises (including maintenance investments, audits on energy efficiency, technical security equipment and the funds spent on leased premises) as well as so called "small" investments (investments which cannot exceed a certain value), (included in the 4th category of Q 6).
  - The funds for the acquisition on new premises for both the courts and public prosecution services (included in the 5th category of Q 6).
  - funds for education of judges and court staff that are provided in the budget of courts (expenses for professional education of employees, expenses for business travels, expenses of conferences, seminars and symposiums, expenses for training for the use of information technologies in courts, the Central Judicial Library of the Supreme Court of Republic of Slovenia). (included in the 6th category of Q 6) The funds of the Judicial Training Centre, which is part of the Ministry of Justice, are not included, because it provides the education for all functionaries and public officials in judiciary not only to judges and public prosecutors. Regarding computerisation: It is important to note that the majority of the informatisation projects are financed from EU sources and this amount is not included in the approved budget of Q6. For this reason a decrease in this budget line can be noticed during years.

**(2018):** As regards the category "computerization", from 2017 on, the figures represent the budget, approved by the Parliament and financing from EU sources (in previous years financing from EU sources was not included in the courts' budget). The approved budget for 2018 from EU funds at courts was 2.685.000 EUR and implemented budget was 560.588 EUR.

Courts also spent 312.221 EUR of EU funds for ADR from the Ministry of Justice budget in 2018.

The increase in budget allocated to investments in new (court) buildings in 2018 (and 2017) is due to the acquisition of court buildings in this period.

**(2017):** As regards the category "computerization", from 2017 on, the figures represent the budget, approved by the Parliament and financing from EU sources (in previous years financing from EU sources was not included in the courts' budget).

In 2017, 2.043.338 EUR from EU sources were planned, however only 179.707 EUR were actually implemented (figures included in the budget above). Additionally 286.787 EUR from EU sources were spent for ADR (not included in the budget above).

4. and 5. - Court buildings:

The figures include funds that were approved/implemented at the budget users Supreme Court and the Ministry of Justice.

5. "New court buildings" - the important increase in the approved and the implemented budgets is due to the fact that in 2017, two previously rented court buildings (not newly built) were acquired by the Ministry of Justice (this does not affect the answer to Q42 - court entities and geographical locations). 6. Training:

The figures include only the funds for education of judges and court staff that are provided in the budget of courts (expenses for professional education of employees, expenses for business travels, expenses of conferences, seminars and symposiums, expenses for training for the use of information technologies in courts, the Central Judicial Library of the Supreme Court). We did not include the funds of the Judicial Training Centre (JTC), which is part of the Ministry of Justice, because it provides the education for all functionaries and public officials in the judiciary, not only to judges and public prosecutors. The approved budget of the JTC in 2017 was 177.330 EUR and implemented budget was 157.990,62 EUR and is included at Q15.1.

**(2016):** The figures above represent the budget, approved by the Parliament, while financing from EU sources is not included (in 2016, no EU funds were spent).

According to the Courts Act the funds for the salaries of judges and court staff and for the operational costs of courts, as well as funds for the computerisation of courts are provided at the budget user the Supreme Court of the Republic of Slovenia, while funds for providing the equipment of the courts and the spatial conditions of courts and provided at the ministry, responsible for justice. For additional comments on categories, see below.

4. and 5. - Court buildings:

The figures include funds that were approved/implemented at the Supreme Court and expenses of the Ministry of Justice.

6. Training:

The figures include only the funds for education of judges and court staff that are provided in the budget of courts (expenses for professional education of employees, expenses for business travels, expenses of conferences, seminars and symposiums, expenses for training for the use of information technologies in courts, the Central Judicial Library of the Supreme Court). We did not include the funds of the Judicial Training Centre (JTC), which is part of the Ministry of Justice, because it provides the education for all functionaries and public officials in judiciary, not only to judges and public prosecutors. The approved budget of the JTC was 220.000 EUR and implemented budget was 412.020 EUR and is included at Q15.1.

Differences to 2014 within categories Computerisation and Training:

In past years, the annual amount was cut down due to austerity measures and several activities were somehow impeded due to the limited budget. In the recent year, the spending returned close to the level before austerity measures.

**(2015):** The figures above represent the budget, approved by the Parliament, while financing from EU sources is not included.

According to the Courts Act the funds for the salaries of judges and court staff and for the operational costs of courts, as well as funds for the computerisation of courts are provided at the budget user the Supreme Court of the Republic of Slovenia, while funds for providing the equipment of the courts and the spatial conditions of courts and provided at the ministry, responsible for justice. For additional comments on categories, see below.

3. Computerisation:

The major part of the informatisation projects (computerisation) are financed from EU sources (project "E-pravosodje"), as well as the alternative dispute resolution (ADR) programmes. Apart from the figures above, courts spent an additional 1.312.301 EUR of EU funds for informatisation (should be considered at category 2. Computerisation) and 374.510 EUR for ADR (should be considered at category 3. Justice expenses) – these funds are not included at Q6 (functioning of all courts), and are reported as a part of the budget of Ministry of Justice (see answer and comment to Q15.2).

4. Court buildings:

The figures include funds that were approved/implemented at the Supreme Court and expenses of the Ministry of Justice as stated below:

general (approved budget 132.800 EUR / implemented budget 132.798 EUR),

building rental costs (4.780.000 EUR / 4.772.487,59 EUR);

equipment incl. technical security equipment (16.500 EUR / 16.439 EUR) and

energy renovation of buildings (20.900 EUR / 20.876 EUR).

6. Training:

The figures include only the funds for education of judges and court staff that are provided in the budget of courts (expenses for professional education of employees, expenses for business travels, expenses of conferences, seminars and symposiums, expenses for training for the use of information technologies in courts, the Central Judicial Library of the Supreme Court). We did not include the funds of the Judicial Training Centre (JTC), which is part of the Ministry of Justice, because it provides the education for all functionaries and public officials in judiciary, not only to judges and public prosecutors. The approved budget of the JTC was 160.000 EUR and implemented budget was 164.698,74 EUR and is included at Q15.1.

The Centre for informatics at the Supreme Courts estimates the annual amount for a regular functioning and maintenance of equipment (5 year equipment renewing cycle) at 2.400.000 EUR. However, with austerity measures in place, the amount was cut down to approximately 1.800.000 EUR per year. The 5 year cycle is strictly followed for server equipment. On the other hand the investments in infrastructure at the side of the users (workstations) were somehow impeded due to the limited budget. The increase in spending for 2015 is due to a planned major investment in server equipment (data storage). In future years, the spending will probably return close to the level before the austerity measures.

The answer at Q6 does not include public prosecution service and/or legal aid.

**(2014):** In 2014 the data in Q6 for 2010 to 2013 was corrected and approved budget was reported instead of implemented. All comments were adjusted accordingly.

The variation of the budget for computerisation occurs because the reported figures represent the budget, approved by the Parliament, while financing from EU sources is not included.

Regarding computerisation: It is important to note that the majority of the informatisation projects are financed from EU sources. The Centre for informatics at the Supreme Court (refer to comment at Q62) spends 3.500.000 to 4.000.000 EUR per year for informatisation projects. The clarifications below apply only to the reported number (budget as approved by Parliament and corresponding implementation).

Approved (adopted) budget (computerisation):

The approved (adopted) budget we reported for 2014 was lower than 2013 mostly on the account of the following categories: maintenance, purchasing of equipment, office inventory and services and lastly, purchasing of non-material assets.

Implemented budget (computerisation):

Most notably, fewer means were spent on the account of the maintenance.

**(2013):** 2013: The decrease of the budget allocated to computerisation from 3.454.684 EUR in 2012 to 1.863.576 EUR in 2013 can be attributed to short-cuts of investments in public sector'.

The considerable decrease in the figures allocated to "new court buildings" is a result of the economic crisis and postponement of the construction of the new court palace in Ljubljana. Consequently the budget for investments in new court buildings in 2013 was considerably lower and includes only the funds for acquiring new premises for the District court in Celje and the District prosecution office in Celje and for documentation in the new court palace in Ljubljana.

The considerable increase of the budget in the category 'court buildings' between 2012 and 2013 is due to the fact that, unlike to the 2012 exercise, in 2013, it was possible to report the exact amount of the budget allocated specifically to courts for equipment and provision of spatial conditions (maintenance investments, audits on energy efficiency ...). Additionally, in 2013 the value for the so called "small" investments (investments which cannot exceed a certain value) was also included. The both amounts have been included to in the 4th category of Q 6'.

**(2012):** In 2012: It is important to note, that for the most part of 2012 the Ministry of Justice was unified with the former Ministry for Public Administration into a uniform Ministry of Justice and Public Administration that as such existed until March of 2013, when a new government took office. Therefore for 2012 it is not possible to report the exact amounts of the budget allocated specifically to spatial planning specifically to the courts and justice system, as these were reported together with the figures for the whole public administration part of the formerly unified ministry.

## Spain

**(2017):** Annual public budget allocated to court buildings: there has been a rise of expenditure. We really appreciate important raises in Catalonia, Galicia and in the autonomous regions under the competence of the Ministry of Justice (five of them). Regarding the latter, between 2016 and 2017, austerity policies followed in previous years were moderated. In the 7 (other) we take into account, among others: locomotion, postal communications, peace courts, books and magazines, some consulting and publicity activities.

**(2015):** The breakdown of the budget as presented by the CEPEJ is very complex. In 2015 an effort has been made to improve the accuracy of the answer, and from this can derive the differences and decreases between 2014 and 2015.

'Other' includes: Functioning of peace judges, payments for wrongful functioning of the justice system, judicial archives, functioning of the forensics, expenses in meetings, conferences, telephonic costs, costs of the post services, protocol costs and working material

**(2012):** In the frame of the 2012 exercise, the budget of legal aid and this of public prosecution services have been separated from the budget allocated to the functioning of courts.

The provided data concern the approved budget.

## Sweden



**(General Comment):** Until 2013 exercises, the indicated figures do not reflect the approved budget but the implemented expenses. From 2014 onwards implemented budget is available and approved budget is NA since the approved government budget does not include these details. The implemented budget allocated to:

“justice expenses” is included within the figure provided in respect of item “other”. It cannot be identified accurately, because there is not such a category in the Swedish statistical system.

“new court buildings” in NAP since all court buildings are rented from different property owners. “Other” includes Deprecation, Consulting services, Bailiffs, Security services, Costs for Printing matters, Postage, Costs for announcements, Traveling expenses

**(2018):** Due to differences in nomenclature within different audit systems there is an inherent problem in comparing numbers. As a result, the figures presented in question 6 should be used with prudence. Annual implemented budget allocated to training excludes expenses for food and lodging, these expenses are included in “Other”.

**(2017):** For 2017 the annual implemented budget allocated to computerisation has increased since 2016 due to changes in the categorization of accounts. During 2016 the accounts for computerisation service and maintenance contracts were parts of the category “7. Other”, during 2017 these accounts were parts of the category “2. Annual public budget allocated to computerisation (equipment, investments, maintenance)”. Due to differences in nomenclature within different audit systems there is an inherent problem in comparing numbers. As a result, the figures presented in question 6 should be used with prudence. Annual implemented budget allocated to training excludes expenses for food and lodging, these expenses are included in “Other”. The annual implemented budget allocated to justice expenses has decreased during 2017 compared to 2016 due to significant payments in 2016 to bankruptcy administrators and other justice expertise.

**(2016):** Due to differences in nomenclature within different audit systems there is an inherent problem in comparing numbers. As a result, the figures presented in question 6 should be used with prudence. Annual implemented budget allocated to training now excludes expenses for food and lodging, these expenses are now included in “Other”.

**(2014):** In the frame of the 2014 exercise, it has been pointed out that courts de facto did not invest as much in “computerization” as the previous year, hence the decrease.

As for the category “other” (which contains a large number of different posts, only the main posts being specified in the comment under question 7), the explanation of the noticed decrease lies partly in the decreasing costs for consulting services.

**(2013):** In the frame of the 2010, 2012 and 2013 exercises, the indicated figures do not reflect the approved budget but the implemented expenses.

**(2012):** In the frame of the 2010, 2012 and 2013 exercises, the indicated figures do not reflect the approved budget but the implemented expenses.

## Question 7

### Austria

**(General Comment):** With regard to the sub-category “annual public budget allocated to training”, the indicated figures include trainings for judges, public prosecutors, judicial officers (“Rechtspfleger”) and other staff working within courts or public prosecution services. A separate disclosure of the figures respectively for judges, judicial officers and staff working within courts is not possible. In 2010, the representation of data changed compared to the previous exercises. As a result, several operating expenses that had been previously included in the category “justice expenses” were subsumed in the category “other”, while only the expenses paid because of a statutory duty (for translation, experts, lay judges, witnesses) were considered as “justice expenses”. Besides, since 2010, the budget allocated to court buildings encompassed not only rent and running costs, but also cleaning, security and energy expenses.

Figures provided for the previous evaluation cycles correspond to the implemented budget.

**(2018):** Rising costs in the area of independent jurisdiction (eg expert fees).

**(2014):** Category “other”, it covers in 2014 – postal services (€ 35,57 Mio approved/€ 34,64 Mio implemented), Trustee-Attorney (€ 32,28 Mio approved/€ 33,98 Mio implemented), victims assistance (€ 5,59 Mio approved/€ 7,30 Mio implemented).

**(2013):** Category “other”, it covers in 2013 – postal services (€ 42,25 Mio), Trustee-Attorney (€ 32,28 Mio), victims assistance (€ 5,59 Mio);

**(2012):** Category "other", it covers in 2012 – postal services (€ 37,3 Mio), traineeship (€ 13,9 Mio), office equipment, lump-sum payment for legal representation (€ 19,0 Mio) , travel expenses, other small expenses;

## **Belgium**

**(2018):** Due to transfer of competence of child protection services to the regions 6 million euro is drawn from the budget in 2018

budget includes the provisions attributed to the justice department for the fight against terrorism

**(2014):** 2014: The annual public budget allocated to the functioning of all courts includes the budget allocated to the public prosecution services.

2012, 2013, 2014: the category 'other' includes attendance fees, mediation, legal aid, the financial information processing unit and the National technical support unit (which handles the payment of telephone tapping set up by the police).

**(2013):** 2010, 2012, 2013: The annual public budget allocated to the functioning of all courts includes the budgets allocated to the public prosecution services and to legal aid.

2012, 2013, 2014: the category 'other' includes attendance fees, mediation, legal aid, the financial information processing unit and the National technical support unit (which handles the payment of telephone tapping set up by the police).

**(2012):** 2010, 2012, 2013: The annual public budget allocated to the functioning of all courts includes the budgets allocated to the public prosecution services and to legal aid.

2012, 2013, 2014: the category 'other' includes attendance fees, mediation, legal aid, the financial information processing unit and the National technical support unit (which handles the payment of telephone tapping set up by the police).

## **Bulgaria**

**(2018):** Consider the comments on Questions 6 and 13.

## **Croatia**

**(2014):** For 2013 and 2014, the category "other" encompasses the execution of final court judgments reimbursement of expenses incurred by allocation of a case to another court of competent jurisdiction, violation of the right to a fair trial within reasonable time, costs of transport to work and from work as well as other employees expenses (severance payments, grants), promotional, medical and other services, membership fees, representation, banking services and other unmentioned financial expenditure.

**(2013):** For 2013 and 2014, the category "other" encompasses the execution of final court judgments reimbursement of expenses incurred by allocation of a case to another court of competent jurisdiction, violation of the right to a fair trial within reasonable time, costs of transport to work and from work as well as other employees expenses (severance payments, grants), promotional, medical and other services, membership fees, representation, banking services and other unmentioned financial expenditure.

## **Finland**

**(2013):** For the 2013 exercise, besides industrial health services, postage, office supplies, telephone and telecommunications services, the category "other" includes also the budget intended to training and education.

## **France**

**(2014):** For 2014, the "other expenses" correspond to:

- an assessment of the cost of transfer of individuals under escort, the cost of guards in courtrooms, the cost of prosecuting officers supported by the Ministry of Interior;
- an assessment of the rental value of court buildings made available to justice by local authorities;
- an assessment of personal credits of judicial specialised jurisdictions in the social field: courts of incapability litigations (Tribunal du contentieux de l'incapacité). This estimate is an addition to the estimate of the previous years in the contribution of central administration functioning of the jurisdiction (in particular legislative directions).

**(2013):** For 2013, the "other expenses" correspond to:

- an assessment of the cost of transfer of individuals under escort, the cost of guards in courtrooms, and the cost of prosecuting officers supported by the Ministry of Interior (203 million euros);
- an evaluation of the rental value of court buildings made available to justice by local authorities (69 million euros);
- 77.8 million euros corresponding to the contribution of the central administration to the functioning of jurisdictions (in particular legislative directions).

**(2012):** For 2012, the "other expenses" correspond to:

- an assessment of the cost of transfer of individuals under escort, the cost of guards in courtrooms, and the cost of prosecuting officers supported by the Ministry of Interior (203 million euros)
- an assessment of the rental value of court buildings made available to justice by local authorities (69 million euros)
- 69.5 million euros corresponding to the contribution of the central administration to the functioning of the jurisdictions (in particular legislative directorates).

## Germany

**(General Comment):** It is noteworthy that all data concerning the budget should be construed in the light of the federal State structure of Germany. Accordingly, variations for which no particular explanation has been notified are often due to the fact that for the different evaluation cycles a different number of Lander provided a reply. Owing to this peculiarity, the information remains most of the time incomplete. The figures include the federal budget as well as the budgets indicated by the respondent Landers.

**(2018):** It is an aggregation of the Federal Courts and the Lander's budgets. All Landers are included. Baden-Württemberg: The budget allocated to the public prosecution services cannot be separated from the budget allocated to all courts.

Bavaria:

The budget of the public prosecution offices cannot be presented separately. Finance courts: The budget allocated to legal aid cannot be separated from the budget approved for the finance courts and has therefore been included under question 6.

Administrative courts: There is no separate position in the budget for legal aid.

Separating the budget allocated to Land administrative courts and legal aid from the budget approved for all courts is not possible. The budget allocated to Land administrative courts and legal aid has therefore been included under question 6.

Other (finance courts): other material administrative expenditure, capital expenditure and special financing expenditure for finance courts.

Brandenburg: The budget plan for 2017/2018 was based on an assumption of greater expenditure. Furthermore, due to budget funds not being fully utilised in 2018, reserves were used for personnel and administrative expenditure.

Bremen:

The total annual public budget allocated to all courts and public prosecution services cannot be presented either separately or jointly since parts thereof (IT expenditure for the entire justice system including prisons and the senatorial authority, as well as training expenditure) are centrally estimated.

Mecklenburg-Western Pomerania:

The approved budget includes expenditure for the courts, the public prosecutor general and all four public prosecution offices. The individual budgets cannot be shown separately.

Rhineland-Palatinate:

Under the system currently in place, the budgets allocated to courts and public prosecution offices cannot be shown separately. The expenditure shown therefore includes the expenditure for public prosecution offices. Saarland:

7.a) Budget allocated to public prosecution services:

For the public prosecutor general and the public prosecution office, the only data shown separately are the estimates for the staffing and materials expenditure budget (i.e. not including statutory expenditure).

Saxony:

Expenditure for IT, basic and further training, maintenance and operating costs for buildings and facilities, internal court costs, public relations work, trans-regional cooperation etc. is centrally estimated, spent and managed for all parts of Saxony's justice system (courts, public prosecution offices, prisons, Justice Ministry, Central Office for Information Technology, Training Centre). Insofar as it is incurred by the courts and public prosecution offices, this type of expenditure cannot therefore be shown separately.

Thuringia:

Excl. costs for maintenance and construction of court buildings.

No information has been provided in this regard by the other Federal Länder.

**(2014):** In the frame of the 2014 exercise, it has been stressed that it was impossible to separate the budget of public prosecution services for a number of Federal Landers.

**(2013):** In 2013, 11 Landers provided detailed information in respect of the category "other". More specifically, Mecklenburg-Western Pomerania encompassed expenditures based on contracts of work and services or other types of contracts in the field of victim-offender mediation and compensation to accused persons in criminal matters; Brandenburg subsumed compensation to victims of unconstitutional prosecution, etc.

For a considerable number of the respondent Landers, it was impossible to separate the budget of legal aid and especially the budget of public prosecution services. Brandenburg indicated that the budget of legal aid and the budget of public prosecution were not encompassed in the total. In Schleswig-Holstein, the budget of legal aid was subsumed in the total, while the budget of public prosecution services could be separated.

**(2012):** In 2012, 13 Landers provided detailed information on the content of the category "other". More specifically, Berlin and Hamburg included some training costs. Berlin subsumed also compensation to civil servants on probation; Saxony indicated also compensation to honorary judges and staff; Mecklenburg-Western Pomerania encompassed expenditures based on contracts of work and services or other types of contracts in the field of victim-offender mediation and compensation to accused persons in criminal matters akin to Saxony, etc.

For a considerable number of the respondent Landers, it was impossible to separate the budget of legal aid and especially the budget of public prosecution services from the total. In Saarland, the budget of legal aid could be identified, while only estimates for the staffing and materials expenditure budget could be shown separately for the office of the public prosecutor general and the public prosecution office (not including statutory expenditure). In Hesse and Brandenburg the budget of legal aid and the budget of public prosecution services were not encompassed in the total. In Schleswig-Holstein, the budget of legal aid was subsumed in the total, while the budget of public prosecution services could be separated.

## **Greece**

**(General Comment):** The public prosecution services budget can not be separated from the courts budget.

## **Hungary**

**(2014):** For 2014, the category "other" included among other elements miscellaneous maintenance expenses, unexpected personal (salary) expenses etc. Besides, it subsumed a part of the budget allocated to "training".

**(2013):** For 2013, the category "other" included among other elements miscellaneous maintenance expenses, unexpected personal (salary) expenses etc.

## **Ireland**

**(2016):** NAP

## **Latvia**

**(2016):** Payments for legal aid in 2015, 2016 and 2017 were significantly affected by the overall decrease of the number of criminal proceedings and, accordingly, the reduction of the number of criminal proceedings in which was provided the state ensured legal aid. The number of registered criminal proceedings in the country are continuously dropping. Based on this, the Legal Aid Administration made proposals and the Ministry of Justice drafted legal act's projects that foresee redistribution of funds, including increasing the amount of remuneration for legal aid providers, giving fiscal impact for the coming years.

**(2014):** In the frame of the 2014 exercise, it has been specified that the Supreme Court in previous years was indicating communication services within the position "other", but for the 1st and 2nd instance courts this position is indicated for all of the evaluations within the category "justice expenses".

## **Luxembourg**

**(2016):** The bill containing the implemented budget of 2016 has not been approved yet.

**(2013):** 2013: The budget allocated to the training does not appear in the budget for the functioning of the courts but in the budget of the Ministry of Justice.

The category 'other' includes legal aid which can be distinguished from the court budget (which is not the case of the prosecution budget).

#### **Malta**

**(2018): Q6** The budget of the Court Administration is separate from that of the Public Prosecution and Legal Aid.

**(2016):** The budget of the court administration is separate from that of the Public Prosecution Services and from that of Legal Aid.

**(2014):** In 2014, the sub-section "other" refers to expenditure related to payments under Programmes and Initiatives category including payments of criminal courts juries, accommodation and transport of jurors, remuneration of mediators at the Family Court and remuneration of children advocates; payment of architects with regard to urban property and agricultural leases and expenditure related to the Small Claims Tribunal.

#### **Netherlands**

**(2014):** For 2014, the approved budget for the category "other" includes investments in computerisation, court buildings, training, depreciation, interest, administration, service centre, etc. The implemented budget encompasses depreciation, interest, administration, service centre etc.

**(2013):** For 2013 the category "other" subsumed depreciation, interest, administration, service centre etc., including the Supreme Court. According to the provided details, the communicated figure was the sum of 36.901.000 euro related to the Council of Judiciary (depreciation, interest, administration, service center, etc.) and 28.114.000 euro related to the Supreme Court (including justice expenses).

**(2012):** For 2010 and 2012 the category "other" encompassed depreciation and interest. It should be noticed that justice expenses considered within this item were excluding expenses related to criminal cases.

#### **Poland**

**(2017):** no comment

#### **Portugal**

**(2013):** For 2013, it was possible to identify the content of the category "other" including office materials (4 731 473€), communication expenses (26 648 839€), other expenses such as transport expenses, technical assistance, books and technical documents, specialized work etc. (23 084 281€).

#### **Slovenia**

**(2013):** In 2013, the funds for the acquisition on new premises for both the courts and public prosecution services are provided by the Ministry of Justice and were included in the 5th category of Q 6. No clear separation is possible.

#### **Spain**

**(2014):** The data provided concerns the budget of the Ministry of Justice and that of the Autonomous Communities. The category other encompasses: functioning of peace judges, payments for wrongful functioning of the justice system, judicial archives, functioning of the forensics, expenses in meetings, conferences, telephonic costs, costs of the post services, protocol costs and working material.

**(2012):** In the frame of the 2012 exercise, the budget of legal aid and this of public prosecution services have been separated from the budget allocated to the functioning of courts and are not included in the indicated total in the ambit of question 6. The category other encompasses: functioning of peace judges, payments for wrongful functioning of the justice system, judicial archives, functioning of the forensics, expenses in meetings, conferences, telephonic costs, costs of the post services, protocol costs and working material.

## Sweden

**(2016):** Public Prosecution offices not included.

## Question 9

### Austria

**(2016):** As far as civil cases are concerned, according to § 64 of the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) legal aid may cover a provisional exemption from court fees, fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer.

In criminal cases:

According to sec 391 par 1 CCP the enforcement of the court's decision on costs has to take into account the ability of the convicted person to bear the costs for the daily life for him/herself and the family as well as the obligation of compensation in regard of the offence. The court may, if the costs cannot be enforced because of an impecunious defendant, declare the costs unrecoverable. If the court assumes that in the future the costs will be recoverable but for the time being they are not, the economic capacity of the person concerned has to be re-examined after a certain period. The statute for limitation to recover the costs is five years after the final decision in the proceeding. If the court decides that the convicted person has to bear the costs of the proceeding and further on he or she is not able to pay the costs the authorities, responsible to recover costs, may prolong the payment deadline, allow to pay instalments, or to abate the costs.

In principle every person who retains a defence lawyer or another representative has to bear the costs him or herself even if the lawyer was appointed ex officio (sec 393 par 1 of CCP). According to sec 61 para 2 CCP the court has to decide on total or partial legal aid on the request of the defendant if the defendant cannot bear the total costs for the defence lawyer without impairment of his/her own or his/her family's maintenance which enables him/her to a simple lifestyle and if it is necessary in the interest of justice in particular in the interest of an adequate defence. In any case legal aid has to be granted during the whole procedure if and as long as the defendant is held in pre trial detention;

- during the entire procedure on the confinement in an institution for mentally abnormal offenders;
- during the trial on the confinement in an institution for addicted offenders in need of curing and on the confinement in a institution for dangerous subsequent offender;
- during the trial in front of a jury or of a court of lay assessors;
- during the trial in front of a single judge if the sentence which may be imposed is more than three years of deprivation of liberty;
- during the appeal procedure against a verdict of a court of jury or a court of lay assessors, in case the European Court of Human Rights has determined a violation of the European Convention on Human Rights or an additional Protocol to it for conducting the request for the reopening of the procedure and for the trial in public;
- if the defendant is blind, deaf, mute or otherwise handicapped or is not able to conduct the defense by him/herself because he/she can do not understand the language at court,
- for the appeal procedure,
- if the factual and legal position is difficult.

Where in any case the defendant needs a defense lawyer, the court has to decide on legal aid ex officio even if the defendant does not request for it but further requirements to provide legal aid are given.

With regard to the decision on legal aid the court has to examine the defendant's economic capacity to bear the costs for a defense lawyer. The economic capacity is determined by the maintenance which enables the defendant and his/her family to a simple lifestyle, and can be identified at the bases of the minimum living wage which may not be garnished given by sec 5 of

### Belgium

**(2018):** The decrease of this amount for the 2018 cycle is due to the entry into force of a new tax law.

**(2016):** Legislative amendment on the registry roles.

### Croatia

**(2016):** Taking into account that the existing legal regulation did not change in a way that would have the effect of reducing the revenue of the state budget on the basis of court taxes, the reason for the continued decrease (from 2012) of the revenues from court taxes could be a decrease in the inflow of court cases and the impossibility of collecting court taxes from taxable payers.

#### **Denmark**

**(2015):** The decrease between 2010 and 2015 in the annual income of court taxes or fees received by the State is due to the fact that from mid-2013 there were no longer taxes in connection with access to the land register.

**(2014):** In 2013, the revenue from advertisements and queries in the land registration system was reorganized. It is now free to make advertisements in the digital land registration system, while other revenues related to land registration are collected directly by the Treasury. Fees from land register amounted to approximately 32 percent of total revenue in 2012. Revenue from court fees makes up the rest corresponding to approximately 65,000,000 €. From 2012 to 2014 the revenues from court fees dropped to 57,000,000 € representing a decrease of approximately 11 percent.

#### **Estonia**

**(2017):** The increase is due to the fact that the number of cases is different from one year to another.

**(2016):** The biggest income of court taxes is due to big tax cases where it depends on the case and whether the case is won or not. Those big tax cases can be more than 20 % of all the fees collected.

**(2014):** The variations over the years 2010, 2012 and 2014 are probably due to the fact that in 2012 only the income of court fees was submitted, excluding the registries. By comparison, for 2014, the annual income of court fees without the registries was 4 227 968.

**(2012):** The decrease in the income of court taxes can be explained by the fact that in 2012 State fees regarding court procedures have been reduced significantly (from 1-2% to almost 500%).

#### **Finland**

**(General Comment):** The annual income of court fees received by the State varies depending on the amount of cases handled by courts each year. Moreover and as already explained under Q8, the level of the court fee varies depending on the nature of the matter and the instance in which the case is handled.

**(2017):** The annual income of court fees received by the State varies depending on the amount of cases handled by courts each year.

The Court fees have been increased recently in Finland. The new legislation (Act on Court fees) came in force in the beginning of the year 2016.

#### **France**

**(2018):** This amount corresponds to the Fonds d'indemnisation des avoués (FIDA), which was not considered as a tax collected by the State in previous years

#### **Germany**

**(2016):** Discrepancy with previous cycle is not explained. Data without the Laender Mecklenburg-Vorpommern and Schleswig-Holstein.

Bremen: No information

North Rhine-Westphalia: It is not possible to provide separate statistics on court fees alone. This is because income from court fees in criminal/regulatory proceedings is captured as part of a consolidated estimation and accounting system, which also includes income from criminal/regulatory fines as well as monetary payments by accused persons in return for the provisional non-preferment of public charges in the case of misdemeanours.

Lower Saxony: No information can be provided since court fees are accounted for as one item together with criminal and regulatory fines (11210).

Thuringia: These are legal fees, including repayments of legal aid (installment payments).

#### **(2015):**

Some of the Länder were unable to provide data in this regard. Accordingly, the information provided here is incomplete and is not comparable with the 2013 data.

#### **Greece**

**(2018):** For the year 2018, we had an increase in our court fees revenues due to the increase of the number of applications, lawsuits and other court material.

**(2016):** There is no specific reason explaining the decrease for the period 2014-2016.

**(2012):** The increase of 47% between 2012 and 2014 of the annual income of court taxes or fees received by the State is mostly due to an increase in revenues from judicial stamp fees. Even though the prices of the fees were increased in the beginning of the year 2011 (some of them doubled or tripled), the increase of the revenues was at its peak in 2013. In 2012 the revenues for these particular fees were estimated at 30.000.000 euros, whereas 41.000.000 euros were actually collected. In 2013, a total of about 81.000.000 euros was collected from these fees, and as a consequence the estimation for 2014 was 81.650.000 euros.

#### **Hungary**

**(2015):** The decrease between 2010-2015 in the approved budget allocated to legal aid is the result of a 2012 law amendment which led to the fact the fines are no longer part of the budget of the courts.

**(2012):** The reason for the decrease in the figures between 2010 and 2012 is the amendment of the law in 2012. Accordingly, the fines are no longer part of the budget of the courts.

#### **Ireland**

**(2018):** updated info

#### **Latvia**

**(2018):** Chancery fee to the judicial authority, state fee in civil and administrative cases, fee for the submission of enforcement documents for enforcement, fines imposed by judicial authorities.

#### **Lithuania**

**(2018):** Discrepancy with the numeric data of previous cycle may occur because the overall number of cases has decreased.

**(2016):** The increase of annual income of court taxes or fees received by the state might be because of the increased number of litigious cases and the sums of disputes.



## Luxembourg

**(2016):** In Luxembourg, it is not necessary to pay a court tax or fee to open a case in court.

## Netherlands

**(2018):** It seems that the amounts reported in 2016 and 2017 included some other revenues as well. The amount reported for 2018 is court fees only.

## Romania

**(2014):** Figures provided for 2012 and 2014 refer to the amounts resulting from judicial stamp duties which constitute revenues to the State budget and also the local budget.

**(2012):** The figures provided for 2012 and 2014 refer to the amounts resulting from judicial stamp duties which constitute revenues to the State budget and also the local budget.

## Slovakia

**(2018):** The annual income of the court fees is not available. The court fees are collected through the external system administrator "The Slovak Post" who transfers the collected fees directly to the state budget.

**(2015):** The annual income of the court fees is not available. As of the year 2015 all court fees are collected through the external partner 'Slovak post company' who transfer the fees directly to the state budget.

## Spain

**(2018):** The Royal Decree 1/2015, 27 February amending the Law 10/2012 and requiring the payment of court fees to start court proceedings only from companies and not natural persons, on the one hand; the Judgments of the Constitutional Court that declared the nullity of certain components of the final amount, on the other hand. Both reasons can explain the decrease.

**(2017):** Legal reforms resulted in a decrease in the income. The legal reforms concern: the Royal Decree 1/2015, 27 February amending the Law 10/2012 and requiring the payment of a court fees to start court proceedings only from companies and not natural persons, on the one hand; the Judgements of the Constitutional Court that declared the nullity of certain components of the final amount, on the other hand.

**(2016):** The Royal Decree 1/2015 exempted natural persons from paying fees. Besides, the judgment of the Constitutional Court 140/2016 suppressed the fees in appeals and in the filing of administrative cases. All of this has resulted in a reduction in tax collection.

## Sweden

**(2016):** On 1st of July 2014 the application fees was significantly raised. Some impact on the income from taxes was visible 2014 cycle but the full impact was visible in the 2016 cycle.

**(2015):** The increase in annual income of court fees are due to a raise of the fees from July 1st 2014.

## Question 12

### Austria

**(General Comment):** The indicated sum includes only the lump sum paid to the bar for representation of parties 'pro bono'. It does not include court fees or fees for translation or experts, which are also covered by legal aid, but not isolated within the budget. Accordingly, no figures can be provided as regards the whole regime of legal aid.

The amount of 19.500.000/19.828.000 Euro is already included in the specified total annual budget allocated to all courts, the public prosecutions services and legal aid together (Q 7).

**(2018):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.828.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**(2017):** A lump sum of € 19500000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 18860000 Mio. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**(2016):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.700.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

## **Belgium**

**(2012):** 2010: The 25% increase of the approved budget allocated to legal aid between 2008 and 2010 can be explained by an increase in costs and expenses.

## **Bulgaria**

**(General Comment):** The annual budget for legal aid in the Republic of Bulgaria is not granted by type of cases and type of legal aid. Legal aid can be provided for all types of civil cases including non-litigious cases. The budget is common to all types of legal aid – consultation (pre-litigation advice for which the Law on legal aid strictly defines the categories of persons amenable to be granted with) with the purpose to achieve a settlement before initiation of court proceedings or filing a case, preparation of documents for filing a case, litigation, and litigation in event of detainment by the bodies of the Ministry of Interior and the Customs Act. By contrast, the annual budget for legal aid does not include means of alternative dispute resolution (ADR). The annual budget for legal aid is common to all types of criminal, civil and administrative cases. It includes remuneration of the attorneys providing legal aid, remuneration of the Bar Councils for the work carried out by the administration of legal aid, funds for necessary expenses to visit the places of detention or retention and protection in another village. The National Legal Aid Bureau is an independent State authority, a legal entity and a second grade disposer of budget credits to the Minister of Justice. Its competence consists in preparing a draft budget of legal aid and disposing the funds in the budget of legal aid. The Ministry of Justice supervises the planning and reporting of funds in respect of the budget of legal aid. The annual budget of legal aid is part of the budget of the Ministry of Justice – Chapter 'Policy of Justice'.

**(2014):** In the frame of the 2014 exercise, it has been specified that the implemented budget of legal aid exceeds the approved one because of a large number of criminal cases of serious crimes and a large number of civil cases with high material interest justifying higher legal fees.

**(2012):** In the frame of the 2012 exercise, it has been explained that the increase of the budget allocated to legal aid between 2010 and 2012 was due to the increase of the number of poor citizens.

## **Croatia**

**(2018):** In 2018 annual approved public budget for legal aid has been increased. Having regard to the comments of the stakeholders of the legal aid system (NGO's registered in the Register of primary legal aid providers Faculties of Law, attorneys), the Ministry of Justice strives to increase the allocations for legal aid, depending on the limits and possibilities of the public budget.

**(2017):** The annual approved public budget allocated in other than criminal cases to primary legal aid (for non-litigious cases or cases not brought to court) in 2017 has been increased.

**(2016):** The annual approved public budget allocated in other than criminal cases to primary legal aid (for non-litigious cases or cases not brought to court) in 2016 was significantly reduced, which results in great differences in total amount approved in other than criminal cases to legal aid in 2014/2015 and 2016.

**(2014):** In the 2014 exercise, it has been specified that the amount of legal aid approved and also allocated to the cases brought before the court (primary legal aid) was 1.450.000,00 kuna, and legal aid for non-litigious cases or cases not brought to court (secondary legal aid) was 2.570.000,00 kuna. The figures provided in the table are calculated according to the currency for 31st December 2014 which was 1 €=7,6577 kuna.

**(2013):** In the 2013 exercise, it is explained that the budget for legal aid was increased as a response to the observed trend of increased number of requests for granting legal aid. Besides, it is specified that 253 750 euro represent the funds allocated to legal aid in the budget of Croatia intended for free legal aid under the Free Legal Aid Act (civil and administrative proceedings). There also exist funds paid as per submitted requests for granting legal aid - 236 000 euro which could be registered in the following categories: "other than criminal law cases" – 210000; "annual public budget allocated to legal aid for non-litigious cases or cases not brought to court" – 26000.

**(2012):** In 2012, due to the decreased budget planned for the Ministry of Justice, the amount allocated to legal aid is lower than in 2010. More precisely, the reduction of the budget for legal aid in administrative and civil proceedings was due to the economic situation.

## **Cyprus**

**(General Comment):** The amount of legal aid is included in the amount for cost of criminal prosecutions, civil procedure and procedures in Family courts

**(2013):** 2013: The decrease in the Legal Aid budget is as a result of the austerity measures and in relation to the budget there were less applications for legal aid.

## **Czech Republic**

**(General Comment):** It is noteworthy that before 2014, the implemented budget was provided instead of the approved one. The data on approved budget allocated to legal aid do not exist, the approved budget is not divided to this level.

**(2017):** The approved budget is not divided to this level.

**(2016):** The data on approved budget allocated to legal aid do not exist, the approved budget is not divided to this level.

**(2014):** Specifically, as concerns the 2014 exercise, it is indicated that data on approved budget allocated to legal aid do not exist because the approval budget is not divided to this level. Owing to the impossibility to identify the approved public budget for legal aid, the reply in respect of this question is NA.

## **Denmark**

**(2018):** The amount listed in Q12.1. also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**(2017):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts.

**(2016):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**(2014):** In the frame of the 2014 exercise, it has been indicated that the budget foreseen for legal aid in 2012 and 2013 proved to be far less than the actual costs these years. Accordingly, the 2014 budget was increased considerably. Thus, there is not a significant increase in expenditure rather that budget is adapted to the actual consumption. This applies to the cost of both criminal and other cases.

**(2013):** In the ambit of the 2013 exercise, it has been noticed that the 2012 budget was well below the actual result for this year and that accordingly, the 2013 budget has been increased.

## **Estonia**

**(2013):** For 2013, according to the executed budget, the sums paid to lawyers represent 2 980 235 euros from the total (3 835 000). From these 2 980 235 euros, 2 226 315 euros were allocated to legal aid for criminal cases and 718 922 euros were allocated to legal aid for civil and administrative cases, the rest was allocated to legal aid for misdemeanor, enforcement procedure, administrative procedure and review procedure cases and legal consultation.

**(2012):** The variation observed between 2010 and 2012 should be explained in the light of the above-mentioned clarifications. For 2012, the sums paid to lawyers represent 2 857 850 euros from the total (3 835 000). In this respect, the difference with the amount provided for 2010 is not such important (2 307 334 euros). On the contrary, the IT costs included in the budget of legal aid for both of the exercises are especially high in 2012 due to the implementation of a new IT system. Basically, the increase of this specific part of the legal aid budget affects the total.

## **Finland**

**(General Comment):** A part of the expenses of the legal aid comes from cases which are not heard in the courts.

**(2018):** The total amount includes the expenses of the public legal aid offices (net EUR 24.500.000) and the fees and compensations paid to the private lawyers in legal aid matters (EUR 69.200.000).

**(2017):** The legal aid expenses have increased. Budgeting practice on VAT has changed. VAT is paid from the same budget account as the fees for the private lawyer.

**(2016):** The legal aid expenses have increased. This is due to the 4 % increase made in the legal fees. Also the number of refugees getting legal aid has increased.

**(2014):** Legal aid expenses have been increasing. In 2014 this was due to the 4 % increase made in the legal fees. In 2015 this is due to the increase in the number of refugees to whom legal aid was granted.

## **France**

**(General Comment):** The law refers to different types of legal aid: legal aid granted to litigants before courts as well as for out of court proceedings (transactions, participatory procedures in civil matters that are not brought to court); legal aid granted for consultation out of any proceedings; legal aid covering legal representation by a lawyer granted to individuals detained in custody, individuals detained in the frame of disciplinary proceedings, or in matters of mediation and plea bargaining procedures; legal aid granted for legal consultation (Legal Advice Centres and legal access points created by Departmental Councils for Access to the Law offer court users free legal consultations by lawyers, notaries and bailiffs).

**(2017):** The variation observed in respect of cases brought before courts is explained by the addition of 83 million euros. This is public money paid by the Ministry to the bar associations to provide legal aid to litigants, but it does not represent a voted budget in the strict sense. The variation concerning non-litigious cases or cases not brought to court is explained by the fact that in previous data certain budget items (victim support and family mediation) had been encompassed by mistake.

**(2016):** As regards the difference between the approved budget and the implemented one, significant cuts have affected the legal aid budget. In addition, several observations (concerning in particular the complexity of the system, the incoherence of the scale of remuneration, the obsolete nature of geographical modulation) have highlighted the need for a major overhaul of the system of financing legal aid. In the Finance Act for 2015, a first step consisted in diversifying the sources of funding of legal aid in order to meet needs that are tending to increase, particularly as a result of changes in European law. The main facets of the reform are aimed at better respond to the demand for law, to better reward the work of the actors and to move towards better governance and optimised management of legal aid.

The general economy of the reform was as follows: 1) reconsidering the system to make it fairer, simpler and better adapted to local situations: the generalised and revalued unit of value, a contractualisation between the courts and the bar associations allowing additional remuneration for lawyers; 2) raising the ceiling on resources for access to full legal aid to €1,000 and raising the ceiling on partial legal aid accordingly; almost 100,000 new litigants will thus be eligible with this scheme; 3) development of the use of alternative dispute resolution methods.

**(2015):** Thus the implemented budget for legal aid allocated to criminal cases increased significantly between 2014 and 2015 (by 141%).

The 90% decrease between 2014 and 2015 regarding the annual implemented public budget relating to legal aid for non-litigious cases or cases not brought to court results from the different presentation. The related legal aid costs, including those attributed to custody, have been included in the annual implemented public budget allocated to legal aid for cases brought to courts.

This also explains the decrease in other than criminal cases (by 53%). In the basis of calculation have been included the expenses relating to criminal field, the costs for custody (*garde à vue*), mediation and penal composition, assistance to prisoners, protocols art. 91 and the custodial agreements. The portion of other than criminal expenses is reduced by the same amount.

**(2012):** The methodology of presentation of data is different for 2010 and 2012. For 2012, legal aid for non-litigious proceedings amounts to 49,732,000 euros. Therefore, for all criminal cases (brought to court and out of court) 49,732,000 euros should be added to the 88,730,000 euros, bringing the figure to 138,462,000 euros. The increase stems from increased custody costs as a result of the 2011 reform.

## Germany

**(General Comment):** It is noteworthy that all data concerning the budget should be construed in the light of the federal State structure of Germany. Accordingly, variations for which no particular explanation has been notified are often due to the fact that for the different evaluation cycles a different number of Lander provided a reply. Owing to this peculiarity, the information remains most of the time incomplete.

The figures include the federal budget as well as the budgets indicated by the respondent Landers.

**(2015):** Re. Question 12:

The data refer to the year 2014. At present, no more recent data are available. Some of the Länder were unable to provide data regarding question 12. Accordingly, the information provided here is incomplete and is not comparable with the 2013 data. Inasmuch as the other Federal Länder have provided data, these were added to the aggregate amount. Since a number of Länder have provided the aggregate amount, but have otherwise indicated "NA" in all or some of the cases, it is not possible to form a sum total under 12.1 or 12.2. For this reason, "NA" was indicated.

**(2014):** In 2014, there was no information available from Hamburg, Saarland, and Thuringia.

In as much as the other Federal Landers have provided data, these were added to the aggregate amount. In contrast to the previous cycles, figures indicated by individual Landers only in respect of the total are encompassed in the total which explains the considerable variation between 2013 and 2014 (which is not real and disappears when comparing comparable data (in 2012 the sum of € 304,584,278 was not included in the total and in 2013 - € 316,707,568). Since a number of Landers have provided the aggregate amount, but have otherwise indicated "NA" in all or some of the cases, it is not possible to form a sum total under 12.1 or 12.2. For this reason, "NA" was indicated.

**(2013):** In the frame of the 2013 exercise, 10 Landers provided data accompanied by comments.

As in 2012, only figures concerning Landers which provided complete data for the total and the sub-categories were represented in the total (Berlin, Mecklenburg-Western Pomerania, North Rhine/Westphalia, Rhineland-Palatinate, Saxony-Anhalt, and Thuringia). As to individual Landers that communicated only totals (Baden-Württemberg, Bavaria, Brandenburg, Bremen, Hesse, Lower Saxony, Saxony, and Schleswig-Holstein), these amounts were not taken into account (a sum of € 316,707,568). Therefore, the information remained incomplete.

**(2012):** In the frame of the 2012 exercise, it has been specified that according to the Legal Advice and Assistance Act, the so-called legal advice and assistance is a social benefit provided by the State to persons seeking justice who cannot afford the assistance of or representation by a lawyer and who have no other reasonable possibility of obtaining assistance. Legal advice and assistance is granted for asserting one's rights outside of court proceedings as well as for obligatory conciliation proceedings pursuant to section 15a of the Act on the Introduction of the Code of Civil Procedure.

In 2012, Bremen, Saarland and Schleswig-Holstein did not provide any information. Only figures concerning Landers which provided complete data for the total and the sub-categories were represented in the total. As to individual Landers that communicated only totals, these amounts were not taken into account (a sum of € 304,584,278). Therefore, the information remained incomplete.

## **Greece**

**(2018):** The difference in the approved and implemented budget is because the approved budget concerns economic obligations not only of 2018 but also of previous years.

**(2017):** The deviation noted between the allocated (and the implemented) budget between years 2016 and 2017 is due to the fact that the payments do not take place in the same pace as the expenses. The allocated budget for legal aid in 2017 is significantly higher than the one of 2016, because it does not concern only the expected annual relative expenses, but also unpaid debts of previous years. Respectively, the payments of 2017 were lower than they should be, which consequently means that the numbers for 2018 will also present similar deviations.

**(2016):** A reassessment of the annual budgetary needs in legal aid was made by the Courts Building Fund. The annual cost is not a stable amount and depends on the number of cases where the legal aid is used.

**(2014):** The increase of the budget allocated to legal aid between 2013 and 2014 resulted to some extent from time limitations. In 31 December 2014 there were unpaid expenses. Generally, legal aid is entirely paid from the budget of the Courts Building Fund, a legal entity of public law, which draws its budget according to its expected annual revenues and its expected annual needs.

**(2012):** The observed increase of the budget allocated to legal aid in 2012 was due to accumulated debts from previous years.

## **Hungary**

**(General Comment):** Within the framework of out of court legal assistance ensured by the State, legal counsels assigned for economically and socially disadvantaged people provide legal advice, draft and prepare petitions and other documents to be filed, and study case files upon a power of attorney. For the performance of such tasks, legal counsels are paid or their fees and expenses are advanced by the State instead of the party concerned. The fees and expenses are determined by law.

**(2013):** The annual public budget allocated to legal aid decreased with 33% between 2012 and 2013 as a consequence of the strengthening of the legal aid service.

## **Ireland**

**(General Comment):** The annual approved public budget allocated to legal aid in other than criminal cases is the state funding received by the Legal Aid Board in one year. The annual public budget implemented regarding legal aid is the total expenditure of the Legal Aid Board. Please note that:

(1) The Legal Aid Board receives funding from sources other than state funding, in the form of contributions paid by legally aided persons and costs recovered from legally aided persons. This funding is paid into the same Legal Aid Fund as the state funding and therefore it is not possible to distinguish expenditure funded from this source as distinct as from state funding.

(2) The Legal Aid Board does not separately account for the money it spends on the provision of legal advice to the money it spends on the provision of legal representation. Nor does it separately account for the costs of the mediation service from that of the law centre service, and even if it did, that would not represent the full total of the Board's spending on non-litigious cases for the above reason.

**(2017):** The total figure for "other than criminal cases" is the figure that the Legal Aid Board received in money allocated by Parliament (grant). It does not represent the total income of the organisation as it will also have received contributions from legally aided persons and costs recovered. These figures are not yet available for 2017 as the Board has yet to publish its audited accounts (expected to be published November 2018).

## Italy

**(General Comment):** In Italy there is not a specific budget allocated to legal aid. Legal aid is part of the general budget allocated to justice expenses.

More generally, due to the structure of the Italian judicial system, the Ministry of Justice has one single budget which does not distinguish between the budget allocated to courts, the budget allocated to public prosecution services and the one allocated to the administration. The figures provided in this chapter are the result of a re-classification of the budget statements which takes into consideration several criteria.

In Italy, legal aid can be granted for all categories of civil cases: litigious, non-litigious and also ADR. Nevertheless, in respect of the latter, so far the Ministry of Justice has not experienced any payment yet.

**(2018):** Please note that when it comes to legal aid in civil and criminal cases, there is not a specifically approved budget destined for legal aid. For this reason legal aid expenses are paid to the parties regardless of the budget. For statistical reasons, the approved budget is considered as equivalent to the implemented budget. Please also note that the budget allocated to legal aid for administrative justice is 2.071.809 €

**(2017):** In Italy, legal aid claims which are legitimate (i.e. the claimant lives under a certain income threshold) are always honoured. In other words, legal aid covers all judicial expenses regardless available funds. In order to reflect this reality, the approved budget appears equal to the implemented one.

**(2016):** In Italy, legal aid claims which are legitimate (i.e. the claimant lives under a certain income threshold) are always honoured. In other words, legal aid covers all judicial expenses regardless available funds. In order to reflect this reality, the approved budget appears equal to the implemented one.

**(2013):** On the occasion of the 2013 exercise, it has been stressed that the impact of the "annual public budget allocated to legal aid for cases not brought to court" on the total is extremely low. Therefore -essentially- the figures indicated in the frame of 12.1 may be considered as the total budget allocated to legal aid, even though -strictly speaking- it is not so.

## Latvia

**(General Comment):** The Cabinet of Ministers Regulations No. 1493 "Regulations on the Extent of the State Ensured Legal Aid, the Amount of the Payment Due to the Legal Aid Providers, Reimbursable Expenses and Payment Procedure Thereof" of December 22, 2009 provides for the types and extent of legal aid, the amount of payment to be paid to legal aid providers and the reimbursable expenses arising from the provision of legal aid, as well as the amount and payment procedure thereof. In accordance with this Regulation, the following shall be covered from the funds allocated for the provision of legal aid: certain types of legal aid (for example provision of legal consultations, drafting an appellate complaint, representation at court sittings etc.) in criminal matters, civil matters, administrative matters and cross-border dispute matters, as well as in out-of-court dispute matters. Furthermore, reimbursable expenses (road (transportation) expenses and hotel expenses) shall also be paid from the aforementioned funds.

**(2016):** Through developing the state ensured legal aid system, the Cabinet of Ministers of the Republic of Latvia has revised amount of the payment due to the legal aid providers for the provision of legal aid, anticipating an annual increase starting with January 1, 2014, January 1, 2015 and July 1, 2016. Moreover additional funds were allocated from the state budget in 2014 to extend the provision of legal aid to the victims (Amendments to the Criminal Procedure Law on May 29, 2014).

**(2014):** Through developing the State ensured legal aid system, the Latvian Cabinet of Ministers has revised compensation for the provision of legal aid, anticipating an annual increase starting with January 1, 2014 and January 1, 2015. From 1 May, 2015 it has reached the maximum limit.

## Lithuania

**(General Comment):** In Lithuania, two types of legal aid are ensured. On the one hand, primary legal aid comprises the delivering of legal information, legal advice (consultations), drafting of documents to be submitted to State and municipal institutions, with the exception of procedural documents, advice on out-of-court settlement of a dispute, actions for amicable settlement of a dispute and drafting of a settlement agreement.

On the other hand, secondary legal aid comprises preparation of documents, defence and representation in courts, including the process of enforcement, representation in preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision (e.g. settlement of a dispute in the Labour disputes commission).

**(2017):** Different types of legal aid are available in Lithuania. Primary legal aid comprises the delivering of legal information, legal advice (consultations), drafting of documents to be submitted to State and municipal institutions, with the exception of procedural documents, advice on out-of-court settlement of a dispute, actions for amicable settlement of a dispute and drafting of a settlement agreement.

Secondary legal aid comprises preparation of documents, defence and representation in courts, including the process of enforcement, representation in preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision (e.g. settlement of a dispute in the Labour disputes commission).

Extrajudicial conciliatory mediation is a procedure of dispute resolution in which one or several mediators assist parties in reaching a conciliation agreement.

**(2014):** In the ambit of the 2014 evaluation, it has been explained that within the approved public budget for legal aid (5900767,4 EUR), 560753,59 EUR concern primary legal aid and 5340013,9 EUR concern secondary legal aid.

The implemented public budget in 2014 is 5 43013,22 EUR for primary legal aid and 5340013,9 EUR for secondary legal aid.

It should be noticed that 17740,39 EUR of funds allocated to primary legal aid remained unused and were returned to the State budget.

The approved and the implemented public budget for secondary legal aid comprise remuneration for lawyers and, in contrast with 2012 and akin to 2013, other secondary legal aid costs. In 2014, 1985027 EUR were paid to lawyers providing legal aid in criminal cases and 1583728,53 EUR were paid to lawyers providing legal aid in civil and administrative cases.

**(2013):** In the frame of the 2013 exercise, it has been indicated that the annual approved public budget for primary legal aid was 519 868 EUR and this for secondary legal aid was 4 041 358 EUR. Besides, the approved public budget for secondary legal aid comprises remuneration for lawyers and, in contrast with 2012, other secondary legal aid costs.

**(2012):** In the ambit of the 2012 evaluation cycle, it has been indicated that the total encompasses the budget of both primary (513 681,15 €) and secondary legal aid (4 030 144,9 €). The budget of secondary legal aid includes the remuneration for lawyers and excludes other State-guaranteed legal aid expenses (e.g. costs related to collection of evidence, interpretation etc.). Moreover, according to the types of cases, information about the amounts paid for lawyers who provide secondary legal aid has been provided: in civil and administrative cases – 1 350 333,83 €, in criminal cases – 1 955 879,07 €.

## Luxembourg

**(2018):** The number of people seeking legal aid has increased over the years and the budget has had to be adapted.



**(2017):** The implementation of the so called ABC directives on procedural rights made an increase of the legal aid budget necessary.

The budget allocated to legal aid covers legal aid for all matters (criminal or not) and types of cases (litigious or not). However, the budget does not distinguish a precise amount of legal aid available depending on the law field or the type of case.

**(2016):** There is no isolated budget for non-litigious cases or criminal cases.

**(2012):** It is not possible to differentiate the amount of legal aid allocated to criminal and non-criminal cases, whether they are contentious or not.

## Malta

**(2018):** The communicated data represents the full amount allocated to the Legal Aid Agency for its operation. However it is not possible to distinguish between the budget allocated to criminal cases, and that allocated to other than criminal cases. There has been an increase in the approved budget since 2015 when the Legal Aid Agency became an independently functioning Agency. Since 2017, not only has there been a recruitment drive in the Agency that now employs more lawyers and an administrative structure, but the conditions and financial package of the lawyers was also improved. Hence the increase in the budget year after year. The Legal Aid Agency is set to expand and therefore further increases in the Agency's budget are expected.

**(2017):** The Legal Aid budget does not differentiate between the services offered for criminal cases or the services offered for non-criminal cases. However Legal Aid in Malta is offered mainly for litigation purposes, and not for consultation, and hence the NAP response to question 12.2. In 2017, the government invested more in the Legal Aid Agency. The increase in the legal aid budget is due to the fact that all the lawyers working at the Legal Aid Agency were given an honoraria.

**(2016):** The Legal Aid budget does not differentiate between the services offered for criminal cases or the services offered for non-criminal cases. However Legal Aid in Malta is offered mainly for litigation purposes, and not for consultation, and hence the NAP response to question 12.2. 2016 was the first year in which the legal Aid Agency had a budget of its' own. The actual financial requirements needed to run the Agency.

**(2012):** In contrast with the 2010 exercise for which the provided figures were more generic, data communicated for 2012 are more accurate.

## Netherlands

**(General Comment):** The Dutch legal aid system encompasses three 'lines' that provide legal aid and constitutes a mixed model consisting of a public preliminary provision, public first-line and private second-line help. o Firstly, the preliminary provision of the interactive online application called Roadmap to Justice offers digital help to people to find solutions for their legal problems in an interactive manner, initially in the area of divorce. This online platform provides information, objective criteria and self-help tools. With the aid of a reviewer the agreements can be finalized in a divorce settlement. In the near future, after-care will also be possible. The Legal Services Counters also have a website that can be seen as a preliminary provision. o Secondly, the Legal Services Counters (LSC) who are financed by the Legal Aid Board, act as what is commonly known as the 'front office' (primary help). Legal matters are being clarified to clients and information and advice given. If necessary, clients will be referred to other professionals or support agencies. Clients may also be referred to a private lawyer or mediator who acts as the secondary line of legal aid. Clients may also apply for legal aid from a subsidised lawyer or mediator directly. o Finally, private lawyers and mediators provide legal aid in more complicated or time-consuming matters (secondary help). They are paid by the Legal Aid Board to provide their services to clients of limited means. Generally they are paid a fixed fee according to the type of case, although exceptions can be made for more extensive cases. Since 2010 it is possible to get subsidized legal aid for criminal cases that do not go to court. However, for subsidized legal aid in criminal cases it is not possible to make the distinction between "cases brought to court" and "non-litigious cases". Until 2013 the number of non-litigious criminal cases was negligible. So they were ignored. On the contrary, currently the number of cases is growing and becoming substantial. So they can no longer be ignored, but the actual figures are not available. It is noteworthy that subsidized legal aid has an open end funding, meaning that all applications that meet the criteria are awarded, regardless of the original budget. Accordingly, the difference between the proposed budget and the implemented one could be contentious. For example, in 2015, the Council for legal aid applied to the Ministry of Security and Justice with a claim for about 25000000 euros.

Figures communicated for the previous evaluation cycles reflect the implemented budget.

The budget intended to the Legal Counters (one of the providers of primary legal aid) is not included.

**(2017):** At this moment, it is not possible to divide the total amount of cases in all three categories into cases brought to court and non-litigious cases or cases not brought to court. The data does not provide this subcategory due to issues with defining the concept 'brought to court'. In all types of cases, criminal or otherwise, it is possible that there is a verdict or decision without the involvement from a judge or without it being brought to court. The total amount of cases is 424.870, of which 120.882 were criminal cases and 303.988 were other than criminal cases.

**(2014):** On the occasion of the 2014 evaluation, it has been explained that the ongoing decrease over the period 2012-2014 concerning the annual approved public budget allocated to legal aid for other than criminal cases brought to court might be due to shortening in budget. The State Secretary for Security and Justice developed a policy intended to result in structural savings of 85 million euros annually. On February 1st 2015, the following measures took effect: temporary elimination of annual indexation with respect to the lawyers' fees and the client contribution; reassessment of a fixed number of paid working hours for specific parts of the criminal process and limitation of the legal aid commissioned by the court if the custody is suspended immediately after it is ordered; reduction of the hourly legal aid rate; reduction of lawyer's fee in time consuming cases. Other proposed cutbacks have been suspended because the Senate filed a number of motions in the beginning of 2015. A special commission is established that will issue an opinion after extensive research.

**(2013):** In 2013, the indicated amount does not include expenditures related to detention of illegal aliens, forced hospitalization by psychiatric problems, divorce and legal guardianship of children.

## Poland

**(2017):** In 2016 annual approved public budget allocated to legal aid was higher due to predicted costs of implementing changes in Code of Criminal Procedure. In fact mentioned costs were lower than expected so in 2017 the decision was made to approve public budget allocated to legal aid proportionately lower. Total Annual approved public budget allocated to legal aid (12.1 + 12.2) only for civil cases: 12006000 €. Legal aid can be given also in other cases e.g.: administrative cases, labour cases, tax cases, family law cases.

Category 12.2 does not equals 0, so we indicate NA for totals.

**(2016):** In 2016 the costs of implementing changes in the Code of Criminal Procedure in the field of free legal aid granted ex officio were higher than in 2014 but they were not fully used. For that reason we see increase in the amount of approved budgets for legal aid but in fact the implemented legal aid is on the same level as 2014.

## Portugal

**(2018):** In 2016, in fact, the amounts of budget allocated to legal aid considered in the approved budget were lower than in 2018. However, in 2016 the execution amount was very much in line with the approved budget and the amount implemented in 2018.

**(2017):** The approved budget allocated to legal aid for 2017 was closer to the value of the implemented budget allocated to legal aid in 2016.

**(2014):** The decrease in the approved budget allocated to legal aid between 2012 and 2014 can be explained by the current economic and financial situation that led to budget limitations. However, it should be stressed that in the past years, the approved budget allocated to legal aid has been revised and increased on the course of the year. In fact, legal aid expenses have not decreased, quite the opposite, if one checks the implemented budget.

For 2014, the implemented public budget regarding legal aid differs from the annual approved budget allocated to legal aid because the latter was in deficit regarding the needs of the year. Therefore it was necessary to strengthen an endowment by the Ministry of Finance.

**(2013):** The decrease of the budget of legal aid in 2013 has been justified by the financial constraints faced by the Portuguese government in the past years.

## Romania

**(General Comment):** Despite the reply NA in respect of the category “budget allocated to legal aid for non-litigious cases”, the indicated totals are correct. In fact, the budget of this item is included in the budget concerning “other than criminal law cases”. There is no separate budget classification for the moment with regard to litigious and non-litigious matters. Expenditure on legal aid covers costs incurred for beneficiaries’ justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

As a general remark, it is worth emphasizing that since 2008 the approved budget for legal aid has recorded an ascendant trend.

**(2016):** Expenditure on legal aid covers costs incurred for beneficiaries’ justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

## **Slovakia**

**(General Comment):** In Slovak republic, the legal aid is financed by two different sources which are: 1. the budget of the Legal Aid Centre and 2. the

budget allocated to courts. The sum stated in the table represents exclusively the approved budget of the Legal Aid Centre which is the institution granting legal aid to persons in material need in all types of legal disputes except for criminal cases. As regards the criminal cases, the costs for legal aid represents the fees for counsels appointed by the court "ex officio" to defendants in case of compulsory defense. These costs are not predetermined in the budget of courts and they are paid continuously from the budget allocated to the functioning of the courts and therefore cannot be separated.

**(2018):** The provided sum represents solely the budget of the Legal Aid Center. Its budget has increased significantly compared to previous years mainly in connection with the amendment to Act on Bankruptcy and Restructuring as of 1 March 2017 which introduced the new model of debt relief of natural persons (personal bankruptcy). The new role of the Legal Aid Center was connected with this amendment. If the applicant (the debtor) seeking for personal bankruptcy meets the legal requirements for granting legal aid, the Center pays the remuneration to the bankruptcy administrator in the total amount of € 500.

## **Slovenia**

**(General Comment):** The law prescribes that legal aid shall mean the right of the eligible person to the entire or partial provision of funds necessary to cover the costs of legal assistance and the right to exemption of payment of the costs of the judicial proceeding (Free Legal Aid Act, Article 1).

Further on the law defines that legal aid may be approved for legal advice, legal representation and other legal services laid down in this Act, for all forms of judicial protection before all courts of general jurisdiction and specialised courts based in the Republic of Slovenia, before the Constitutional Court of the Republic of Slovenia, and before all authorities, institutions or persons in the Republic of Slovenia authorised for out-of-court settlement, as well as in the form of exemption from payment of the costs of the judicial proceeding (Free Legal Aid Act, Article 7).

On the other hand the approved legal aid shall not cover the costs of the proceeding and actual expenditure of and remuneration for the person authorised by the opposing party (Free Legal Aid Act, Article 9).

The law specifically lists the costs that can be covered by the approved legal aid (Free Legal Aid Act, Article 26): - for legal advice;

- for the formulation, verification and certification of documents on legal relations, facts and statements;
- for legal advice and representation in cases of out-of-court settlement;
- for legal advice and representation before courts in the first and second instances;
- for legal advice and representation involving extraordinary appeals;
- for legal advice and representation involving constitutional action;
- for legal advice and representation before international courts;
- for legal advice and representation involving the filing of a petition for the assessment of constitutionality;
- in the form of exemption from payment of the costs of the judicial or extrajudicial proceeding.

Legal aid may also be granted in the form of an exemption from payment of the costs of proceedings before courts, particularly in the form of an exemption from payment of:

1. Costs of experts, witnesses, interpreters, servicing orders and translations, costs of external operations of the court or other authority in the Republic of Slovenia, and other justified costs;
2. Security deposits for the costs or of the costs, of the implementation of the proceeding (advance payments);
3. Costs of public documents and receipts required for the proceeding before a court;
4. Other costs of the proceeding."

In the adoption of the budget, no separation between the amounts that will be allocated for legal aid in criminal or other cases or cases brought to court (or not) is made.

**(2014):** 2014: The further decrement in the budget for legal aid in 2014 can be attributed to the amendment of insolvency legislation in 2013, which abolished the right for legal persons to apply for legal aid for financing the advances of the costs of the bankruptcy proceedings (legal persons are now exempt from paying the advance in bankruptcy proceedings in all cases, without having to apply for legal aid)."

## Spain

**(2014):** The significant increase in the budget intended to legal aid between 2012 and 2014 stems from the fact that, by contrast to data provided for 2014, for the 2012 exercise, the budget allocated by the autonomous communities for legal aid was not included in the indicated figures. The total budget for legal aid in 2012 was 253.034.641 euros. It includes the budget allocated by the autonomous communities for legal aid.

## Sweden

**(2017):** There is no specific budget allocated to legal aid in criminal cases or legal aid in other than criminal cases. However, there is a specific budget allocated to legal aid in cases involving aliens and aliens cases but these numbers have been included in the total number above.

**(2016):** The increase in the budget for legal aid is because in 2016 they include legal aid in cases involving aliens and aliens cases.

**(2012):** As concerns the observed differences between the figures provided respectively for the 2010 and 2012 exercises, more funds have been allocated in 2012 on the one hand, and the exchange rate has varied between the two years, on the other hand. Actually, the increase which could be noticed appears more significant in Euro than in Swedish kronor.

## Question 12-1

### Austria

**(General Comment):** The indicated sum includes only the lump sum paid to the bar for representation of parties 'pro bono'. It does not include court fees or fees for translation or experts, which are also covered by legal aid, but not isolated within the budget. Accordingly, no figures can be provided as regards the whole regime of legal aid. The amount of 19.500.000/19.828.000 Euro is already included in the specified total annual budget allocated to all courts, the public prosecutions services and legal aid together (Q 7).

**(2018):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.828.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases. These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**(2017):** A lump sum of € 19500000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 18860000 Mio. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases. These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**(2016):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.700.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases. These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**(2015):** A lump sum of € 19.000.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 20.800.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases. These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**(2014):** In the frame of the 2014 exercise, a lump sum of € 19 Mio represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget in this respect is € 21 070 101. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

## **Belgium**

**(2016):** Intervention in the costs related to the organization of legal aid offices and payment for lawyers responsible for legal aid greater than the initial budget

## **Bulgaria**

**(2018):** The difference between the approved and implemented budget for legal aid is due to the control exercised by the National Legal Aid Bureau on the authorities providing such aid (as investigation authorities and courts) to comply with the statutory procedure for admission of legal aid with a view to the appropriate disposal of the budget funds for legal aid and, in this respect, the reduced number of cases for which legal aid is granted.

**(2017):** The difference in the indicators of the approved and implemented state budget for legal aid is the result of the reduced number of cases, in which legal aid is provided, and the control exercised by the National Legal Aid Bureau over the authorities providing such aid (investigating authorities and courts) to ensure observance of the statutory procedure for the provision of legal aid in view of the appropriate disposal of funds from the legal aid budget.

## **Croatia**

**(2018):** In 2018 annual approved public budget for legal aid has been increased. Having regard to the comments of the stakeholders of the legal aid system (NGO's registered in the Register of primary legal aid providers Faculties of Law, attorneys), the Ministry of Justice strives to increase the allocations for legal aid, depending on the limits and possibilities of the public budget.

**(2016):** In the Ministry of Justice of the RoC there is a Department for legal aid in other than criminal cases and it keeps records on the total annual and implemented budget for legal aid in other than criminal cases in detail. The costs for the legal aid in other than criminal cases are paid after the end of the dispute before the first instance court.

The amount in 2016 for "other than criminal cases brought to court" is higher because more bills had to be paid in 2016. Namely, court proceedings last for several years, and probably in 2016 more bills for paying the costs of court experts and interpreters had been received since the Free Legal Aid Act (OG 143/13), which grants the exemption from paying the costs of court experts and interpreters, came into force on 1 January 2014.

Different methodologies were used in 2014 and 2016 for non-litigious cases or cases not brought to court. According to the methodology used in 2016, the total amount for non-litigious cases or cases not brought to court in 2014 would be 346779, while the amount for criminal cases would be 255 830.

**(2015):** The Ministry of Justice of the RoC keeps statistical records on the total annual approved and implemented budget for legal aid (separate for the other than criminal cases and separate for courts and public prosecution services). Since in the Ministry of Justice there is a Department for legal aid in other than criminal cases, it is possible to keep a track record on these cases in detail. However, it is not possible to present in detail all the other data for approved and implemented budget (total - cases brought to court and cases not brought to court; criminal cases - cases brought to court and cases not brought to court).

## Cyprus

**(2016):** In 2016 there was an increase in the number of legal aid cases.

## Czech Republic

**(General Comment):** The data on implemented budget are obtained from individual courts from their accounting system.

The provided data covers only financial means from the State budget and only cases brought to court. Besides, legal aid is also provided by the Czech Bar Association on its own expenses (or on the expenses of the individual lawyers) and it could cover also cases not brought to court.

**(2016):** The data on implemented budget are obtained from individual courts from their economic system.

The provided data covers only financial means from the State budget and only cases brought to court. Besides, legal aid is also provided by the Czech Bar Association on its own expenses (or on the expenses of the individual lawyers) and it could cover also cases not brought to court.

**(2015):** The data on approved budget allocated to legal aid do not exist, the approval budget is not divided to this level. The data on implemented budget are obtained from individual courts from their economic system.

The provided data covers only financial means from the State budget and only cases brought to court. Besides, legal aid is also provided by the Czech Bar Association on its own expenses (or on the expenses of the individual lawyers) and it could cover also cases not brought to court.

**(2012):** In the frame of the 2014 exercise, it has been indicated that data on implemented budget are obtained from individual courts from their respective economic systems.

## Denmark

**(2018):** The amount listed in Q12.1. also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**(2017):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**(2016):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

## Finland

**(2018):** The total amount includes the expenses of the public legal aid offices (net EUR 23.100.000) and the fees and compensations paid to the private lawyers in legal aid matters (EUR 68.200.000).

In 2018, the legal aid offices issued approximately 3.300 new legal aid decisions in matters concerning international protection, which was approximately 1.000 decisions less than the year before. The reduction in the number of new asylum seekers applying for legal aid ensued from a drop in the number of persons applying for asylum in Finland.

**(2017):** Budgeting practice on VAT has changed. VAT is paid from the same budget account as the fees for the private lawyer. A part of the expenses of the legal aid comes from cases which are not heard in court. The total amount includes the expenses of the public legal aid offices (net EUR 26 million) and the expenses paid to private lawyers. The public legal aid offices expenditure has not significantly increased since last year. Some expenditure is missing from the figure reported in the previous year. Private lawyers were paid EUR 71 million as fees and compensations in legal aid matters, which is 7 per cent more than in the previous year.

**(2016):** A part of the expenses of the legal aid comes from cases which are not heard in court. The total amount includes the expenses of the public legal aid offices (net EUR 23 million) and the expenses paid to private lawyers. Private lawyers were paid EUR 66.4 million as fees and compensations in legal aid matters, which is 24 per cent more than in the previous year. Expenses have grown as the number of clients has grown. In 74 per cent of the 15,600 legal aid decisions made concerning asylum seekers applying for international protection, the applicant was assisted by a private lawyer.

**(2015): Q12:** A part of the expenses of the legal aid comes from cases which are not heard in the courts. The total amount includes the expenses of the legal aid offices (24,2 milj. €) and the expenses paid to the Private lawyers (53,5 milj. €).

## France

**(2018):** The provisional budget is calculated on the basis of a theoretical trend; the executed budget is slightly lower.

**(2017):** The amount of 83 million paid to the Bars is included in the implemented budget, which explains the increase in the implemented budget allocated to legal aid. This addition no longer makes it possible to give the breakdown between civil and criminal cases, as it is not available for amounts paid directly to the bars. On the other hand, for missions directly followed-up by courts (342 million), the breakdown is as follows: 141 million euros for criminal cases and 201 million euros for other cases. The variation concerning non-litigious cases or cases not brought to court is due to the fact that for previous cycles certain budget items (support to victims; family mediation) had been encompassed by mistake.

**(2016):** The budget has indeed increased significantly by 36% (+ 2,0M€) between 2015 and 2016, going from 5 166 600 to 7 083 912 Euros, as a result of the reform of the system of financing legal aid, aimed at progressively developing legal consultations prior to or as alternatives to the referral to the judge, within access points to the law in the courts. This is a new measure specified by the Finance Act 2016, in order to analyse the validity of the citizen's request, to facilitate, if necessary, the examination of his/her application for legal aid and to propose, if necessary, a referral to other institutions, namely a mediator. This preliminary consultation was implemented within the framework of an agreement between the departmental councils for access to law (CDAD) and the first instance courts (TGI).

As regards the difference between the approved budget and the implemented one, significant cuts have affected the legal aid budget. In addition, several observations (concerning in particular the complexity of the system, the incoherence of the scale of remuneration, the obsolete nature of geographical modulation) have highlighted the need for a major overhaul of the system of financing legal aid. In the Finance Act for 2015, a first step consisted in diversifying the sources of funding of legal aid in order to meet needs that are tending to increase, particularly as a result of changes in European law. The main facets of the reform are aimed at better respond to the demand for law, to better reward the work of the actors and to move towards better governance and optimised management of legal aid.

The general economy of the reform was as follows: 1) reconsidering the system to make it fairer, simpler and better adapted to local situations: the generalised and revalued unit of value, a contractualisation between the courts and the bar associations allowing additional remuneration for lawyers; 2) raising the ceiling on resources for access to full legal aid to €1,000 and raising the ceiling on partial legal aid accordingly; almost 100,000 new litigants will thus be eligible with this scheme; 3) development of the use of alternative dispute resolution methods.

## Germany

### (2018): Bavaria

Administrative courts: no separate estimate for legal aid

Labour and social courts: No answer can be provided regarding question 12 because – as explained under questions 6 and 7 – legal aid and court costs etc. are estimated together in one budgetary item. For this reason, only question 12.1 can be answered here.

### Brandenburg

The budget plan for 2017/2018 was based on an assumption of greater expenditure.

The expenditure depends on the number of court proceedings and their value. This means that it cannot be controlled by the justice administration. The target was derived from a prognosis based on the actual numbers of previous years, taking into account any changes made to the law governing costs.

### Bremen:

Actual expenditure over the financial year fell behind the approved funds.

### Hesse

As regards questions 12 and 12.1, it should be noted that the amount indicated only refers to attorney fees paid within the framework of legal aid. No data can be provided regarding court costs paid within the framework of legal aid – especially regarding costs for experts or interpreters and witness compensation – as these data are not collected separately.

### Mecklenburg-Western Pomerania

The budget plan for 2018/2019 was based on an assumption of greater expenditure.

### Lower Saxony

As concerns the estimation of legal aid, no separation is made between criminal cases and cases other than criminal cases. It is not possible to differentiate between the areas of law in which legal aid was granted.

### Saxony

Expenditure is dependent on the number of court proceedings and the value of the subject matter, both of which are beyond the control of the judicial administration. The target is therefore based on a prognosis reached on the basis of how expenditure has developed in previous years, taking into account any possible changes to the law governing costs.

### Saxony-Anhalt

Legal assistance in line with the Act on Legal Advice and Assistance

### Schleswig-Holstein

In terms of legal aid, no target data can be provided since most jurisdictions include legal aid expenditure in the estimate of expenditure on legal matters, which is why it cannot be shown separately. In terms of legal aid, no target data can be provided (legal aid is only estimated in one of the jurisdiction chapters in a separate budgetary item; apart from that, legal aid is included in the estimate of expenditure on legal matters; see explanations to question 6.3).

### Thuringia

The information provided with regard to questions 12.2 and 12.1.2 (non-litigious cases) refers to expenditure for legal advice and assistance.

No information has been provided in this regard by the other Federal Länder.

**(2015):** The data refer to the year 2014. At present, no more recent data are available. Some of the Länder were unable to provide data regarding question 12.1. Accordingly, the information provided here is incomplete and is not comparable with the 2013 data. Inasmuch as the other Federal Länder have provided data, these were added to the aggregate amount. Since a number of Länder have provided the aggregate amount, but have otherwise indicated “NA” in all or some of the cases, it is not possible to form a sum total under 12.1 or 12.2. For this reason, “NA” was indicated.

## Greece

**(2018):** The difference in the approved and implemented budget is because the approved budget concerns economic obligations not only of 2018 but also of previous years.

**(2017):** The deviation noted between the allocated (and the implemented) budget between years 2016 and 2017 is due to the fact that the payments do not take place in the same pace as the expenses. The allocated budget for legal aid in 2017 is significantly higher than the one of 2016, because it does not concern only the expected annual relative expenses, but also unpaid debts of previous years. Respectively, the payments of 2017 were lower than they should be, which consequently means that the numbers for 2018 will also present similar deviations.

**(2016):** The difference observed between the allocated budget to legal aid and the implemented one, is a result of several unpaid obligations due to the very large number of cases of legal aid in comparison to the staff assigned with the task of paying the beneficiaries.



## Hungary

**(2018):** The Public budget does not have a limit, the amounts actually paid depends on the number of cases.

**(2017):** The Parliament has not yet adopted the law on the implementation of the budget of 2017

**(2015):** Annual implemented public budget of 2015 not yet approved.

## Ireland

**(2017):** The total figure for "other than criminal cases" category is the provisional figure for the Legal Aid Board's expenditure in 2017. This figure is not yet finalised as the Board is yet to publish its audited accounts for 2017 (expected to be published November 2018).

**(2015):** In the answer to Question 12 - the category 'other than criminal cases' is the amount as per the Grant in Aid which the Legal Aid Board received for the Government

In the answer to Question 12.1 - under the category 'Total annual public budget implemented regarding legal aid - other criminal cases' this amount includes the Grant in Aid, Client Contributions, Costs Recovered and Other Incomes

'The annual approved public budget allocated to legal aid in other than criminal cases is the state funding received by the Legal Aid Board in 2015. The annual public budget implemented regarding legal aid is the total expenditure of the Legal Aid Board. Please note that:

(1) the Legal Aid Board receives funding from sources other than state funding, in the form of contributions paid by legally aided persons and costs recovered from legally aided persons. This funding is paid into the same Legal Aid Fund as the state funding and therefore it is not possible to distinguish expenditure funded from this source as distinct as from state funding.

(2) The Legal Aid Board does not separately account for the money it spends on the provision of legal advice to the money it spends on the provision of legal representation. Nor does it separately account for the costs of the mediation service from that of the law centre service, and even if it did, that would not represent the full total of the Board's spending on non-litigious cases for the above reason.'

## Italy

**(2018):** Other than criminal cases at Q.12.1 include both Civil and Administrative Justice.

In Italy, legal aid can be granted for all categories of civil cases: litigious, non-litigious and also ADR. Nevertheless, in respect of the latter, so far the Ministry of Justice hasn't experienced any payment yet.

The implemented public budget allocated to legal aid in 2018 is much higher than in 2016. Generally speaking, legal aid expenses grows at a very high pace. A possible reason for such increase in 2016-2018 might be due to the legal aid granted to migrants. Please also note that such expenses do not exactly reflect the same growth rate of the number of cases for which legal aid has been granted because of a temporal gap between the twos

**(2017):** As already noted before, legal aid expenditure is growing because more and more people are living under the income threshold under which legal aid is granted.

**(2016):** The increase experienced during the period 2014-2016 is very likely due to the higher number of cases for which legal aid was granted.

## Latvia

**(General Comment):** Through developing the state ensured legal aid system, the Cabinet of Ministers of the Republic of Latvia has revised amount of the payment due to the legal aid providers for the provision of legal aid, anticipating an annual increase starting with January 1, 2014, January 1, 2015 and July 1, 2016. Moreover additional funds were allocated from the state budget in 2014 to extend the provision of legal aid to the victims (Amendments to the Criminal Procedure Law on May 29, 2014).

**(2018):** The payments in 2016, 2017 and 2018 were significantly affected by the overall decrease of the number of criminal proceedings and, accordingly, the reduction of the number of criminal proceedings in which was provided the state ensured legal aid. Based on this, the Legal Aid Administration made proposals and the Ministry of Justice drafted legal act's projects that foresee redistribution of funds, including increasing the amount of remuneration for legal aid providers, giving fiscal impact for the coming years. On April 1, 2018 and January 1, 2019, the relevant regulations of the Cabinet of Ministers came into force, which provides increasing the amount of payment for certain types of legal aid and introducing new ones.

**(2017):** We can inform that the payments in 2015, 2016 and 2017 were significantly affected by the overall decrease of the number of criminal proceedings and, accordingly, the reduction of the number of criminal proceedings in which was provided the state ensured legal aid. The number of registered criminal proceedings in the country in 2015 were 47 283, in 2016 - 45 565, in 2016 - 44 250. Based on this, the Legal Aid Administration made proposals and the Ministry of Justice drafted legal act's projects that foresee redistribution of funds, including increasing the amount of remuneration for legal aid providers, giving fiscal impact for the coming years.

**(2016):** The Cabinet of Ministers Regulations No. 1493 "Regulations on the Extent of the state Ensured Legal Aid, the Amount of the Payment Due to the Legal Aid Providers, Reimbursable Expenses and Payment Procedure Thereof" of December 22, 2009 provides for the types and extent of legal aid, the amount of payment to be paid to the legal aid providers and the reimbursable expenses arising from the provision of legal aid, as well as the amount and payment procedure thereof. Through developing the state ensured legal aid system, the Latvian Cabinet of Ministers has revised amount of payment to be paid to the legal aid providers from 1 July, 2016.

**(2015):** The Cabinet of Ministers Regulations No. 1493 "Regulations on the Extent of the state Ensured Legal Aid, the Amount of the Payment Due to the Legal Aid Providers, Reimbursable Expenses and Payment Procedure Thereof" of December 22, 2009 provides for the types and extent of legal aid, the amount of payment to be paid to the legal aid providers and the reimbursable expenses arising from the provision of legal aid, as well as the amount and payment procedure thereof. Through developing the state ensured legal aid system, the Latvian Cabinet of Ministers has revised amount of payment to be paid to the legal aid providers from 1 May, 2015 and 1 July, 2016.

## Lithuania

**(2018):** Approved public budget for legal aid was € 6224861 (€ 520865 for primary legal aid (the provision of legal information, legal advice and drafting of the documents to be submitted to state and municipal institutions, with the exception of procedural documents) and € 5703996 for secondary legal aid (drafting of documents, defence and representation). Implemented public budget in 2018 was € 6220085 as €4776 of funds allocated to primary legal aid were unused and given back to the state budget.

**(2017):** If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences:  
Approved public budget for legal aid in 2017 was € 6203031 (€ 564567 for primary legal aid and € 5638464 for secondary legal aid). Implemented public budget in 2017 was € 5994497. € 208534 were unused and returned to the state budget. The budget is not divided into categories "brought to court" or "not brought to court".

**(2016):** Approved public budget for legal aid was € 5500227 (€ 563000 for primary legal aid and € 4937227 for secondary legal aid). Implemented public budget in 2016 was € 5494755 as €5472 of funds allocated to primary legal aid were unused and given back to the state budget.

**(2015):** Approved public budget for legal aid was 5 925 285 € (562 356 € for primary legal aid and 5 362 929 € for secondary legal aid). Implemented public budget in 2015 was 5 917 807,4 € (554 878,4 € for primary legal aid and 5 362 929 € for secondary legal aid). 7 477,6 € of funds allocated to primary legal aid were unused and returned to the state budget.

## Luxembourg

**(2018):** The budget allocated for legal aid covers legal aid for all matters (criminal or otherwise) and types of cases (contentious or not). On the other hand, the budget does not distinguish the precise amount of available legal aid by subject or type of case.

**(2017):** The budget allocated to legal aid covers legal aid for all matters (criminal or not) and types of cases (litigious or not). However, the budget does not distinguish a precise amount of legal aid available depending on the law field or the type of case.

**(2016):** The bill containing the implemented budget of 2016 has not been approved yet.

#### Malta

**(2018):** The implemented budget did not reach the projections of the approved budget. This was mainly due to the fact that allowance was made for the possible recruitment of more lawyers and their cost in wages, but these lawyers were either employed late in the year, or less lawyers were actually recruited than projected.

**(2017):** The increase in the Implemented Budget over the Approved Budget is the result of an increase in the honoraria of Legal Aid lawyers that was given in 2017 to all the lawyers working at the Legal Aid Agency.

**(2016):** The difference between the approved budget and the implemented budget for the Legal Aid Agency results from additional funds requested in 2016 in order to cover the increase in the honoraria of the lawyers and legal procurators offering their services to the Agency (also see answer to Q208)

It is possible that there will be an additional increase in the budget in the forthcoming evaluations.

It is not possible to differentiate between the budget allocated to criminal and 'other than criminal cases' and that is why it is marked as NAP (There are no means to distinguish between the two).

**(2015):** Up to 2015, the funds allocated to Legal Aid were not itemised separately from the budget of the Office of the Attorney General. Therefore whilst there was no approved a priori Legal Aid budget, any related costs were borne out of the budget of the Office of the Attorney General. The cost of Legal Aid throughout 2015 is the amount outlined in Question 12.1, and it does not discriminate on whether the funds were used for other-than-criminal or criminal cases.

#### Netherlands

**(2017):** At this moment, it is not possible to divide the total amount of cases in all three categories into cases brought to court and non-litigious cases or cases not brought to court. The data does not provide this subcategory due to issues with defining the concept 'brought to court'. In all types of cases, criminal or otherwise, it is possible that there is a verdict or decision without the involvement from a judge or without it being brought to court. The total amount of cases is 415.618, of which 119.327 were criminal cases and 296.291 were other than criminal cases.

#### Poland

**(2017):** Legal aid granted ex officio is financed from two different budgetary sections. One section is related to common courts but second part is connected with voivodes budgets. Financial means designated for realization objectives of free legal aid and legal education were planned in the Budget Act for 2017 in amount of 22891000 €. Total expenses on mentioned objectives was 22726000 €, which pose 99.27% of the plan.

We indicate that annual implemented public budget allocated to legal aid depends on the number of incoming cases and number of beneficiary of legal aid. Expenditure for legal aid does not depend on the financial court activity. Category 12-1.2 does not equals 0, so we indicate NA for totals.

**(2016):** In 2016 the costs of implementing changes in the Code of Criminal Procedure in the field of free legal aid granted ex officio were lower than expected . The amount of funds disbursed by the courts for defense is directly attributable to the number of incoming cases and the number of beneficiaries of unpaid legal aid granted ex officio, therefore implementation of the plan in this group of expenses during the financial year is independent of the activities of the financial services of individual courts.

#### Portugal

**(2015):** The public budget implemented regarding legal aid is different from the annual approved budget allocated to legal aid because the annual approved budget was in deficit regarding the needs of the year, therefore it was necessary to strengthen an endowment by the Ministry of Finance

## Romania

**(2016):** Despite the reply NA in respect of the category 12.2, the indicated totals are correct. In fact, the budget of this item is included in the budget concerning "other than criminal law cases". There is no separate budget classification for the moment with regard to litigious and non-litigious matters. Expenditure on legal aid covers costs incurred for beneficiaries' justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

## Slovakia

**(2018):** The increase in implemented budget of the Legal Aid Center is related to the implementation of amendment of Act No. 7/2005 Coll. on bankruptcy and restructuring (personal bankruptcy), wage and salary indexation and the related increase in insurance levies, and the implementation of the National Project Strengthening and Completion of Legal Assistance and Prevention of Escalation of Legal Problems.

**(2017):** The budget of the Legal Aid Centre for the year 2017 has been increased of a sum 5 million € to implement the amendment to the Act on bankruptcy with regard to the personal bankruptcy of the natural persons

## Slovenia

**(General Comment):** The data on budget, spent on criminal and other than criminal cases is available at the level of the case management system, however the sum will differ from final budgetary data reported above due to accounting rules.

Detailed budgetary data on cases brought to court or not is currently not available, due to the data structure of the case management system. In single "legal aid" cases, the request can be granted for multiple forms (costs) of legal aid (general comment to Q12), some of them fitting in the category "cases, brought to court" while others not (i.e. in one case, legal aid can be granted for verification of documents and representation before courts), however the amount spent for legal aid is currently not recorded by form of legal aid, therefore the sums for cases brought to court or not cannot be calculated.

**(2018):** The difference between adopted and implemented budget is due to hiring additional court staff to reduce the backlogs in this area (legal aid).

**(2015):** According to art. 26 of the Free Legal Aid Act, legal aid may (in addition to expenses, related to cases, brought to court) also be granted for:

- legal advice;
- the formulation, verification and certification of documents on legal relations, facts and statements;
- legal advice and representation in cases of out-of-court settlement;
- legal advice and representation involving constitutional action;
- legal advice and representation before international courts;
- legal advice and representation involving the filing of a petition for the assessment of constitutionality and
- in form of exemption from payment of the costs of the extrajudicial proceedings.

No distinction is possible for the budget allocated to legal aid for:

- cases brought to court and cases not brought to court or
- civil or criminal matters.

## Sweden

**(2017):** See comments to question 12.

**(2016):** The increase in the budget for legal aid is because in 2016 they include legal aid in cases involving aliens and aliens cases.

## Question 13

### Austria

**(General Comment):** In Austria the budget for courts cannot be separated from the budget of the prosecution services and legal aid and for that reason only the budget of judicial system as per CEPEJ definition is available.

**(2018):** See Nr. 7.

**(2016):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.700.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**(2015):** The total sum in Question 6 includes the Public Prosecution services and legal aid. The presidents of the higher regional court administrate the budget of the public prosecution services.”

“Other: e.g. postal services (35.571.000 € approved / 35.790.326 € implemented), „Sachwalter- und Patientenanwaltschaft“ (32.284.000 € approved / 34.756.627 € implemented), „Opferhilfe“ (5.589.000 € approved / 5.998.449 € implemented).

## **Belgium**

**(General Comment):** Belgium is currently not in a position to make the distinction.

**(2017):** Belgium currently does not have separate budgets for public prosecution services and the functioning of courts.

**(2016):** Belgium is currently unable to make the distinction between Public Prosecution and Courts in the budget.

**(2015):** In 2015, the judicial budget has been allocated several million euros following the transfer of competence, for example from the houses of justice (75 million euro in 2014) from the national level to the federated states (Flemish, French and German-speaking)

## **Bulgaria**

**(2018):** The Implemented Budget of the Prosecution of the Republic of Bulgaria differs from the Approved budget due to unused funds for major repairs and current repairs related to unfinished procedures under the Public Procurement Act.

**(2017):** The implemented budget for the Prosecution is different from the Approved budgets with more than 1 314 000 euros, because of the unabsorbed funds for major repairs (1,1 mln euro) and computerization (214 000 euros) in relation to unfinished procedures under the Public Procurement Act.

**(2014):** It is noteworthy that in 2014, to the Prosecutor’s Office of the Republic of Bulgaria from the Ministry of Justice moved a new structure – Protection Bureau. Accordingly, the budget of the Prosecutor’s Office of the Republic of Bulgaria for 2014 was increased by funds in connection with this structural change.

## **Cyprus**

**(2018):** Total annual public budget allocated to the public prosecution services, in € (including 13.1) (implemented budget discrepancy comment): decrease in the services rendered by private lawyers that were needed before as a result of the bail in cases.

**(2017):** The important difference between the implemented and the approved budgets allocated to prosecution services is attributed to the amount of compensations awarded by courts in actions filled against the Republic.

**(2016):** The difference between the approved budget in 2014 and 2016 was the fact that following the bail in 2013 the cases that were tried in 2016 had increased enormously. The reason for the difference between the approved budget and the implemented budget for 2016 was the increase in the services rendered to the prosecution service as well as the compensation and cost. In 2014 the amount for services rendered was 954,000 whereas in 2016 13,036,139. The amount for compensation in 2014 was 6431646 and in 2016 it was 14623187.

**(2012):** This amount includes only the budget of the Law Office of the Republic headed by the Attorney General.

### **Czech Republic**

**(General Comment):** It is noteworthy that before 2014, the implemented budget was provided instead of the approved one.

### **Denmark**

**(General Comment):** The Danish system presents the peculiarity to include the budget allocated to public prosecution services within the overall budget of the police. Before 2013, it wasn't possible to identify the precise expenditures concerning public prosecution services. As of 2013, due to a change in the registration frame, it is easier to estimate the cost of the public prosecution services.

**(2017):** The approved budget is manually calculated due to a general change in the method of allocating costs between auxiliary functions and the core task. In order to compare the approved budget with actual costs, it has been necessary to correct the budget figures. Minor deviations may therefore occur compared to the approved budget in previous years.

### **Estonia**

**(2013):** The approved public budget allocated to the public prosecution services has increased in 2013 compared to the budget of 2012 due to the increased costs of rent of buildings on the one hand, and the increased budget of salaries, on the other hand.

### **France**

**(General Comment):** The budget allocated to the public prosecutor's office is not separated from that allocated to the courts in the French judicial system. Nevertheless, a distribution key has been adopted (courts 80%/public ministry 20%), based on the number of judges and prosecutors, in order to provide a more complete answer and thus to distinguish the budget of the public prosecution service from the budget of all courts.

### **Germany**

**(General Comment):** It is noteworthy that all data concerning the budget should be construed in the light of the federal State structure of Germany. Accordingly, variations for which no particular explanation has been notified are often due to the fact that for the different evaluation cycles a different number of Länder provided a reply. Owing to this peculiarity, the information remains most of the time incomplete.

The figures include the federal budget as well as the budgets indicated by the respondent Länder.

**(2018):** The budget of the courts cannot be separated from budget from the public prosecution.

**(2016):** The budget of the courts cannot be separated from budget from the public prosecution.

**(2015):** Most of the Länder were unable to provide information in this regard, meaning that it is not possible to provide an answer to the question that is meaningful in substantive terms

**(2014):** In 2014, the reply NA is justified by the fact that most of the Länder were unable to provide information in this regard, meaning that it is not possible to provide an answer to the question that is meaningful in substantive terms.

**(2013):** In 2013, data was not available or not provided by 8 Länder. The indicated total subsumed figures communicated by 8 Länder and the operating budget of the Office of the Federal Public Prosecutor General. The information was incomplete.

**(2012):** In 2012, data was not available for 6 Länder. The total subsumed figures communicated by nine other Länder and the operating budget of the Office of the Federal Public Prosecutor General. The information was incomplete.

## Greece

**(General Comment):** The public prosecution services budget can not be separated from the courts budget.

## Hungary

**(2017):** The Parliament has not yet adopted the law on the implementation of the budget of 2017

**(2015):** Annual implemented public budget of 2015 not yet approved.

**(2012):** In 2012, 84% of the budget were spent on salaries, income taxes, health insurance and social insurance for the staff, 13.5% were spent on functional costs including maintenance of office buildings and 2.5 % constituted a reserve.

## Ireland

**(2018):** Parliament approved a budget of €43,502K for the public prosecution service for 2018. Expenditure by the prosecution service in 2018 amounted to €42,582K. The unspent 2% of approved funding was surrendered at the end of the year in accordance with national public expenditure rules.

The annual public budget for the training of the public prosecutor service is allocated by the prosecution service from within total funds allocated to it annually by Parliament. In 2018 total expenditure on training initiatives amounting to €314K.

**(2012):** The values reported are the gross figures as voted and it is comparable between years.

## Italy

**(General Comment):** Due to the structure of the Italian judicial system, the Ministry of Justice has one single budget which does not distinguish between the budget allocated to courts, the budget allocated to public prosecution services and the one allocated to the administration. However an effort is made in order to provide the most reasonable figure for the budget of the prosecution services. The calculation is carried out taking into account several criteria (e.g. the number of staff allocated to the public prosecution services).

**(2014):** For the 2014 evaluation, it has been stressed that the difference between allocated budget and implemented budget is mainly due to the salary of personnel as the retirement age is not exactly foreseeable.

## Latvia

**(2018):** In 2018, the public budget was allocated to the Prosecutor's Office at EUR 26 921 451, of which EUR 26 860 729 was spent. Accordingly, a total of EUR 60 722 was not spent on the public budget, which was returned to the national budget due to the fact that the expenditure on translation services was less than the funding allocated for that purpose.

**(2017):** In 2017, the Public Prosecutor's Office has received state budget resources of EUR 24 121 346, of which EUR 24 053 679 was spent. Accordingly, from the total amount allocated from the State budget in 2017 EUR 67 667 was not spent, what was received as a subsidy for repair work. These repairs were planned to be carried out in the object registered as a cultural monument, and, when it was recognized that the funds allocated were not adequate for repairs, they were returned to the state budget.

**(2012):** In the ambit of the 2012 exercise, it has been explained that the budget allocated to the General Prosecutor Office was reduced significantly during the economic crises. Financial means were reduced in almost all budget positions, for example the salaries of prosecutors and staff. Nevertheless, starting from 2012, the consequences of the economic crisis have been diminishing and the budget increased up to almost 5 000 000 EUR.

## Lithuania

**(2016):** In 2016, Prosecutor's Office was allocated the amount of 5 965 820.82 EUR from the State Budget for settling the payment with the State Enterprise „Turto bankas“ („Property bank“) for the renovation of the office building at Rinktinės street 5A in Vilnius, and this amount of money has been transferred to the State Enterprise „Turto bankas“.

**(2014):** For the 2014 evaluation, it is specified that the approved public budget allocated to the prosecution services has been approved according to the Law on the approval of State and municipal budget financial rates for 2014 (Law of 12th December, 2013 n° XII-659). The implemented budget differs, as the prosecution services have been granted funds from the reserve fund of the Government and funds from incomes.

## **Luxembourg**

**(General Comment):** Le budget du ministère public ne peut être distingué de celui des tribunaux.

**(2018):** There is no isolated budget for the public prosecution services.

**(2017):** There is no isolated budget for the public prosecution services.

**(2016):** There is no isolated budget for the public prosecution services.

## **Malta**

**(General Comment):** The public prosecution services are carried out by the Attorney General's office. The Attorney General not only acts as a public prosecutor but also as the principal legal advisor of all the Government Departments. As a result, the amount budgeted cannot be considered as being funds allocated solely for public prosecution services, but also for other purposes relating to legal work and advise for the Government, both locally and internationally.

**(2018):** It is not possible to differentiate the budget used for training purposes from the overall budget of the Agency. Training costs are not itemised in a line item on their own, and are incurred on a need basis depending on the opportunities available.

**(2017):** The public prosecution services are carried out by the Attorney General's office. The Attorney General not only acts as a public prosecutor but also as the principal legal advisor of all the Government Departments. As a result, the amount budgeted cannot be considered as being funds allocated solely for public prosecution services, but also for other purposes relating to legal work and advise for the Government, both locally and internationally.

**(2015):** The difference between the implemented budget and the approved budget results from some additional funds requested to meet recurrent costs, and other funds credited to the account of the Office of the Attorney General derived from reimbursements.

**(2012):** In 2012, funds allocated to the Attorney General's Office were reduced due to reorganization purposes.

## **Netherlands**

**(General Comment):** For 'approved' budget, the first version of this budget is used ('begroting'), for implemented budget the annual financial report on the state expenditure is used. The budget for public prosecution services includes justice expenses in criminal cases, namely all kinds of cost types, like wiretaps, interpreters, compensation for witnesses, etc.

**(2016):** including justice expenses, including public prosecution before the Supreme Court and Council of State in criminal cases;

## **Poland**



**(2017):** Changes in public budget allocated to the public prosecution services are caused by several reasons. First of all we indicate on higher employment costs (In 2017 prosecutors salaries and number of prosecutors' assistants increased). In 2017 increased also amount of money allocated to annual extra premiums. In 2017 we bore significant costs of purchasing new properties for public prosecution. Higher spendings are connected also with the higher, than usual, number of prosecutors retirements.

## Portugal

**(2016):** In 2012 the state budget made salary cuts that have now been replaced and therefore have increased the budget allocated to the public prosecutors services.

**(2014):** In the frame of the 2014 exercise, it has been explained that the differences between the approved and the implemented budget are due to the declaration of unconstitutionality of some of the measures of the State budget, namely measures regarding remunerations.

## Romania

**(2018):** About differences between 2017-2018, must be mainly highlighted the current explanations given above (for Q 6.1 and Q 6.6 ) concerning the influences on the budget given by the changes in the tax legislation (regarding the number of compulsory social contributions that employers must pay) and by the allocated funds ( in 2018) for payment of wage rights established by court decisions.

**(2017):** The increase in the public budget allocated to public prosecution was also due mainly to salary increases in the justice system following the aforementioned jurisprudence of the Constitutional Court.

**(2014):** In 2014, the difference between the approved public budget and the implemented one is mainly caused by fluctuations in human resources; funding allotted for pending judicial proceedings which is estimated before the start of the budget execution; debt recovery based on definitive court decisions favorable to the Public Ministry. According to the Public Ministry, the differences are mainly reflected in the following categories of budgetary outgoes:

personnel outgoes representing the equivalent of the salaries and contributions quota for persons who have been in medical leave, as well as the financial rights for delegations and other social financial rights which have not been solicited for payment in December 2014;

goods and services representing amounts coming from the completion of the sting operations fund for December 2014 with the amounts which have been opened but remained unused during 2014 for organizing and carrying out, according to the law, of the sting operations for corruption offences, as well as from the payment of the expenditures for judiciary and extra judiciary expertise;

post-accession projects with external non-refundable funds financing (FEN) concluded with the European Commission, for which during the implementation the services stipulated within the projects have been contracted to smaller prices than the initial budget provided for.

The main explanation of the increase of the annual approved public budget allocated to the public prosecution services in 2014 is that funds allocated for the payment of wage rights established by court decisions were higher than in previous years (increasing gradually). For example, in 2014, these amounts covered both the installment for the year 2014 (25% of the total amounts stipulated in the writs of execution) and the installment for the year 2015 (25% of the total amounts stipulated in the writs of execution).

## Slovakia

**(2018):** The difference between the approved budget and the real budget is 2 362 391 €.

The financial means were allocated to:

- raise of salaries, additional functional charges, Prosecutor's recompenses, salary and recompenses of the General Prosecutor and for the salary raise of other employees of the departments of the General Prosecutor's Office of the Slovak Republic following the Section 5 of the Act No. 333/2017 Coll. on State's budget of the year 2018,
- ensuring financial coverage of the implementation of the Law on Reducing Administrative Burdens by using Public Administration Information Systems,
- execution of analytical-programming work necessary for execution of the implementation of the police project "Investigative File Management" on the electronic prosecution file IS PATRICIA, electronic court file in the information system "Development of electronic services of justice".

**(2017):** The increase of the approved budget of the prosecution services has been caused by the adjustment of salaries of prosecutors and public servants (total of 2.291.046 €) and increasing of the operational costs of the General Prosecutor Office (101.873 €)

**(2016):** The difference between the total approved budget and the implemented budget in 2016 for the General Prosecutor's Office of the Slovak Republic is € 12,117,561.

Main reasons for this difference:

- for the settlement of the salary requirements of the prosecutors in 2015 according to the finding of the Constitutional Court of SR sp. no. PL. ÚS 27/2015 for a total amount of € 4,224,311,
- for reconstruction and modernization of the office premises and buildings of district prosecutors and regional prosecutors in the amount of € 195,966,
- to increase salaries, functional surcharges, lump sum compensation of prosecutors, salary and lump sum compensation of the Attorney General and to increase the salaries of other employees of the Chapter of the Prosecutor General's Office in connection with the application of Section 5 of Act no. 411/2015 Z. z. on the state budget of 2016 for € 6 299 638,
- to accomplish the tasks related to the Presidency of the SR in the EU Council - SK PRES 2016 in the amount of € 105,338,
- to finance the project OPIS - Electronic Services of the General Prosecutor's Office in the amount of € 877,500,
- for paying damages according to the amendment to Act no. 514/2003 Z. z. on liability of the state for damage caused by the public authorities in the amount of € 100,000,
- Other costs of € 314,808 provided for the operation of GP SR

**(2015):** The difference between total annual approved budget and implemented one allocated to the Public Prosecution Office of the Slovak Republic in the year 2015 is 7 013 978 €.

The increase in budget was caused by following items:

- allocated funds to implement the project 'Electronic services of the General prosecution office' - 4 763 606 €,
- allocated funds to finance the increased number of the public prosecutors - 969 690 €
- allocated funds to finance the approved adjustment of the salaries of administrative staff - 251 071 €,
- allocated funds to overall modernization of IT system (hardware and internal network) - 1 029 611 €.

**(2014):** In 2014, the difference between the approved budget and the implemented one is of 13 501 546 euros. It is justified by several reasons:

Financing of the project "Developing global IT services for public administration and development of electronic services on central level of the Ministry of Finance of the Slovak Republic – General Prosecutor's Office of the Slovak Republic" (total amount: 8 618 909 euros);

Payment of prosecutors' salaries for 2011 on the basis of a judgment of the Constitutional Court, file number PL US 99/2011 of 11 December 2013 (total amount: 2 316 973 euros);

Increase of salaries for employees/staff in application of the Act No. 473/2013,Coll., par. 5 on State Budget for 2014 and the Government Directive of the Slovak Republic intended to adapt the scale of salary rates and salary rates to collective agreements of higher level for 2014 (total amount: 242 552 euros);

Co-financing of the project "Developing global IT services for public administration and development of electronic services on central level of the Ministry of finance and the General Prosecutor's Office of the Slovak Republic" (total amount: 800 000 euros);

Other expenditures covering the functioning of the General Prosecutor's Office of the Slovak Republic (total amount: 1 523 112 euros).

**(2013):** In 2013, the implemented budget of public prosecution services was of 71.015.906 euros.

**(2012):** In 2012, the implemented budget of public prosecution services was of 69 947 692 euros.

## Slovenia

**(General Comment):** The indicated amount of approved and implemented budget is allocated for the overall functioning of State Prosecutor's Office of the Republic of Slovenia. It does not include budget for functioning of the State Prosecution Council (included in Q15.1 and Q15.2.)

**(2018):** The figure above does not include budget for functioning of the State Prosecution Council (approved: 132.321 EUR, implemented: 130.932 EUR).

**(2016):** The indicated amount of approved and implemented budget is allocated for the overall functioning of State Prosecutor's Office of the Republic of Slovenia. The increase in the budget comparing to the previous exercise is due to employment of additional 40 Judicial Advisors in the autumn of 2014 and nomination of 30 new state prosecutors in the autumn of 2015.

The amount includes budget for alternative resolution of criminal cases (approved: 90000 EUR, implemented: 71587 EUR). It does not include budget for functioning of the State Prosecution Council (approved: 126023 EUR, implemented: 97881 EUR).

**(2015):** The data includes all spending for public prosecution services except for the State Prosecution Council (approved budget: 116.148 EUR EUR, implemented budget 115.811 EUR EUR).

The State Prosecution Council (institution) is analogue to the Judicial Council, therefore we feel that its budget should be reported at Q15.1 and Q15.2, rather being included at Q13 (similar as the Judicial Council spending is not reported at Q6, but it is included at Q15.1 and Q15.2).

**(2014):** In 2014, contrary to 2012 and 2013, the data includes the State Prosecution Council (approved budget: 95.249 EUR, amended budget 99.612 EUR, implemented budget 92.753 EUR).

The initially approved budget for functioning of the public prosecution services in 2014 was 16.830.579 EUR. After the decision to appoint a large number of new state prosecutors was taken, the budget was amended to 17.559.460 EUR. The appointment procedures were not carried out as soon as they were planned, therefore the actually implemented budget was 17.337.132 EUR.

**(2013):** In 2013, The figure does not include the amount for the State Prosecution Council (89401 EUR in 2013)

**(2012):** 2012: The figure we provided does not include the amount for the State Prosecution Council.

## Spain

**(General Comment):** In Spain, it is very difficult to carry out a perfect separation between the budget of Courts and the Budget of Prosecution services, because some concepts are common (civil servants, material resources, buildings, etc). Therefore, the figure represents only the salaries.

**(2018):** Prosecution services budget only includes the gross salaries. The rest of the items cannot be separated of the functioning of the Courts.

**(2017):** Prosecution services budget only includes the gross salaries. The rest of the items cannot be separated from the budget allocated to the functioning of courts.

**(2015):** The budget for prosecution service is partial and includes only the budget allocated for personnel and training which can be clearly separated, but there are other expenses referred to the public prosecution service the budget of which is part of the total budget of the Ministry of Justice or it is part of budget approved by the Regions with competences over the justice system. This is the case for items such as buildings and material resources and these costs are included in the budget of courts

**(2014):** The increase of the total budget between 2012 and 2014 results mainly from a different estimation of the budget allocated to the public prosecution services.

## Sweden

**(2012):** As concerns the observed differences between the figures provided respectively for the 2010 and 2012 exercises, more funds have been allocated in 2012 on the one hand, and the exchange rate has varied between the two years, on the other hand. Actually, the increase which could be noticed appears more significant in Euro than in Swedish kronor.

## Question 14

## Austria

**(General Comment):** The category "other" refers to the Ministry of Finance which is involved in the preparation of the total court budget. The Minister of Justice splits the budget allocated by the Federal Financial Law – among others – to the Supreme Court and the Higher Regional courts. The president of the Supreme Court and the presidents of the four Higher Regional courts manage and evaluate the allocated court budget.

The so-called Federal Financial Framework Law including the limit for federal spending for the following four financial years is the basis for the annually drawn up Federal Financial Law including the federal budget for a financial year. Usually the Minister of Finance draws up the draft of the Federal Financial Law after negotiations with every minister. The draft of the Federal Financial Law is submitted to the Federal Government and to the National Council of the Austrian Parliament. The Council of Ministers and the National Council of the Austrian Parliament approve the budget.

**(2018):** "other ministry": Ministry of Finance

„other“: Higher regional Courts

The Minister of Justice splits the budget allocated by the Federal Financial Law – among others – to the Supreme Court and the Higher regional courts. The president of the Supreme Court and the presidents of the four Higher regional courts manage and evaluate the allocated court budget.

**(2016):** "other ministry": Ministry of Finance

„other“: Higher regional Courts

The Minister of Justice splits the budget allocated by the Federal Financial Law – among others – to the Supreme Court and the Higher regional courts. The president of the Supreme Court and the presidents of the four Higher regional courts manage and evaluate the allocated court budget.

"Other": The provincial government (Länder), Ministry of Finance, Minister for arts and culture, constitution and media; Changes to previous cycle results of newly incorporated Administrative Courts.

**(2015):** Description of the competences of the different authorities responsible for the budget process:

The so-called Federal Financial Framework Law including the limit for federal spendings for the following four financial years is the basis for the annually drawn up Federal Financial Law including the federal budget for a financial year. Usually the Minister of Finance draws up the draft of the Federal Financial Law after negotiations with every minister. The draft of the Federal Financial Law is submitted to the Federal Government and to the National Council of the Austrian Parliament. The Council of Ministers and the National Council of the Austrian Parliament approve the budget.

## Belgium

**(General Comment):** La catégorie "autre ministère" se réfère au ministère du Budget et son inspection des Finances.

**(2018):** Le ministre du budget et son inspection des Finances dispose également de compétence (catégorie "autre")  
Le parlement possède quant à lui une compétence formelle d'approbation des comptes.

## Bulgaria

**(2018):** Under "other Ministry", we mean the Ministry of Finance.

**(2016):** Under other ministry or office is noted the Ministry of finances.

**(2014):** For 2014, the category "other" refers to the Ministry of Finance.

## Croatia

**(General Comment):** The Courts propose their courts' budget, but the bodies responsible for the budget are the Ministry of Finance, the Government and the Parliament. The President of each court is responsible for the budget allocated to the Court.

## Cyprus

**(2018):** The ministry of finance is involved in the preparation of the budget management and allocation is the responsibility of the accountant general and the Auditor General is the Inspection body.

**(2016):** The ministry of finance is also involved in the preparation of the Budget. The Accountant General is also responsible for the management and allocation of the Budget. The Auditor General is the inspection body.

**(2014):** According to 2014 data, the Accountant general and the Chief registrar are responsible for the management of the budget, while the auditor General evaluates the use of the budget.

### **Czech Republic**

**(2016):** Ministry of Finance is the ministry responsible for the preparation of the state budget and it is the Ministry of Finance that submits the proposal of the budget to the Government. After the budget is passed by the Government it is submitted to the House of Representatives (lower chamber) that is appropriate to pass the Bill on State Budget.

**(2012):** On the occasion of the 2014 exercise, it has been pointed out that the Ministry of Justice secures funding and money management of individual courts, controls economic activities of the courts and determines the means of public expenditure for regional courts. The Presidents of the latter itemize the means of the State budget for the management of the regional court and district courts in their respective region.

### **Denmark**

**(General Comment):** The category "other" refers to the Danish Court Administration.

### **Estonia**

**(General Comment):** The Ministry of Justice prepares the budget for courts of first and second instance. The Supreme Court is financed directly from the State budget; the volume and division of the Supreme Court expenditure must be approved by the Government. Concretely, the Supreme Court prepares its budget and presents it to the Ministry of Finance, which prepares the budgets of the constitutional institutions (Supreme Court, Chancellor of Justice, National Audit Office, Office of the President). The implementation of the Supreme Court budget, approved by the parliament, and the purposeful use of budget funds is monitored by the Supreme Court director. The budgets are evaluated by the Ministry of Finance and the National Audit Office. In the column "Preparation of the total court budget" the answer is positive for the "High judicial council" as the Council for Administration of Courts has to give its opinion on the principles of the formation of annual budgets of courts of first and second instance and on the conformity of the funds allocated to these courts in the budget of the Ministry of Justice with the principles of the formation of annual budgets of courts.

### **Finland**

**(General Comment):** 'Other Ministry' is the Ministry of Finance.

### **France**

**(2018):** Les organismes d'inspection qui évaluent l'utilisation du budget de la justice sont, en premier lieu, la Cour des comptes, notamment à travers la note d'évaluation budgétaire et la note d'évaluation comptable, et l'inspection générale de la justice (IGJ). Le cas échéant, des audits peuvent être menés par l'inspection générale des finances généralement conjointement avec l'IGJ ou, très ponctuellement et en association avec l'IGJ, d'autres inspections.

En outre, pour ce cycle, le Conseil constitutionnel est assimilé à la Cour suprême et n'intervient pas dans la préparation du budget total des tribunaux, à la gestion et répartition du budget entre les tribunaux et à l'évaluation de l'utilisation du budget au niveau national.

**(2016):** The Council of State (Conseil d'Etat), a Supreme Court, intervenes only in the administrative justice field. For the other courts, it is the Ministry of Justice which intervenes alone.

Courts participate in the distribution of budgets. Namely, after an initial distribution by the ministry, certain courts of appeal have a budgetary responsibility for the courts within their jurisdiction.

The inspection bodies that evaluate the use of the justice budget are primarily the Court of Auditors, in particular through the budget evaluation note and the accounting evaluation note, and the General Inspectorate of Justice (IGJ). Where appropriate, audits may be conducted by the Inspectorate-General of Finance, usually together with the IGJ or, very occasionally and in association with the IGJ, other inspections.

## Germany

**(General Comment):** The category "other ministry" refers to the Federal Ministry of Finance and the Federal Ministry of Labour and Social Affairs. The other authority auditing the use of funds is the Bundesrechnungshof (German supreme audit institution).

**(2018):** Budgetary laws, budget plans, individual plans, budget accounts from the Länder.

**(2016):** Other Ministry: Federal Ministry of Finance, Federal Ministry of Labour and Social Affairs  
Other authority auditing the use of funds: Bundesrechnungshof (German supreme audit institution)

## Greece

**(2012):** The other Ministry is the Ministry of Finance, while the category "other" refers to the Court of Audit.

## Hungary

**(2018):** The President of the National Office for the Judiciary (NOJ):

- draws up – after having consulted with the National Judicial Council (NJC) and the President of the Supreme Court (Kúria) – his/her proposal concerning the budget of courts and the report on the implementation of the budget, which the Government shall transmit to the Parliament without amendment,

- exercises the duties related to the financial management of the courts and directs the internal control of the courts,

The NJC:

- forms an opinion on the proposal on the budget of the courts and on the report on the implementation of the budget, - controls the financial management of the courts The Parliament decides upon the budget of the courts as the part of the national budget, with the restriction, that the budget of the courts cannot be lower as it was in the previous year.

The State Audit Office controls the financial management of the court system.

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The State Audit Office controls the financial management of the court system.

**(2014):** According to 2012 and 2014 data, the President of the National Office for the Judiciary, in the scope of his/her general duties of central administration, elaborates a proposal on the courts budget and a report on its implementation, to be submitted without modification by the Government to the Parliament as part of the Bill on the budget and the Bill on the implementation of the budget. He/she is bound by duties in connection with the financial management of the heading of courts and directs the internal control of the courts. Besides, the National Council of Justice (NCJ) provides an opinion on the proposal and the report and more generally controls the financial management of the courts. As to the President of the Curia, he/she forms an opinion to the extent the Curia is concerned.

Within the confines of the control of the financial management of the finances, the State Audit Office audits the operation and the financial management of the heading of courts – which belongs to the structure of the central budget.

Finally, the Parliament decides upon the budget of the courts as part of the national budget, with the restriction, that the budget of the courts cannot be lowered as it was possible before 2012.

**(2012):** According to 2012 and 2014 data, the President of the National Office for the Judiciary, in the scope of his/her general duties of central administration, elaborates a proposal on the courts budget and a report on its implementation, to be submitted without modification by the Government to the Parliament as part of the Bill on the budget and the Bill on the implementation of the budget. He/she is bound by duties in connection with the financial management of the heading of courts and directs the internal control of the courts. Besides, the National Council of Justice (NCJ) provides an opinion on the proposal and the report and more generally controls the financial management of the courts. As to the President of the Curia, he/she forms an opinion to the extent the Curia is concerned.

Within the confines of the control of the financial management of the finances, the State Audit Office audits the operation and the financial management of the heading of courts – which belongs to the structure of the central budget.

Finally, the Parliament decides upon the budget of the courts as part of the national budget, with the restriction, that the budget of the courts cannot be lowered as it was possible before 2012.

## **Ireland**

**(2018):** Inspection Body: Comptroller and Auditor General and the Public Accounts Committee

**(2016):** Inspection Body: Comptroller and Auditor General and the Public Accounts Committee

**(2012):** The item inspection body refers to the Comptroller and Auditor General and the Public Accounts Committee.

## **Italy**

**(General Comment):** The category "Other Ministry" refers to the Ministry of Economy and Finance. The category "Other" refers to Court of Audit (Corte dei conti).

**(2018):** It is to be underlined that the Italian administrative justice is given full budgetary autonomy. The High Council for the Judiciary of the Administrative Justice (Consiglio di Presidenza della Giustizia Amministrativa - CPGA) is entitled to the preparation, adoption and approval of the total administrative court budget and it is the body that manages and allocates the budget among administrative courts.

**(2016):** The category "Other Ministry" refers to the Ministry of Economy and Finance. The category "Other" refers to Court of Audit (Corte dei conti).

**(2014):** In the frame of the 2014 exercise, it has been specified that the relevant department of the Ministry of Justice is the Budget and Accounts Department (Direzione Generale del Bilancio).

## **Latvia**

**(General Comment):** The other ministry is the Ministry of Finance. The inspection body is the State Audit Office. The category “other” refers to the Court Administration. According to the Law on Judicial Power, the Judicial Council provides an opinion about the budget application in respect of courts and land registry offices. The Court Administration is responsible for the financial resources of district (city) courts, regional courts and Land registry Offices, as well as for preparing the budget request for courts and Land Registry Offices. The management of the finances of the Supreme Court is of the competence of the Supreme Court’s Administration. The funding of the Supreme Court constitutes a separate item in the State budget. The Court accounts for the use of its budget to the Ministry of Finance, to the State Treasury and to the State Auditor.

**(2016):** Court fees are calculated according to the Civil Procedure Law Article 34 and Administrative Procedure Law Article 124. Other Ministry - Ministry of Finance Inspection body - State Audit Office Other - Court Administration  
According to the Law On Judicial Power Judicial Council gives an opinion about the budget application for courts and land registry offices. According to the Law On Judicial Power the Court Administration is responsible for financial resources of the district (city) courts, regional courts and Land registry Offices, as well as for preparing budget request for courts and Land Registry Offices. The management of finances of the Supreme Court is provided by the Supreme Court's Administration. Funding of the Supreme Court is provided by a separate item in the State budget. The Court accounts for its use of the funds to the Ministry of Finance, to the State Treasury and to the State Auditor.

## Lithuania

**(General Comment):** The other ministry is the Ministry of Finance. The inspection body is the National Audit Office and the Division of Internal Audit of the National Courts Administration.

**(2018):** Other Ministry is the Ministry of Finance; Inspection body is the National Audit Office of Lithuania (Supreme Audit Institution); Other body is National Courts Administration (NCA), the NCA prepares drafts of documents and all calculations for the Judicial Council.

**(2016):** Other Ministry is the Ministry of Finance; Inspection body is the State Control; Other is the National Court Administration, because the NCA prepares drafts of documents and all calculations for the Judicial Council

## Malta

**(General Comment):** The preparation of the total court budget results from a collaborative process between the Ministry of Justice and the Ministry of Finance. The office of the Auditor General inspects all expenses incurred by the various Government Departments, from time to time, including that of the Justice Department.

**(2018):** The preparation of the total court budget results from a collaborative process between the Ministry of Justice and the Ministry of Finance. The office of the Auditor General inspects all expenses incurred by the various Government Departments, from time to time, including that of the Department of Court Services. As from August 2019, the Department of Court Services became an Agency, namely, the Court Services Agency. Whilst the Agency will be more autonomous in the way it manages its budget, it will still need to involve both the Ministry of Justice and the Ministry of Finance in the preparation and adoption of the budget. As an Agency however, the management, allocation and evaluation of the Agency's budget will no longer fall within the remit of the Ministry of Finance. The Courts Services Agency will also have to employ the services of a private auditing company that will inspect and review the finances of the Agency, and submit a yearly financial report to Parliament.

**(2016):** 'Other Ministry' is taken to construe the Ministry for Finance

## Netherlands

**(General Comment):** The category “other” refers to the judiciary part of the Council of State.

## Poland

**(General Comment):** The category “other” refers to the Minister of Finance National Supervisory Board.



## Portugal

**(2018):** "Other" - Ministry of Finance

The Parliament adopts and evaluates the use of the State budget. The Ministry of Finance is always involved in the preparation and allocation of resources.

**(2016):** "Other" - Ministry of Finance

The Parliament adopts and evaluates the use of the State budget. The Ministry of Finance is always involved in the preparation and allocation of resources.

## Romania

**(2012):** According to 2012 data, the other Ministry is the Ministry of Public Finances. The category "other" refers to the Romanian Court of Accounts.

## Slovakia

**(2014):** According to 2012 and 2014 data, the Inspection body is the Supreme Audit Office of the Slovak republic which is entitled to inspect the use of budget in any budgetary subject.

**(2012):** According to 2012 and 2014 data, the Inspection body is the Supreme Audit Office of the Slovak republic which is entitled to inspect the use of budget in any budgetary subject.

## Slovenia

**(General Comment):** The Supreme Court as the entity proposing the financial plans of all the courts has a specific role in the process of adoption of the state budget. Although the volume of financial resources for the all salaries of judges and judicial personnel, and for all the operation costs of courts is to be provided at the Supreme Court of the Republic of Slovenia (budget user), the Supreme Court has limited access to the first, crucial phases of the preparation of the state budget (establishing macroeconomic framework, development priorities and tasks of the Government, cross section of the budget in accordance with the program and the plans, Budgetary Manual of the Ministry of Finance). Once the priorities are set, it is impossible to reach important changes in the volume of financial resources during budget negotiations. During first phases, only the Ministry of Justice has significant influence on the decisions of the Government.

The Supreme Court proposes a cross section of the budget quota specified by the Government, regarding the judiciary for the following two years: The budget quotas are determined on the level of individual courts. The Supreme Court also prepares internal manuals for the users as well as internal forms for budgetary items, which may reflect any additional needs for funds along with a short explanation, which is used as a basis for subsequent negotiations with the Ministry of Finance. Then, each court prepares its own financial plan and submits it to the Supreme Court. The Supreme Court examines every court's financial plan proposal and prepares a new assessment of the needed funds to facilitate an uninterrupted operation of the courts within the following two years.

The negotiations with the Ministry of Finance may occur in several phases depending on the divergence between the posed requests on one hand and the possibilities or the constraints posed by set priorities. If the Ministry of Finance agrees, the additionally provided funds are distributed among the courts in line with the proposed priorities. However, if no agreement is reached, the proposed budget of the courts is submitted to Parliament, which takes the final decision.

**(2015):** The legal basis for the procedure for adoption of the budget are the Public Finance Act and the Regulation for the Basis and Procedures for the Preparation of the Proposal State Budget.

The establishing of the budget may be shown through an eight step scheme:

- Establishing of a macroeconomic framework
- Specifying of the development priorities and tasks of the Government
- Setting up of a framework cross section of the budget in accordance with the program and the plans
- Budgetary Manual of the Ministry of Finance
- Preparing of detailed financial plans of direct budget users
- Negotiations with the Ministry of Finance
- Governmental proposal of the state budget
- Discussion and adoption of the budget and the Law on Execution of the Budget, within Parliament.

The Supreme Court as the entity proposing the financial plans of all the courts has a specific role in this process. Although the Courts Act provides that “the volume of financial resources for the salaries of judges and judicial personnel, and for the operation costs of courts, shall be provided within the framework of the state budget of the Republic of Slovenia for all courts on the basis of financial plans of individual courts at the budget user, the Supreme Court of the Republic of Slovenia”, the Supreme Court has limited access to the first four phases, which are crucial. Once the priorities are set, it is impossible to reach important changes in the volume of financial resources during budget negotiations. During these four phases it is only the Ministry of Justice that can influence the decisions of the Government, but it has not sufficient knowledge of the needs of the courts, the Supreme Court has some influence only by informal ways.

The Supreme Court enters the process between the fourth and fifth phase. It proposes a cross section of the budget quota specified by the Government, regarding the judiciary for the following two years.

The budget quotas are determined on the level of individual courts, whereby in addition to the initial rules determined by the budget manual, the following criteria are also taken into consideration:

- level of the financial plan of the user for the current year;
- semester realization of the financial plan of the user in the current year.

The Supreme Court also prepares internal manuals for the users as well as internal forms for budgetary items, which may reflect any additional needs for funds along with a short explanation, which is used as a basis for subsequent negotiations with the Ministry of Finance. Then, each court prepares its own financial plan within the framework of the assigned quota in line with the budget items up to the level of a sub-account and submits it to the Supreme Court. During this process job allocation schedules are also prepared, because they have to be adjusted to the proposed budget. The Supreme Court examines every court's financial plan proposal and based on the gathered data and internal forms with appropriate explanations which reflect the additional needs of the users, prepares a new assessment of the needed funds to facilitate a smooth operation of the

## **Spain**

**(2018):** In the Autonomous Regions with competences in Justice (12 from 17): Justice Department and parliamentary Assembly

**(2016):** In the Autonomous Regions with competences in Justice (12 from 17): Justice Department and parliamentary Assembly

**(2015):** Spain is a highly decentralized country. The State is gradually transferring competences in the field of the administration of justice with the appropriate financial means to the Autonomous Regions, except for matters related to national corps (judges, prosecutors and judicial counsellors). The State still holds powers in matters of justice in the Autonomous Region where competences have not been transferred.

Consequently, the budget allocated to courts within the scope of the Ministry of Justice is prepared by the Ministry itself, adopted by the Parliament, managed by the Ministry and lastly evaluated by the Parliament. In the Autonomous regions holding powers in matters of justice, the role of the Ministry of Justice and the Parliament are played by the regional ministries and assemblies respectively.

This way, the figures above are the sum of the budget allocated for the functioning of courts by the Spanish Parliament and Ministry of Justice and by the Assemblies and ministries of the regions holding power on the justice system.

## **Sweden**

**(General Comment):** In Sweden all Government decisions are made collectively which means that all ministries are involved in the preparation and evaluation of the budget. The inspection body is the Swedish National Audit office and the category "other" refers to the National Courts Administration.

**(2016):** The other Ministry is the Ministry of Finance. The inspection body is the Swedish National Audit office and the category "other" refers to the National Courts Administration.

#### Question 15-1

##### Austria

**(2018):** The higher figure of the implemented budget compared to the approved budget is mainly a result of an increase in costs for health care and hospitalization in the prison System, interpretation, drug rehabilitation, medical or therapeutic follow-up care for former prisoners on probation. In addition, there was also an increase in costs for interpreters and experts in court proceedings.

**(2017):** The higher figure of the implemented budget compared to the approved budget is mainly a result of an increase in costs for health care and hospitalization in the prison system, interpretation, drug rehabilitation, medical or therapeutic follow-up care for former prisoners on probation. In addition, there was also an increase in costs for interpreters and experts in court proceedings.

**(2016):** The higher figure of the implemented budget compared to the approved budget is mainly a result of an increase in costs for health care and hospitalization in the prison system, interpretation, drug rehabilitation, medical or therapeutic follow-up care for former prisoners on probation.

**(2015):** The higher figure of the implemented budget compared to the approved budget is mainly a result of an increase in costs for interpretation, drug rehabilitation, medical or therapeutic follow-up care for former prisoners on probation. In 2015 there was also a non-budgeted increase in salaries.

##### Belgium

**(2018):** The appropriations for investments and/or rentals of buildings are part of the budget of the Régie des bâtiments, the body responsible for the federal authority's housing stock; the budget includes provisions allocated to the courts for the fight against terrorism.

**(2017):** Budget dedicated to investments and/or rentals of buildings is part of the budget of the "Régie des bâtiments", the body responsible for the federal authority's housing stock, and not part of the Justice budget.

**(2016):** Total commitments adjusted to credits 2016

The credits for investments and or rentals of buildings are part of the budget of the "Régie des bâtiments", the body responsible for the real estate of the federal authority;

##### Bulgaria

**(2017):** The budget allocated for the whole justice system includes the budget for the Judiciary (budgets of the courts, Prosecutor's office of the Republic of Bulgaria, Supreme Judicial Council, The Inspectorate at the Supreme Judicial Council and the National Institute of Justice. The budget of courts includes the costs for forensic services, state enforcement services), Legal Aid, Registry agency (property register, commercial register, BULSTAD register and Register of the Property Relations between Spouses), General Directorate Execution of Sanctions (includes the costs for probation services), General Directorate Security (security of the judicial system bodies), Central administration of the Ministry of Justice, Constitutional court.

**(2014):** In the ambit of the 2014 exercise, it has been specified that the difference between the implemented and approved budget was financed with part of the additional resources from the State budget for judiciary.

## Cyprus

**(2018):** please note that the budget for the judicial service is completely independent from the budget of the prosecution service and the ministry of justice

**(2017):** The figures included are the budget for the courts, the prosecution system, the Ministry of Justice and Public order, the prison system and the police.

However the budget of the courts is completely independent from the budget of the other institutions.

## Czech Republic

**(General Comment):** It is noteworthy that before 2014, the implemented budget was provided instead of the approved one.

## Denmark

**(2016):** Expenditures on the Refugees and asylum seekers and the Immigration Service are from 2016 no longer a part of the justice system. The total expenditure in 2016 allocated to the whole justice system is therefore significantly lower compared to previous cycles.

## Estonia

**(2016):** One of the reasons for this increase is that Estonian Competition Authority is now under the Ministry of Justice.

**(2014):** In 2014, the implemented budget is higher than the approved budget because of larger amounts carried over for execution of the previous year expenditures which were higher than the planned grants.

## France

**(2018):** The above annual public budget includes data from the entire justice system, attached to the Ministry of Justice, and includes data from the Court of Justice of the Republic and the Constitutional Council.

## Germany

**(General Comment):** It is noteworthy that all data concerning the budget should be construed in the light of the federal State structure of Germany. Accordingly, variations for which no particular explanation has been notified are often due to the fact that for the different evaluation cycles a different number of Lander provided a reply. Owing to this peculiarity, the information remains most of the time incomplete.

The figures include the federal budget as well as the budgets indicated by the respondent Landers.

**(2018): Bavaria**

The figure provided covers the budget for the justice system and the administrative courts.

Finance, labour and social courts: NA

Administrative courts: Question 15.1 includes the overall allocation for the administrative courts incl. further training costs  
Berlin

Consumer protection matters, Bar Examinations Office

Brandenburg

The budget plan for 2017/2018 was based on an assumption of greater expenditure. The total budget calculation for EPL 04 did not include the chapter for Europe and consumer protection departments, Land Office for Occupational Health and Safety, Consumer Protection and Health (LAVG) and INTERREG. The indicated budget includes Land and federal funds only.

Bremen

Figures take account of expenditure in product plan justice as well as justice expenditure in product plan 96, IT budget, of the Free Hanseatic City of Bremen.

Actual expenditure over the financial year fell behind the approved funds.

Rhineland-Palatinate

Rhineland-Palatinate Constitutional Court

Saxony

Expenditure for the justice system in the Free State of Saxony is estimated in section 06 of the Land budget, with the exception of building and maintenance works/management and rental of real estate. This section thus accounts for all expenditure falling within the portfolio of the Saxony State Ministry of Justice. This portfolio includes the courts and public prosecution offices, prisons, Bobritzsch Training Centre, and the Central Office for Information Technology of the Saxon Justice System. Section 06 is split into various chapters, including chapters for each individual jurisdiction and for the public prosecution offices en bloc. However, it is not possible to provide a detailed breakdown of the funds approved in the budget plan and those actually spent over the financial year on each individual branch of the justice system. This is because part of the expenditure earmarked for each branch is estimated in a central chapter and some of these funds are centrally managed. Budget planning for these funds is also centralised. Expenditure on building and maintenance, as well as management and rental of real estate, is estimated in section 14 of the Land budget for the entire of Saxony. Any such expenditure falling within the remit of the Saxony State Ministry of Justice is consolidated into a single chapter within this section. Offices within the remit of the Saxony State Ministry of Finance are responsible for planning and managing funds under section 14. Investment-related expenditure for major building works (i.e. those entailing total building costs exceeding 1 million euros) can be attributed to individual facilities and thus, as a rule, to courts or public prosecution offices. However, investment-related expenditure for minor building works cannot be separated according to courts/public prosecution offices. At each individual court and public prosecution office, as well as at the Central Office for Information Technology in the Saxon Justice System and the Saxony State Ministry of Justice, budget planning, administration and execution fall within the purview of the head of office and the budget commissioner. In total – graded according to the volume of funds – more than 50 offices are involved in planning and managing budgetary resources. It is therefore not possible to draw up an organisational diagram. Expenditure is dependent on the number and scale of court/criminal proceedings as well as the number of inmates, all of which are beyond the control of the judicial

## **(2016): Bavaria**

The figure provided covers the budget for the justice system and the administrative jurisdiction

Fiscal, labour and social jurisdictions: NA

Administrative jurisdiction: Question 15-1 includes the overall allocation for the administrative jurisdiction incl. further-training costs

Berlin

Consumer-protection matters, Bar Examinations Office

Brandenburg

Budget plan for 2015/2016 assumed greater expenditure. Total budget calculation for EPL 04 did not include chapter for Europe and consumer-protection departments, Land Office for Occupational Health and Safety, Consumer Protection and Health (LAVG) and INTERREG. Budget indicated includes Land and federal funds only.

Bremen

Figures take account of expenditure in product plan justice as well as justice expenditure in product plan 96, IT budget, of the Free Hanseatic City of Bremen.

Actual expenditure over the financial year fell behind the approved funds.

Lower Saxony

No information

Rhineland-Palatinate

Rhineland-Palatinate Constitutional Court

Saarland

NO INFORMATION

Saxony

Expenditure for the justice system in the Free State of Saxony is estimated in section 06 of the Land budget, with the exception of building and maintenance works/management and rental of real estate. This section thus accounts for all expenditure falling within the portfolio of the Saxony State Ministry of Justice. This portfolio includes the courts and public prosecution offices, prisons, Bobritzsch Training Centre, the Central Office for Information Technology of the Saxon Justice System, and (up until 31 December 2016) the Land Commissioner for the Records of the State Security Service of the Former GDR.

Section 06 is split into various chapters, including chapters for each individual jurisdiction and for the public prosecution offices en bloc. However, it is not possible to provide a detailed breakdown of the funds approved in the budget plan and those actually spent over the financial year on each individual branch of the justice system. This is because part of the expenditure earmarked for each branch is estimated in a central chapter and parts of these funds are centrally managed. Budget planning for these funds is also centralised. Expenditure on building and maintenance, as well as management and rental of real estate, is estimated in section 14 of the Land budget for the entire of Saxony. Any such expenditure falling within the remit of the Saxony State Ministry of Justice is consolidated into a single chapter within this section. Offices within the remit of the Saxony State Ministry of Finance are responsible for planning and managing funds under section 14. Investment-related expenditure for major building works (i.e. those entailing total building costs exceeding 1 million euros) can be attributed to individual facilities and thus, as a rule, to courts or public prosecution offices. However, investment-related expenditure for minor building

**(2014):** For 2014, no information was available from Hamburg, Saarland, and Thuringia. Six Landers communicated detailed information on the content of their individual budgetary plans. Inasmuch as the other Federal Landers have provided data, these were added to the aggregate amount. Accordingly, the information provided here is incomplete.

**(2012):** In 2012, six Landers communicated detailed information on the content of their individual budgetary plans. Berlin did not provide any information. Data provided by Bavaria did not include the public annual budget approved and granted for labor, social and finance jurisdiction.

## **Hungary**

**(2018):** The act for implemented state budget of 2018 are not yet adopted by the Parliament.

**(2017):** The Parliament has not yet adopted the law on the implementation of the budget of 2017.

**(2015):** Annual implemented public budget of 2015 not yet approved.

## **Italy**

**(General Comment):** Due to the structure of the Italian judicial system, the Ministry of Justice has one single budget which does not distinguish between the budget allocated to courts, the budget allocated to public prosecution services and the one allocated to the administration. The figures provided in this chapter are the result of a re-classification of the budget statements which takes into consideration several criteria.

**(2014):** In the ambit of the 2014 exercise, it has been explained that the difference between allocated and implemented budgets is mainly due to the salary of personnel as the retirement age is not exactly foreseeable.

### Latvia

**(2017):** Within the public budget allocated to the whole justice system is not included the budget of the Constitutional Court, because it is as a separate institution, established as constitutional organ and the budget doesn't include within the overall justice system budget. The same situation is with the Supreme Court, but as in Q6 also the budget of the Supreme Court is included, then in Q15-1 also the budget of the Supreme Court is added.

**(2016):** Budget of Prosecution and Constitutional court were not usually included in this question since these are separate institutions with individual budgets. Prosecution budget is provided in Q13 and Approved budget of Constitutional court is 1484895, but we were not able to acquire implemented budget. We will however include Prosecution office and Constitutional court budgets in this question in next cycles and have marked them in Q15-2 and Q15-3, while we did not change sums given above.

### Lithuania

**(2018):** The data above and here below is presented according to the Law on the approval of State and municipal budget financial rates for 2018 (Law of 12th December, 2017 No. XIII-868):

- the adjusted total was 211 424 800;
- courts (excluding the budget of the National Courts Administration for computerization, investment in new buildings, expertise, building repair, trainings, which is included in the budget item of the National Courts Administration) - budget approved 74 095 000, budget adjusted 74 110 000, budget implemented 74 085 200;
- public prosecution services - budget approved 31 520 000, budget adjusted 31 620 200, budget implemented 31 607 100;
- Ministry of Justice (including prison system) – budget approved 93 951 000, budget adjusted 94 972 100, budget implemented 92 601 000. The budget for secondary legal aid is included in the budget of the Ministry of Justice. The budget for the whole justice system as presented does not include budget for primary legal aid. The Ministry of Justice implemented less budget because of the economy due to reorganisation, the staff's change and illness, because of the economy of the budget for the acquisition of long-term assets, because the budget for investment was not implemented at the whole scale in the subordinate institution, also because of decreased workload of the advocates providing secondary legal aid;
- prison system - budget approved 69 524 000 (budget adjusted - 68 788 400, budget implemented 66 973 700. The discrepancies arise because of the public procurement procedures.
- the Constitutional Court – budget approved 2 132 000, budget adjusted - 2 132 000, budget implemented 1 943 600. The Constitutional Court implemented less budget than approved because of the staff's illness and parental leave;
- the National Courts Administration – budget approved 8 551 000, budget adjusted - 8 590 500, budget implemented 8 473 800. The difference arises due to termination of the contract for development and installation of centralised payroll system and the decrease of the factual number of state pension beneficiaries (judges).

**(2017):** The budget of 214 814 000 EUR was approved by law No. XIII-177 in 2016-12-22. The total of the revised 2017-12-31 appropriation is 215 665 700 EUR.

**(2016):** The data is presented according to the Law on the approval of State and municipal budget financial rates for 2016 (Law of 10th December, 2015 No. XII-2161):

- Courts (excluding the budget of National Courts Administration for computerization, investment in new buildings, expertise, building repair, trainings, which is included in the budget item of National Courts Administration) - budget approved 63 983 000 (budget specified - 64 215 400, implemented 64 181 700).

- Public prosecution services - budget approved 34 944 000 (budget specified - 34 962 800, implemented 34 948 500).

- Ministry of Justice – budget approved 30 510 000 (budget specified - 30 722 700, implemented 27 530 700). The budget for secondary legal aid is included in the budget of the Ministry of Justice. The budget for whole justice system as presented does not include budget for primary legal aid.

The Ministry of Justice implemented less budget because of the economy of the salaries in the subordinate institutions (change of the staff, free vacancies, illness), economy of the budget for the goods and services, for the acquisition of long-term assets, for the repair of premises, decreased workload of the advocates providing secondary legal aid.

- Prison system - budget approved 69 302 000 (budget specified - 69 526 600, implemented 66 477 500). The discrepancies arise because of the public procurement procedures.

- The Constitutional Court – budget approved 2 019 000 (budget specified - 2 022 600, implemented 2 018 300). The Constitutional Court implemented less budget than approved because the budget for investment was not implemented at the whole scale.

- The National Courts Administration – budget approved 13 832 000 (budget specified - 34 962 800, implemented 10 521 900). The difference arises because not all the LITEKO services were acquired, the public procurement procedures prolonged, not all the budget for investments was implemented.

## **Luxembourg**

**(2018):** /

**(2016):** The bill containing the implemented budget 2016 has not been approved yet.

## **Malta**

**(2017):** The implemented budget cannot be correctly estimated given that some entities did not provide the necessary information.

**(2014):** In 2014, the budget allocations listed within the table relate to recurrent expenditure and do not include capital expenditure.

## **Netherlands**

**(2017):** Excluding the judiciary part of the Council of State. Including Police force.

**(2016):** Excluding the judiciary part of the Council of State

## **Poland**

**(2017):** The above data include the budgetary sections of which responsible is the Minister of Justice (part 15 - Common Courts

and Part 37 - Justice). Section 15 covers expenditures of common courts, retired judges and the payment of compensation paid from the National Treasury. Part of the expenses are related to the functioning of the Ministry of Justice, prison units, scientific institutes of the Ministry of Justice, the National School of Judiciary and Public Prosecution, correctional institutions and juvenile shelters and retirement and disability benefits for prison officials.

The above data does not include expenditures on: organizational entities of Public Prosecution, military courts, administrative courts, Constitutional Court, Supreme Court, National Council of the Judiciary.

**(2016):** The above data include the budgetary sections of which responsible is the Minister of Justice (part 15 - Common Courts and Part 37 - Justice). Section 15 covers expenditures of common courts, retired judges and the payment of compensation paid from the National Treasury. Part of the expenses are related to the functioning of the Ministry of Justice, prison units, scientific institutes of the Ministry of Justice, the National School of Judiciary and Public Prosecution, correctional institutions and juvenile shelters and retirement and disability benefits for prison officials.



## Portugal

**(General Comment):** Before 2015, the budget of the judicial police was included in the category "other services", while starting from 2015, the Criminal Investigation Police (Polícia Judiciária) has been included in the new category "some police services".

**(2016): Q.15.1** - The approved budget has increased because the salary cuts that were made in 2012 have been replaced.

## Romania

**(2017):** The budget increase (2016-2017) mainly reflects the developments mentioned in the previous chapters, see the explanations from Q6.

In fact, the total annual public budget allocated to the functioning of courts as well as the total annual public budget allocated to public prosecution services increased between 2016 and 2017 mainly due to wage increases in the justice system following the Constitutional Court Decision no. 794/2016 which increased the sectoral reference value, an index according to which the basic salary / indemnity is established for the whole system of justice.

**(2014):** In 2014, funds allocated for the payment of wage rights of the judiciary staff established by court decisions were even higher than in 2013. Namely, they covered both the installment for the year 2014 (25% of the total amounts stipulated in the writs of execution) and the installment for the year 2015 (25% of the total amounts stipulated in the writs of execution). On the contrary, in 2013, these amounts covered only the installment for the year 2013 (10% of the total amounts stipulated in the writs of execution).

Besides, due to the increasing number of occupied posts in 2014 compared to 2013, funds allocated for the payment of employer contributions due, allowances delegation/secondment allowances for transport, rent, medicines, regular medical checks etc. increased.

Finally, the entry into force in February 2014 of the new Code of Criminal Procedure has generated additional costs for translation and interpretation services.

**(2013):** The increase of the budget allocated to the whole justice system between 2010 and 2013 had a double justification. On the one hand, in 2013, funds allocated for the payment of wage rights of the judiciary staff established by court decisions were higher than in previous years. On the other hand, in 2010 the budgetary staff salaries were reduced by 25%, starting with 2011 they increased by 15% and in 2012 they successively increased by 8% and 7.4%.

## Slovakia

**(2018):** The global budgetary sum allocated to whole justice system consists of the approved and implemented budgets of four bodies with own individual budget: Ministry of Justice, Supreme Court, General Prosecutors Office and Judicial Council. The budget of the Ministry of Justice is composed of two parts– the budget of the prison service and the budget assigned both to courts (except the Supreme Court) and to the ministry itself. The budget of the Supreme Court comprises the budget for its own functioning. Judicial Council of the Slovak republic administers its own budgetary chapter in the state budget.

**(2017):** The Judicial Council of the Slovak republic was originally funded from the budget of the Supreme court. From the year 2017 the Judicial council has its own chapter in the state budget. In the answer to Q 15-1 in the previous cycles we added the budgets of Ministry of Justice, Supreme Court and General Prosecutors Office. We now include to the global budget of justice system also the separate budget of Judicial Council.

## Spain

**(2018):** National Comision for Judicial Statistics centralizes and provides data.

## Question 15-2

## Austria

**(2015): Q15.1**

The higher figure of the implemented budget compared to the approved budget is mainly a result of an increase in costs for health care and hospitalization in the prison system, interpretation, drug rehabilitation, medical or therapeutic follow-up care for former prisoners on probation. In 2015 there was also a non-budgeted increase in salaries.

Source 15-1 and 15-2: "Bundesrechnungsabschluss 2015," dated June 29th 2015

**Belgium**

**(2015):** budget for personnel responsible for the transfer of prisoners and prisoners security in the court is included in the budget of the prison system

en 2015, le budget de la justice a été imputé de au moins 75 million d'euro suite au transfert de la compétence des maisons de la justice du niveau national vers les états fédérés (communautés flamande, française et germanophones)  
two judicial management bodies are created in 2014.

**(2014):** 2014: Two services of management system have been created by a law in 2014, but the two colleges, on one hand for courts and tribunals and on another hand for the public prosecution service, are formally made up only at the end of 2014 and do not function yet as autonomous managers.

**(2012):** The National Institute of Criminalistics and Criminology is partly financed by the budget of Justice.

**Bulgaria**

**(2015):** The budget allocated for the whole justice system includes the budget for the Judiciary (budgets of the courts, Prosecutor's office of the Republic of Bulgaria, Supreme Judicial Council, The Inspectorate at the Supreme Judicial Council and the National Institute of Justice. The budget of courts includes the costs for forensic services, state enforcement services), Legal Aid, Registry agency (property register, commercial register, BULSTAD register and Register of the Property Relations between Spouses), General Directorate Execution of Sanctions (includes the costs for probation services), General Directorate Security (security of the judicial system bodies), Central administration of the Ministry of Justice, Constitutional court.

**(2014):** For 2014, the budget (approved/implemented) allocated for the whole justice system includes the budget for the Judiciary (courts (including forensic services and State enforcement services), Prosecutor's office of the Republic of Bulgaria, Supreme Judicial Council, Inspectorate at the Supreme Judicial Council and the National Institute of Justice) – 237 789 709 €/235 421 896 €, Legal Aid – 4 306 647 €/4 796 175 €, Registry agency (property register, commercial register, BULSTAD register and Register of the Property Relations between Spouses) – 8 534 524 €/8 274 378 €, General Directorate Execution of Sanctions (includes the costs for probation services) – 60 670 876 €/60 229 567 €, General Directorate Security (security of the judicial system bodies) – 15 508 519 €/15 508 059 €, Central administration of the Ministry of Justice – 9 313 711 €/9 010 504 €, Constitutional court – 1 656 600 €/1 656 600 €.

**(2013):** For 2013, the budget allocated for the whole justice system includes the budget for the Judiciary (Courts (including forensic services and State enforcement services), Prosecutor's office, Supreme Judicial Council, the Inspectorate at the Supreme Judicial Council and the National Institute of Justice) - 225 753 988 €, Legal Aid - 5 292 135 €, Registry agency (property register, commercial register, BULSTAD register and Register of the Property Relations between Spouses) – 9 448 009 €, General Directorate Execution of Sanctions (includes the costs for probation services) – 52 982 312 €, General Directorate Security (security of the judicial system bodies)– 15 528 857 €, Central administration of the Ministry of Justice – 13 999 008 €, Constitutional court – 1 056 000 €.

**Croatia**

**(2014):** In 2014, the difference between allocated and implemented public budget is not significant.

**(2013):** For 2012 the Ministry of Justice envisaged special costs related to the establishment of the Public Bailiff Service. However, following the amendments to the Enforcement Act, the introduction of the Public Bailiff Service was abandoned, pursuant to which this category is not included in the budget of the judiciary for 2013.

## Cyprus

(2018): x

(2015): STATE BUDGET

(2014): In 2014 there is substantial increase of the budget of the judicial system due to inclusion of budgets of the attorney general's office, the police, the prison, Ministry of justice, enforcement and forensic services.

## Czech Republic

(2015): Ministry of Justice

## Denmark

(2012): The category "other" encompasses the budget of the Danish Court Administration.

## France

(2015): The annual public budget above includes the data of the entire justice system, attached to the Ministry of Justice and the Presidency of the Republic.

Other: Access to law and assistance to victims

## Germany

(2015): The data refer to the year 2014. At present, no more recent data are available.

Hesse:

Essentially, higher payroll costs.

Schleswig-Holstein:

Explanatory remarks on the significant deviations of the actual figures for 2014 as opposed to the target figures for 2014:

Additional receipts in particular by court fees;

Reduced expenditures in particular for payroll costs, the expenses in court cases and miscellaneous expenditures (the explanations provided for Questions 6 and 13 are included herein by reference).

Saxony:

The expenditures depend on the number and scope of the court proceedings and criminal proceedings, as well as on the number of inmates of correctional institutions, none of which the Land department of justice is able to control. Furthermore, the staff numbers will fluctuate in the context of the ongoing personnel management (new hires, parental leave, long-term illness, etc.), while it is only possible to estimate wage increases as collectively bargained, and projects pursued in the fields of IT or construction are constantly subject to changes. Accordingly, the target figure is based on a forecast and, as a general rule, will deviate from the actual figure.

Re Question 15.2: Other:

Brandenburg: Deutsche Richterakademie (German Judicial Academy) Wustrau

Hesse: IT department of the judiciary of Hesse

Lower Saxony: Norddeutsche Hochschule für Rechtspflege (Northern German University for the Administration of Justice)

Rhineland-Palatinate: Constitutional Court of the Rhineland-Palatinate

Saxony: Besides the items set out above, the area of responsibility of the Ministry of Justice and for European Affairs of the Free State of Saxony includes the following budget elements that are to be allocated to the justice system: information technology response service of the Saxonian judiciary, Bobritzsch training centre, Land Commissioner for the Files of the State Security Service of the former German Democratic Republic.

Saxony-Anhalt: The area of responsibility of the Land Ministry of Justice includes the Land Commissioner for the Files of the State Security Service of the former German Democratic Republic.

Thuringia: Emoluments of the legal students pursuing their practical legal training after having passed the First State's Examination, expenditures of the Judicial Examinations Office.

**(2014):** In 2013 and 2014, 7 Landers provided information as for the category “other”: Brandenburg (German Judicial Academy); Hesse (IT office of the Hessian Ministry of Justice); Lower Saxony (Northern German University for the Administration of Justice); Rhineland-Palatinate (Constitutional Court of the Rhineland-Palatinate); Saxony (information technology response service of the Saxonian judiciary, Bobritzsch training centre, Land Commissioner for the Files of the State Security Service of the former German Democratic Republic); Saxony-Anhalt (area of responsibility of the Land Ministry of Justice includes the Land Commissioner for the Files of the State Security Service of the former German Democratic Republic); Thuringia (Judicial Examinations Office).

**(2013):** In 2013 and 2014, 7 Landers provided information as for the category “other”: Brandenburg (German Judicial Academy); Hesse (IT office of the Hessian Ministry of Justice); Lower Saxony (Northern German University for the Administration of Justice); Rhineland-Palatinate (Constitutional Court of the Rhineland-Palatinate); Saxony (information technology response service of the Saxonian judiciary, Bobritzsch training centre, Land Commissioner for the Files of the State Security Service of the former German Democratic Republic); Saxony-Anhalt (area of responsibility of the Land Ministry of Justice includes the Land Commissioner for the Files of the State Security Service of the former German Democratic Republic); Thuringia (Judicial Examinations Office).

### **Hungary**

**(2015):** Act C of 2014 on the budget of Hungary in 2015,  
Act CLXI of 2011 on the organisation and administration of courts  
Act CLXII of 2011 on the legal status and remuneration of judges,  
Act CXCV of 2011 on the state finance,  
Act LXVI of 2011 on the State Audit Office  
Q15-1 Annual implemented public budget of 2015 not yet approved.

**(2012):** In 2012, as in 2010, the budget allocated to the whole justice system included also the total budget of the Ministry of Justice.

### **Ireland**

**(2015):** Ireland does not have a Judicial Council, however, the costs of the Judiciary are included under Q 15.  
Department of Justice and Equality

'Other' includes Administration costs, various Commissions, Equality, Disability, various Public Agencies.

### **Italy**

**(2018):** In Italy all the above three elements are included.  
WARNING: there is a bug in the electronic scheme for this question.

**(2015):** Some kind of police services are included such as the surveillance of the Ministry of Justice and other specific courts.

**(2014):** In the ambit of the 2014 exercise, it has been specified that the category “police services” subsumes some kinds of police services related to the surveillance of the Ministry of Justice and other specific courts.

### **Latvia**

**(2018):** In the judicial systems budget is included courts, legal aid and Public prosecutor services.

**(2017):** The budget for public prosecutor services is indicated in the Q13 and it is not included in the sum of the whole justice system.

**(2015):** Judicial management body is meant Court Administration.

Enforcement services - in the Ministry of Justice budget are included compensation for bailiffs for the enforcement activities. In the section 'other' are included budget for institutions what are under supervision of the Ministry of Justice. Data doesn't include budget for prosecutor system.

Data includes also budget means for financing projects from the EU structural funds and other financial instruments co-financed projects: Approved budget - EUR 6 945 797, implemented EUR 5 610 619.

**(2014):** For 2014, data includes also the budget means for financing projects from the EU structural funds and other financial instruments co-financed projects (approved budget: 2 127 919 euros/implemented budget: 1 763 536 euros).

## Lithuania

**(2017):** The category "legal aid" encompasses only secondary legal aid that falls within the budget of the Ministry of Justice.

**(2016):** The category "legal aid" encompasses only secondary legal aid that falls within the budget of the Ministry of Justice.

**(2015):** Other – National Courts Administration. Ministry of Finance according to the Law on the approval of State and municipal budget financial rates for 2015 (Law of 11th December, 2014 No. XII-1408).

The data is presented according to the Law on the approval of State and municipal budget financial rates for 2015 (Law of 11th December, 2014 No. XII-1408):

- Courts (excluding the budget of National Courts Administration for computerisation, investment in new buildings, expertise, building repair, trainings, which is included in the budget item of National Courts Administration) - budget approved 61 675 389 (budget implemented 61 793 221)

-Public prosecution services - budget approved 28 810 734 budget (implemented 28 835 957)

-Prison system - budget approved 64 271 866 (implemented 64 685 999)

-Constitutional court – budget approved 1 845 285 (budget implemented 1 817 674)

-Ministry of Justice – budget approved 31 916 616 (budget implemented 32 426 279)

-National Courts Administration – budget approved 13 489 687 (budget implemented 9 330 743)□

The budget for secondary legal aid is included in the budget of the Ministry of Justice. The budget for whole justice system as presented does not include budget for primary legal aid.

It should be noted, that the implemented budget of the Constitutional Court is less than approved due to non-implementation of assets for investments. Due to protracted public procurement procedures, the National Courts Administration didn't assimilate part of assets of Norway grants. The Ministry of Justice also didn't assimilate the assets of Norway grants and the fees, received from the Central Mortgage Office.

**(2014):** In the frame of the 2014 evaluation it is specified that data are presented according to the Law on the approval of State and municipal budget financial rates for 2014 (Law of 12th December, 2013 No. XII-659). The following detailed information could be provided:

Courts (excluding the budget of National Courts Administration for computerisation, investment in new buildings, expertise, building repair, trainings, which is included in the budget item of National Courts Administration) - budget approved 58 389 133/budget implemented 59 883 804;

Public prosecution services - budget approved 28 563 485/ budget implemented 28 622 712;

Prison system - budget approved 58 697 579/budget implemented 58 436 457;

Constitutional court – budget approved 1 794 485/budget implemented 1 801 060;

Ministry of Justice – budget approved 30 150 070/budget implemented 30 210 177;

National Courts Administration – budget approved 9 531 974/budget implemented 5 496 061.

The budget for secondary legal aid is included in the budget of the Ministry of Justice. The budget for whole justice system also includes budget for primary legal aid (approved budget 560753,59/implemented budget - 5 43013,22).

## Luxembourg

**(2018):** /

## Malta

**(2015):** The implemented budget could not be compiled because not all the items listed in the Approved budget could be traced for their Implemented budget. Thus the total provided would not compare to the total of the Approved budget.

The total Approved budget is less than the previous year mainly because of historical factors that lie beyond the control of the data collector. Before 2014, the Ministry for Justice was integrated in the Ministry for Home Affairs, and its budget was incorporated within this larger Ministry (previously known as Ministry for Justice and Home Affairs). In 2014, the Ministry for Justice became an independent Ministry (incorporating also Culture and Local Government), and for the first time, was allocated its own budget in 2015. Thus, the budget quoted in this evaluation is a more true reflection of the actual budget of the Ministry for Justice despite the fact that it still incorporates elements that fall outside the remit of justice.

In 2015, the category "notariat" has been included as line item "Notary to Government" within the budget of the Ministry of Justice, Culture and Local Government.

The budget of forensic services outside the budget allocation of the police force (enforcement services) is not available.

The components of the item referring to "police services" are incorporated in the budget of either the "enforcement services" or the "prison system".

**(2014):** In 2014, the category "other" includes: Justice Reform Commission (€55,000); Malta Mediation Centre (€25,000); Malta Arbitration Centre (€67,000); Refugees and asylum seekers services which encompasses: Detention Services (€2,800,000), European Asylum Support Office (€250,000) and Commissioner for Refugee Office (€600,000).

Enforcement services specifically reflect the recurrent budget of the Malta Police Force.

It is important to note that most of the budgets listed above fall under the remit of different ministries. Thus for example, the recurrent budgets pertaining to the Ministry of Home Affairs are: Malta Police Force under Enforcement Services (€53, 108, 000); Prison System (€8,874,000); Probation Services (Euros 763, 000); Detention Services for refugees (€2, 800, 000).

**(2013):** In 2013, akin to 2012, the approved budgets were spread between different ministries and a breakdown of the amount indicated in accordance with the various information collected was provided for clarity: Attorney General's Office (€1,757,000); Courts (€12,305,000); Probation and Parole Services (€778,000); Prison system (€9,059,000); Commissioner for Refugees Office (€600,000); Commission for the Administration of Justice (€30,000); Police (€51,743,000); Budget for Parliamentary Secretary of Justice (€492,000); Legal Aid (€495,000).

**(2012):** As in 2012 the approved budgets were spread between different ministries, a breakdown of the amount indicated in accordance with the various information collected was provided for clarity: Attorney General's Office (€1,828,559); Courts (€11 527 427); Probation and Parole Services (€655,079); Prison system (€8,974,218); Commissioner for Refugees Office (€125,841); Commission for the Administration of Justice (€29,928).

## Netherlands

**(2018):** A value must be entered for each question !

**(2016):** Comment : the figure is the entire budget of the ministry of security and justice. However other ministries may also finance parts of the justice system. Also third parties may contribute. This is not included here. The Netherlands have no constitutional court as such but the tasks of a constitutional court are performed by the Council of State. Its budget is not included in the figure reported here.

**(2012):** In the frame of the 2012 exercise, it has been specified that the difference of data between 2010 and 2012 is due to a major reorganization in 2010. On January 1st 2011 the budget of the police services, secret service, fire department amongst others, was transferred from the Ministry of Internal affairs to the Ministry of Justice which is now the Ministry of Security and Justice.

## Poland

**(2013):** In 2010 and 2012 the category "other" encompasses damages paid by the State, other forms of education, social security benefits, the budget of the National School for Judges and Prosecutors.

**(2012):** In 2010 and 2012 the category "other" encompasses damages paid by the State, other forms of education, social security benefits, the budget of the National School for Judges and Prosecutors.

## Portugal

**(2018):** all values are included

**(2015):** Before 2015 the budget of the judicial police was included in the category "other services". In 2015, the Criminal Investigation Police (Policia Judiciária) has been included in the new category "some police services".

**(2014):** Since 2014, a reference to the Criminal Investigation Police is made within the specific category "some police services" and not in the category "other" which was the case for the previous exercises. Accordingly, there were no changes regarding the budgetary elements for 2014.

**(2013):** For the 2010, 2012 and 2013 exercises, the category "other" covers the Criminal Investigation Police (Policia Judiciária).

**(2012):** For the 2010, 2012 and 2013 exercises, the category "other" covers the Criminal Investigation Police (Policia Judiciária).

## Romania

**(2015):** Other institutions coordinated by the Ministry of Justice: the National Trade Register, the National Authority for Citizenship

**(2014):** For the last three exercises (2012, 2013 and 2014), the category "other" encompasses other institutions coordinated by the Ministry of Justice, namely the National Trade Register and the National Authority for Citizenship.

## Slovakia

**(2018):** Included: Courts, Legal Aid, Public prosecution services

**(2015):** The stated sum for the approved budget allocated to whole justice system consists of the overall budget of the Ministry of justice (310 602 195 €) and the budget of the Supreme Court of the Slovak Republic (8 662 521 €). The implemented budget of the Ministry of justice increased to 400 609 479 € and the implemented budget of the Supreme court increased to 8 700 158 €.

**(2014):** For 2014, the approved budget of the Ministry of justice was 315 788 884 euros and the approved budget of the Supreme Court was 5 979 697 euros.

**(2013):** For 2013, the approved budget of the Ministry of justice was 311 166 599 euros and the approved budget of the Supreme Court was 8 788 394 euros.

**(2012):** In 2012, the increase of the total budget allocated to the whole justice system is due mainly to the increased budget of the prison service.

## Slovenia

**(2018):** /

**(2015):** Public budget for the whole justice system includes:

- Courts: total at Q6 without the amounts financed by the Ministry of Justice (approved budget 152.436.526 EUR / implemented budget 155.940.974 EUR),
- Legal aid: amount at Q12 (3.043.999 EUR / 3.184.217 EUR),
- Public prosecution services: amount at Q13 (18.276.528 EUR / 18.134.349 EUR),
- Prison system: Prison Administration of the Republic of Slovenia (36.758.054 EUR / 36.048.907 EUR),
- Council of the judiciary: the Judicial Council of the Republic of Slovenia (343.776 EUR / 343.266 EUR),
- Constitutional court: Constitutional Court of the Republic of Slovenia (3.955.730 EUR / 3.955.730 EUR),
- State advocacy: State Attorney's Office of the Republic of Slovenia (7.119.832 EUR / 6.981.242 EUR),
- Functioning of the Ministry of justice: the Ministry of Justice (including JTC) without prison system (54.713.839 EUR / 52.990.192 EUR) - the budget includes the EU funds (for EU funds, spent on courts on computerisation and ADR see comment to Q6) and
- Other: the Public Prosecution Council (116.148 EUR / 115.811 EUR).

## Spain

**(2018):** Budgetary data centralized by National Comision for Judicial Statistics.

**(2015):** The budget approved for the National Agency of the Personal Data Protection and for the Public Registers for the Justice Administration are also included.

In 2014 and 2015, the protection of juveniles was included only partly in the whole justice system budget.

**(2014):** In the frame of the 2014 exercise, the category "other" encompasses compensation to peace judges, compensation to psychologists, transferences to autonomous regions and also the budget approved for the National Agency of the Personal Data Protection.

For 2014, the budget allocated to the prison system has been included in the figure provided, even though it is of the competence of the Ministry of Internal Affairs and not of the competence of the Ministry of Justice. Furthermore, we have included the budget allocated by Cataluña since this region holds competences over the prison system (by the way, in this case the Justice Department holds the competences over the prison system).

**(2012):** In the ambit of the 2012 exercise, the category "other" includes the following components: compensation to peace judges (2 107 761€); compensation to psychologists (560 610€); transferences to autonomous regions (3 527 352, 85€).

## Question 15-3

### Austria

**(2018):** The budget of the whole justice system also includes state funding concerning guardianship (EUR 48.417.000 approved and implemented) and grants to victim assistance facilities (EUR 7.943.000 approved/EUR 7.906.259,21 implemented), as well as the data protection authority (= Datenschutzbehörde) (EUR 1.939.000 approved/ EUR 2.070.864,95 implemented).

**(2017):** The budget of the whole justice system also includes state funding concerning guardianship (EUR 38.030.000 approved and implemented) and grants to victim assistance facilities (EUR 7.943.000 approved/ EUR 7.482.514,83 implemented)

**(2016):** This cycle the budget of the whole justice system also includes state funding concerning guardianship (EUR 35.853.000 approved/EUR 36.143.000 implemented) and grants to victim assistance facilities (EUR 5.589.000 approved/EUR 6.850.674 implemented).

### Belgium

**(2018):** Specialized Commissions: e.g. Information Centre, Harmful Sectarian Organizations, Bioethics Commission and Euthanasia Commission, Victims' Assistance Commission, Gambling Commission, National Commission on the Rights of Children, Federal Mediation Commission

State Security

Cults and secularism



**(2017):** "other": specialised commissions: e.g. Information Centre on Harmful Sectarian Organisations, Bioethics Commission and Euthanasia Commission, Victims' Assistance Commission, Gaming Commission, Arbitration - Disputes - Construction and Rental, National Commission on the Rights of the Child, Federal Mediation Commission, State Security, Cults and Secularism. The budget for staff responsible for the transfer of prisoners and prisoners security in the court is included in the budget of the prison system.

**(2016):** Specialized Commission: eg Information Center, Harmful Sectarian Organisations, Commission of Bioethics and Euthanasia Commission, Commission to help victims, Gambling Commission, Arbitration - Construction and Rental Litigation, National Commission for the Rights of the Child, Federal Mediation Commission, State security, Cults and secularism. The budget for staff responsible for the transfer of prisoners and prisoners in the prison system. Probation Services (Houses of Justice) are transferred to the regional authorities.

## **Bulgaria**

**(2018):** "other" comprises- the National Institute of Justice and the Inspectorate to the Supreme Judicial Council.

## **Cyprus**

**(2018):** x

## **Denmark**

**(2018):** Concerning the Refugees and asylum services + immigration service: Due to an reorganisation the area is no longer part of the whole justice system.

**(2017):** The category "other" covers expenses relating to Police Intelligence and compensation for victims of crimes. Furthermore it covers income from fines, sale of passports, driving tests and driving license and parking control.

**(2016):** Concerning the Refugees and asylum services the answer for previous cycles was correctly YES. Due to an reorganisation the area is no longer part of the whole justice system. Accordingly, the answer is NO for 2016.

## **Finland**

**(General Comment):** The category "other" includes: election expenditure as well as some other offices under the administrative sector of the Ministry of Justice such as the Legal Register Centre, the Office of the Bankruptcy Ombudsman, the Office of the Data Protection Ombudsman, the Council for Crime Prevention, the Safety Investigation Authority, the National Research Institute of Legal Policy, the Accident Investigation Board and the Consumer Disputes Board. Another component encompassed in this category for 2010, 2012 and 2013 is the ICT Service Centre for Judicial Administration. In 2014, the ICT services for the overall state administration were centralized to the Government ICT Centre Valtori.

## **France**

**(2018):** In 2018, the budget of the entire justice system does not yet include all the expenses related to judicial extractions that are borne by the Ministry of the Interior. However, they are intended to be fully supported by the Ministry of Justice by 2019.

**(2017):** In 2017, the budget allocated to the whole justice system does not yet include all the expenses related to judicial extractions that are borne by the Ministry of Interior Affaires. However, they are intended to be supported by the Ministry of Justice by 2019.

**(2016):** In 2016, the budget allocated to the whole justice system does not yet include all the expenses relating to judicial extractions that are borne by the Ministry of the Interior. However, they are intended to be fully supported by the Ministry of Justice by 2019.

## Germany

**(2018):** Training centres for the administration of justice, such as the German Judicial Academy, the Northern German College for the Administration of Justice and educational/further training centres.

**(2016):** Training centres for the administration of justice, such as the German Judicial Academy, the Northern German College for the Administration of Justice and educational / further training centres.

## Greece

**(General Comment):** It is noteworthy mentioning that budgets for refugees and asylum seekers services, enforcement services, and police services are drawn by other Ministries, while the budget for the State Advocacy, called in Greece Legal Council of State, is drawn by the Ministry of Finance.

## Ireland

**(2018):** Legislation to provide for a Judicial Council is under preparation.

**(2017):** Ireland does not have a Judicial Council. Legislation to provide for a Judicial Council is currently under preparation.

**(2016):** Ireland does not have a Judicial Council, however the costs of the Judiciary are included under Q15. Legislation to provide for a Judicial Council is under preparation.

## Italy

**(2017):** The budgetary elements "Enforcement services" is included in the whole justice system budget (Q.15-1). This is also true for the previous cycles.

## Lithuania

**(General Comment):** For the last three exercises, the category "other" encompasses the National Courts Administration.

**(2018):** National Courts Administration

**(2017):** National Courts Administration

**(2016):** National Courts Administration

## Luxembourg

**(2018):** /

## Malta

**(2018):** The category 'Other' includes:

- the Malta Arbitration Centre (MAC)
- the Malta Mediation Centre
- the Commission against Corruption
- the Law Commissioner
- the Justice Reform Commission
- the Asset Recovery Bureau (new for this evaluation)
- the Department of Justice (new for this evaluation)

**(2017): Others include:**

- The Malta Arbitration Centre
- The Malta Mediation Centre
- The Permanent Commission against Corruption
- The Law Commissioner

**(2016):** - the Malta Arbitration Centre (MAC)

- the Malta Mediation Centre
- the Commission against Corruption
- the Law Commissioner
- the Justice Reform Commission

## **Netherlands**

**(2018):** Includes police and secret service

**(2016):** Other: Police, secret service (both since 2011).

## **Poland**

**(2018):** Expenditure on payments of compensations from National Budget.

Expenditure related to the functioning of research institutes of the Ministry of Justice and National School of Judiciary and Public Prosecution.

**(2017):** Expenditure related to the functioning of research institutes of the Ministry of Justice and National School of Judiciary and Public

Prosecution.

"Some police services" - it means only transfer and prisoners' security (without investigation).

**(2016):** Expenditure on payments of compensations from national budget.

Expenditure related to the functioning of research institutes of the Ministry of Justice and National School of Judiciary and Public Prosecution.

## **Portugal**

**(2018):** "other" is not applicable

**(2016):** Before 2015, the budget of the judicial police was included in the category "other services", while starting from 2015, the Criminal Investigation Police (Policia Judiciária) has been included in the new category "some police services".

## **Romania**

**(2018):** Other institutions coordinated by the Ministry of Justice: the National Trade Register, the National Authority for Citizenship

**(2017):** Other institutions coordinated by the Ministry of Justice: the National Trade Register, the National Authority for Citizenship

**(2016):** Other institutions coordinated by the Ministry of Justice: the National Trade Register, the National Authority for Citizenship

## **Slovakia**

**(2018):** In the category "other" the budget of the Judicial Academy which is the educational and training institution for judges, prosecutors and court staff is subsumed.

**(2017):** In the category "Other" the budget of the Judicial Academy is subsumed.

**(2016):** In the category "other" the budget of the Judicial Academy is subsumed.

## Slovenia

**(General Comment):** Public budget for the whole justice system includes:

1. 'Courts' – total at Q 6 without the amounts financed by the Ministry of Justice
2. 'Legal aid' – amount at Q 12
3. 'Public prosecution services' – amount at Q 13
4. 'Prison system' – Prison Administration of the Republic of Slovenia
5. Probation services - Probation Administration of the Republic of Slovenia
6. 'Council of the judiciary' – the Judicial Council of the Republic of Slovenia
7. 'Constitutional court' – Constitutional Court of the Republic of Slovenia
8. 'State advocacy' – State Attorney's Office of the Republic of Slovenia
9. 'Functioning of the Ministry of justice' – Ministry of Justice (including Judicial Training Centre) without prison system or probation services
10. „Other“ - the Public Prosecution Council

**(2018):** Public budget for the whole justice system includes:

- Courts: total at Q6 without the amounts financed by the Ministry of Justice - Legal aid: amount at Q12
  - Public prosecution services: amount at Q13
  - Prison system: approved 41.331.001 EUR / implemented 40.034.390 EUR,
  - Probation services: 938.193 EUR / 830.729 EUR,
  - Council of the judiciary: 501.655 EUR / 506.649 EUR,
  - Constitutional court: 4.496.390 EUR / 4.429.551 EUR,
  - State advocacy: 7.606.421 EUR / 7.431.948 EUR,
  - Functioning of the Ministry of justice: 27.649.968 EUR/ 21.803.961 EUR
- and
- Other (the Public Prosecution Council) 132.321 EUR / 130.932 EUR.

In 2018, the newly established Probation Administration of the Republic of Slovenia began to function.

**(2016):** Public budget for the whole justice system includes:

- Courts: total at Q6 without the amounts financed by the Ministry of Justice - Legal aid: amount at Q12
- Public prosecution services: amount at Q13
- Prison system: Prison Administration of the Republic of Slovenia (approved 36.441.312 EUR / implemented 35.027.181 EUR),
- Council of the judiciary: the Judicial Council of the Republic of Slovenia (371.793 EUR/ 369.456 EUR),
- Constitutional court: Constitutional Court of the Republic of Slovenia ( 4.071.218 EUR / 3.912.332 EUR),
- State advocacy: State Attorney's Office of the Republic of Slovenia (12.418.832 EUR/ 12.292.591 EUR),
- Functioning of the Ministry of justice: the Ministry of Justice (including JTC) without prison system (17.731.134 EUR/15.923.488 EUR) and
- Other: the Public Prosecution Council (101.677 EUR/97.882 EUR).

## Spain

**(2018):** Regarding the probation services, it does not exist a unit or department called 'probation services'. Depending on the phase of the proceeding (Judgement or Enforcement), the Court competent to order the suspension of the prison penalty can be the Court that has judged the case or other specialized Courts (on Prison Supervision). The subsequent control of the compliance by the person sentenced of the legal conditions is followed by the Police, and by the 'Penalty and Alternative Measures Management Services' (both of them within the Ministry of Interior) and also by the competent Court. The Budget for the judicial system includes only the part for Courts and civil servants that serve in Courts. Not the control carried out by bodies within the Ministry of Interior.

Regarding forensic services, these services are under the competences of the Ministry of Justice, and their buildings, material resources and main professionals are part of the budget for Justice provided. Since 2016 the Notariat is included in the whole justice system budget whereas it was not the case for previous cycles.

**(2017):** Budget for Data Protection Agency is included in "Other".

Regarding the probation services, depending on the phase of the proceeding (Judgement or Enforcement), the Court competent to order the suspension of the prison penalty can be the Court that has judged the case or other specialized Courts (on Prison Supervision). The subsequent control of the compliance by the person sentenced of the legal conditions is followed by the Police, and by the 'Penalty and Alternative Measures Management Services' (both of them within the Ministry of Interior) and also by the competent Court. The Budget for the judicial system includes only the part for Courts and civil servants that serve in Courts. Not the control carried out by bodies within the Ministry of Interior.

Regarding forensic services, these services are under the competences of the Ministry of Justice, and their buildings, material resources and main professionals are part of the budget for Justice provided. The data for Protection for Juvenils is only a partial data (some Autonomous Regions, not all of them).

**(2016):** Regarding the probation services, depending on the phase of the proceeding (Judgement or Enforcement), the Court competent to order the suspension of the prison penalty can be the Court that has judged the case or other specialized Courts (on Prison Supervision). The subsequent control of the compliance by the person sentenced of the legal conditions is followed by the Police, and by the 'Penalty and Alternative Measures Management Services' (both of them within the Ministry of Interior) and also by the competent Court. The Budget for the judicial system includes only the part for Courts and civil servants that serve in Courts. Not the control carried out by bodies within the Ministry of Interior.

Regarding forensic services, these services are under the competences of the Ministry of Justice, and their buildings, material resources and main professionals are part of the budget for Justice provided. In 2016 the Notariat is included in the whole justice system budget whereas it was not the case for previous cycles.

## Sweden

**(2018):** The category "other" encompasses namely the Swedish Police; the Swedish Security Service; the Swedish Economic Crime Authority; the Swedish National Council for Crime Prevention; the Swedish Gene Technology Advisory Board; the Crime Victim Compensation and Support Authority; the Swedish Commission on Security and Integrity Protection; Economic compensation for damages suffered due to crime; Economic costs for certain claim settlements; Economic contributions to local crime prevention; the Judges Proposals Board; EU funding for EU internal security efforts.

**(2017):** The category "other" encompasses namely the Swedish Police; the Swedish Security Service; the Swedish Economic Crime Authority; the Swedish National Council for Crime Prevention; the Judges Proposals Board; the Swedish Gene Technology Advisory Board; the Crime Victim Compensation and Support Authority; the Swedish Commission on Security and Integrity Protection; Economic compensation for damages suffered due to crime; Economic costs for certain claim settlements; Economic contributions to local crime prevention; EU funding for EU internal security efforts.

**(2016):** The category "other" encompasses namely the Swedish Police; the Swedish Security Service; the Swedish Economic Crime Authority; the Swedish National Council for Crime Prevention; the Swedish Gene Technology Advisory Board; the Crime Victim Compensation and Support Authority; the Swedish Commission on Security and Integrity Protection; Economic compensation for damages suffered due to crime; Economic costs for certain claim settlements; Economic contributions to local crime prevention; the Judges Proposals Board.

# **Indicator 2: The judicial organisation**

Table 2.1 Number of first instance courts (general and specialised) as legal entities and number of all courts (first, appeal and high courts) as geographic locations in 2010 to 2018 (Q42)

States	Total number of first instance courts in 2018 (1) + (2)	First instance courts of general jurisdiction (legal entities)								Specialised first instance courts (legal entities)								All the courts (geographic locations)							
		2010	2012	2013	2014	2015	2016	2017	2018 (1)	2010	2012	2013	2014	2015	2016	2017	2018 (2)	2010	2012	2013	2014	2015	2016	2017	2018
Austria	146	154	154	132	129	129	129	129	128	7	7	7	18	18	18	18	18	149	149	135	103	103	103	103	102
Belgium	213	27	27	27	13	13	13	13	13	262	262	262	225	225	225	200	200	288	288	288	288	288	267	264	253
Bulgaria	145	NA	113	113	113	113	113	113	113	34	34	34	32	32	32	32	32	184	170	170	168	175	182	182	182
Croatia	58	66	67	65	65	22	22	22	22	70	74	74	74	36	36	36	36	154	158	192	203	203	203	203	205
Cyprus	21	6	6	6	6	6	6	6	6	11	14	13	13	15	15	15	15	18	21	19	21	22	22	22	21
Czech Republic	86	86	86	86	86	86	86	86	86	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	98	98	98	98	98	98	98	98
Denmark	26	24	24	24	24	24	24	24	24	2	2	2	2	2	2	2	2	29	29	29	29	29	29	29	29
Estonia	6	4	4	4	4	4	4	4	4	2	2	2	2	2	2	2	2	22	22	22	22	22	21	22	21
Finland	36	27	27	27	27	27	27	27	27	11	11	11	9	9	9	9	9	82	82	78	81	79	73	73	71
France	1 631	774	778	783	786	786	786	786	168	1 157	1 156	1 089	1 094	1 094	1 086	1 086	1 463	630	640	641	643	643	641	641	641
Germany	998	777	765	765	761	754	761	753	753	256	250	248	247	247	247	246	245	1 126	1 108	1 107	1 101	1 095	1 102	1 093	1 076
Greece	289	462	402	NA	298	298	289	289	289	4	NA	NA	NA	NA	NA	NA	NA	462	402	NA	329	329	319	319	319
Hungary	133	131	131	131	111	111	111	112	113	20	20	20	20	20	20	20	20	157	157	157	157	157	157	158	159
Ireland	5	3	3	3	3	3	3	3	3	1	1	1	1	1	2	2	2	119	105	100	94	94	95	95	95
Italy	768	1 231	1 231	643	510	510	510	534	531	116	116	116	245	245	245	245	237	1 378	1 378	790	836	836	836	831	828
Latvia	10	34	34	34	28	28	28	25	9	1	1	1	1	5	1	1	1	48	48	48	48	49	42	47	52
Lithuania	19	59	59	54	54	54	54	54	17	5	5	5	5	5	5	5	2	67	67	62	62	62	62	62	22
Luxembourg	8	5	5	5	5	5	5	5	5	5	3	3	3	3	3	3	3	8	8	8	8	8	8	8	8
Malta	10	1	1	1	1	1	1	1	1	7	7	7	7	7	7	8	9	2	2	2	2	2	2	2	2
Netherlands	12	19	19	11	11	11	11	11	11	1	1	1	1	1	1	1	1	64	60	40	40	40	40	40	40
Poland	388	365	287	-	287	-	363	363	363	28	26	-	26	-	26	25	25	705	827	-	NA	-	401	401	401
Portugal	544	217	231	231	292	292	150	150	150	109	102	102	228	228	394	394	394	336	318	319	253	253	253	312	312
Romania	242	235	233	233	232	233	233	233	233	10	10	10	10	9	9	9	9	246	244	244	244	243	243	243	243
Slovakia	63	54	54	54	54	54	54	54	54	9	9	9	9	9	9	9	9	64	64	64	64	64	64	64	63
Slovenia	60	55	55	55	55	55	55	55	55	5	5	5	5	5	5	5	5	77	77	77	77	77	77	77	77
Spain	3 734	2 243	2 349	-	2 224	2 224	2 223	2 282	2 269	1 433	1 459	-	1 443	1 432	1 434	1 451	1 465	749	763	-	763	763	763	698	701
Sweden	79	60	60	60	60	60	60	60	48	12	12	12	12	12	10	10	31	95	95	95	95	95	95	95	74
<b>Average</b>	<b>360</b>	274	267	148	231	227	232	229	204	138	144	88	149	153	147	153	169	272	273	199	224	224	230	229	226
<b>Median</b>	<b>79</b>	60	60	55	60	55	55	55	54	11	11	10	12	11	10	10	15	119	105	97	97	97	98	98	98
<b>Minimum</b>	<b>5</b>	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	2
<b>Maximum</b>	<b>3 734</b>	2 243	2 349	783	2 224	2 224	2 223	2 282	2 269	1 433	1 459	1 089	1 443	1 432	1 434	1 451	1 465	1 378	1 378	1 107	1 101	1 095	1 102	1 093	1 076
<b>Nb of values</b>	<b>27</b>	27	27	25	27	26	27	27	27	27	27	25	27	26	27	27	27	27	27	25	27	26	27	27	27
<b>% of NA</b>	<b>0%</b>	4%	0%	4%	0%	0%	0%	0%	0%	0%	4%	4%	4%	4%	4%	4%	4%	0%	0%	4%	4%	0%	0%	0%	0%
<b>% of NAP</b>	<b>0%</b>	0%	0%	0%	0%	0%	0%	0%	0%	4%	4%	4%	4%	4%	4%	4%	4%	0%	0%	0%	0%	0%	0%	0%	0%

Italy: . Before 2014 only courts financed by Ministry of justice were included.

Latvia: different presentation of number of specialised courts in 2015. In reality there is one administrative court with 5 court houses

**Table 2.1b Number of first instance courts (general and specialised as legal entities) and number of all courts (first, appeal and high court as geographic locations) per 100 000 inhabitants in 2010 to 2018 (Q42, Q43)**

States	Total number of first instance courts in 2018 (1) + (2)	First instance courts of general jurisdiction (legal entities)								Specialised first instance courts (legal entities)								All the courts (geographic locations)								
		2010	2012	2013	2014	2015	2016	2017	2018 (1)	2010	2012	2013	2014	2015	2016	2017	2018 (2)	2010	2012	2013	2014	2015	2016	2017	2018	
Austria	1,68	1,84	1,82	1,56	1,50	1,48	1,48	1,47	1,45	0,08	0,08	0,08	0,21	0,21	0,21	0,21	0,20	1,78	1,76	1,59	1,20	1,18	1,18	1,17	1,16	
Belgium	2,10	0,25	0,24	0,24	0,12	0,12	0,11	0,11	0,11	2,42	2,35	2,35	2,01	2,00	1,99	1,77	1,75	2,66	2,58	2,58	2,57	2,56	2,36	2,32	2,21	
Bulgaria	2,04	NA	1,55	1,56	1,57	1,58	1,59	1,60	1,61	0,46	0,47	0,47	0,44	0,45	0,45	0,45	0,46	2,50	2,33	2,35	2,33	2,45	2,56	2,58	2,60	
Croatia	1,40	1,50	1,57	1,53	1,54	0,52	0,53	0,54	0,54	1,59	1,74	1,74	1,75	0,86	0,87	0,87	0,88	3,49	3,71	4,52	4,80	4,84	4,89	4,94	5,03	
Cyprus	2,48	0,75	0,69	0,70	0,70	0,71	0,71	0,70	0,69	1,37	1,62	1,52	1,52	1,77	1,77	1,77	1,71	2,24	2,43	2,21	2,45	2,59	2,59	2,57	2,40	
Czech Republic	0,81	0,82	0,82	0,82	0,82	0,81	0,81	0,81	0,81	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	0,93	0,93	0,93	0,93	0,93	0,93	0,93	0,92	
Denmark	0,45	0,43	0,43	0,43	0,42	0,42	0,42	0,42	0,41	0,04	0,04	0,04	0,04	0,04	0,03	0,03	0,03	0,52	0,52	0,52	0,51	0,51	0,50	0,50	0,50	
Estonia	0,46	0,30	0,31	0,30	0,30	0,30	0,30	0,30	0,30	0,15	0,16	0,15	0,15	0,15	0,15	0,15	0,15	1,64	1,71	1,67	1,68	1,67	1,60	1,67	1,59	
Finland	0,65	0,50	0,50	0,50	0,49	0,49	0,49	0,49	0,49	0,20	0,20	0,20	0,16	0,16	0,16	0,16	0,16	1,53	1,51	1,43	1,48	1,44	1,33	1,32	1,29	
France	2,79	1,19	1,19	1,19	1,19	1,18	1,17	1,17	0,25	1,78	1,76	1,65	1,65	1,64	1,62	1,62	2,18	0,97	0,98	0,97	0,97	0,97	0,96	0,95	0,96	
Germany	1,23	0,95	0,95	0,95	0,94	0,92	0,93	0,91	0,91	0,31	0,31	0,31	0,31	0,30	0,30	0,30	0,30	1,38	1,38	1,37	1,36	1,34	1,34	1,32	1,30	
Greece	2,68	4,08	3,63	NA	2,75	2,74	2,68	2,68	2,69	0,04	NA	NA	NA	NA	NA	NA	NA	4,08	3,63	NA	3,03	3,03	2,96	2,96	2,97	
Hungary	1,34	1,31	1,32	1,33	1,13	1,13	1,13	1,13	1,18	0,20	0,20	0,20	0,20	0,20	0,20	0,20	0,21	1,57	1,58	1,59	1,59	1,60	1,60	1,60	1,66	
Ireland	0,11	0,07	0,07	0,07	0,06	0,06	0,06	0,06	0,06	0,02	0,02	0,02	0,02	0,02	0,04	0,04	0,04	2,60	2,29	2,17	2,03	2,02	2,03	1,98	1,96	
Italy	1,25	2,03	2,06	1,08	0,84	0,84	0,84	0,88	0,88	0,19	0,19	0,19	0,40	0,40	0,40	0,40	0,39	2,27	2,31	1,32	1,38	1,38	1,38	1,37	1,37	
Latvia	1,47	1,52	1,66	1,68	1,70	1,42	1,42	1,28	0,47	0,04	0,05	0,05	0,05	0,25	0,05	0,05	0,05	2,15	2,35	2,37	2,40	2,49	2,13	2,41	2,71	
Lithuania	2,07	1,82	1,96	1,83	1,85	1,87	1,90	1,92	0,61	0,15	0,17	0,17	0,17	0,17	0,18	0,18	0,07	2,06	2,23	2,11	2,12	2,15	2,18	2,21	0,79	
Luxembourg	1,35	0,98	0,95	0,91	0,89	0,89	0,85	0,83	0,81	0,98	0,57	0,55	0,53	0,53	0,51	0,51	0,49	1,56	1,52	1,45	1,42	1,42	1,35	1,33	1,30	
Malta	1,74	0,24	0,24	0,23	0,23	0,22	0,22	0,21	0,21	1,68	1,66	1,63	1,59	1,55	1,52	1,74	1,89	0,48	0,47	0,47	0,45	0,44	0,43	0,42	0,42	
Netherlands	0,07	0,11	0,11	0,07	0,07	0,06	0,06	0,06	0,06	0,01	0,01	0,01	0,01	0,01	0,01	0,01	0,01	0,38	0,36	0,24	0,24	0,24	0,23	0,23	0,23	
Poland	1,01	0,96	0,74	-	0,75	-	0,94	0,94	0,95	0,07	0,07	-	0,07	-	0,07	0,07	0,07	1,85	2,15	-	NA	-	1,04	1,04	1,04	
Portugal	5,04	2,04	2,20	2,22	2,81	2,82	2,83	1,46	1,46	1,02	0,97	0,98	2,20	2,20	2,21	3,82	3,83	3,16	3,03	3,06	2,44	2,45	2,45	3,03	3,04	
Romania	1,23	1,10	1,09	1,17	1,05	1,17	1,19	1,19	1,20	0,05	0,05	0,05	0,04	0,05	0,05	0,05	0,05	1,15	1,15	1,22	1,10	1,23	1,24	1,24	1,25	
Slovakia	1,16	0,99	1,00	1,00	1,00	1,00	0,99	0,99	0,99	0,17	0,17	0,17	0,17	0,17	0,17	0,17	0,17	1,18	1,18	1,18	1,18	1,18	1,18	1,18	1,16	
Slovenia	2,90	2,68	2,67	2,67	2,67	2,66	2,66	2,66	2,64	0,24	0,24	0,24	0,24	0,24	0,24	0,24	0,24	3,76	3,74	3,74	3,74	3,73	3,73	3,73	3,70	
Spain	7,86	4,88	5,11	-	4,79	4,79	4,78	4,89	4,83	3,12	3,17	-	3,11	3,08	3,08	3,12	3,12	1,63	1,66	-	1,64	1,64	1,64	1,49	1,49	
Sweden	0,70	0,64	0,63	0,62	0,62	0,61	0,60	0,59	0,47	0,13	0,13	0,12	0,12	0,12	0,10	0,10	0,30	1,01	0,99	0,98	0,97	0,96	0,95	0,94	0,72	
Average	1,78	1,31	1,32	1,03	1,21	1,19	1,17	1,12	1,00	0,63	0,66	0,56	0,69	0,69	0,66	0,72	0,75	1,87	1,87	1,75	1,77	1,79	1,73	1,76	1,69	
Median	1,35	0,99	1,00	0,97	0,94	0,91	0,93	0,91	0,81	0,20	0,20	0,20	0,21	0,25	0,21	0,21	0,24	1,64	1,71	1,52	1,54	1,52	1,38	1,37	1,30	
Standard deviation	1,60	1,15	1,14	0,68	1,06	1,08	1,05	1,02	1,02	0,85	0,87	0,70	0,87	0,86	0,85	1,02	1,05	0,98	0,95	1,02	1,03	1,04	1,03	1,06	1,10	
Minimum	0,07	0,07	0,07	0,07	0,06	0,06	0,06	0,06	0,06	0,01	0,01	0,01	0,01	0,01	0,01	0,01	0,01	0,38	0,36	0,24	0,24	0,24	0,23	0,23	0,23	
Maximum	7,86	4,88	5,11	2,67	4,79	4,79	4,78	4,89	4,83	3,12	3,17	2,35	3,11	3,08	3,08	3,82	3,83	4,08	3,74	4,52	4,80	4,84	4,89	4,94	5,03	
Nb of values	27	27	27	25	27	26	27	27	27	27	27	25	27	26	27	27	27	27	27	27	25	27	26	27	27	27
% of NA	0%	4%	0%	4%	0%	0%	0%	0%	0%	0%	4%	4%	4%	4%	4%	4%	4%	0%	0%	4%	4%	0%	0%	0%	0%	
% of NAP	0%	0%	0%	0%	0%	0%	0%	0%	0%	4%	4%	4%	4%	4%	4%	4%	4%	0%	0%	0%	0%	0%	0%	0%	0%	

Italy: . Before 2014 only courts financed by Ministry of justice were included.

Latvia: different presentation of number of specialised courts in 2015. In reality there is one administrative court with 5 court houses



**Table 2.2 Number of (legal entities) first instance specialised courts and its break-down in 2018 (Q43)**

States	Total	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	Other specialised first instance courts
Austria	18	2	NAP	1	NAP	NAP	2	NAP	NAP	11	1	NAP	2
Belgium	200	9	NAP	9	NAP	NAP	NAP	NAP	NAP	5	NAP	NAP	177
Bulgaria	32	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	28	NAP	3	1
Croatia	36	8	0	1	0	0	0	0	0	4	0	0	23
Cyprus	15	NAP	NAP	3	3	2	NAP	NAP	NAP	1	NAP	1	5
Czech Republic	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Denmark	2	1	1	NAP	24	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1
Estonia	2	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	2	NAP	NAP	NAP
Finland	9	1	NAP	1	NAP	NAP	NAP	NAP	NAP	6	1	NAP	NAP
France	1 463	143	NAP	216	NAP	289	49	9	NAP	42	241	NAP	474
Germany	245	NAP	NAP	108	NAP	NAP	NAP	NAP	NAP	51	68	NAP	18
Greece	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	30	NAP	NA	NA
Hungary	20	NAP	NAP	20	NAP	NAP	NAP	NAP	NAP	20	NAP	NAP	NAP
Ireland	2	NAP	NAP	NAP	NAP	NAP	NAP	2	NAP	NAP	NAP	NAP	NAP
Italy	237	22	NAP	NAP	NAP	NAP	58	NAP	NAP	21	NAP	4	132
Latvia	1	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1	NAP	NAP	NAP
Lithuania	2	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	2	NAP	NAP	NAP
Luxembourg	13	2	NAP	3	2	3	NAP	NAP	NAP	1	1	1	NAP
Malta	9	1	NAP	NAP	1	1	NAP	NAP	NAP	1	NAP	NAP	5
Netherlands	1	0	0	0	0	0	0	0	0	1	0	0	0
Poland	25	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	16	NAP	9	NAP
Portugal	411	20	NAP	44	49	NAP	5	NAP	NAP	17	NAP	NAP	276
Romania	9	3	NAP	NAP	1	NAP	NAP	NAP	NAP	NAP	NAP	5	NAP
Slovakia	9	NAP	NAP	NAP	NAP	NAP	NAP	1	NAP	8	NAP	NAP	NAP
Slovenia	5	NAP	NAP	4	NAP	NAP	NAP	NAP	NAP	1	1	NAP	NAP
Spain	1 465	70	NAP	354	127	NAP	17	7	NAP	241	NAP	NAP	656
Sweden	31	NAP	NAP	1	NAP	NAP	NAP	NAP	NAP	12	NAP	NAP	18
<b>Average</b>	<b>170</b>	<b>22</b>	<b>0,3</b>	<b>55</b>	<b>23</b>	<b>49</b>	<b>19</b>	<b>3</b>	<b>0</b>	<b>23</b>	<b>39</b>	<b>3</b>	<b>128</b>
<b>Median</b>	<b>15</b>	<b>3</b>	<b>0</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>8</b>	<b>1</b>	<b>2</b>	<b>18</b>
<b>Minimum</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Maximum</b>	<b>1 465</b>	<b>143</b>	<b>1</b>	<b>354</b>	<b>127</b>	<b>289</b>	<b>58</b>	<b>9</b>	<b>0</b>	<b>241</b>	<b>241</b>	<b>9</b>	<b>656</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>4%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>4%</b>
<b>% of NAP</b>	<b>4%</b>	<b>52%</b>	<b>89%</b>	<b>48%</b>	<b>67%</b>	<b>78%</b>	<b>74%</b>	<b>78%</b>	<b>93%</b>	<b>15%</b>	<b>70%</b>	<b>67%</b>	<b>44%</b>

**Table 2.3 (EC) Variation of the absolute number of all courts (geographic locations) between 2010-2018 and 2016-2018 (Q42)**

States	EC Code	Variation 2017-2018	Variation 2010-2018
Austria	20	-1,0%	-31,5%
Belgium	1	-4,3%	-12,2%
Bulgaria	2	0,0%	-1,1%
Croatia	11	1,0%	33,1%
Cyprus	13	-4,8%	16,7%
Czech Republic	3	0,0%	0,0%
Denmark	4	0,0%	0,0%
Estonia	6	-4,8%	-4,5%
Finland	26	-2,8%	-13,4%
France	10	0,0%	1,7%
Germany	5	-1,6%	-4,4%
Greece	8	0,0%	-31,0%
Hungary	17	0,6%	1,3%
Ireland	7	0,0%	-20,2%
Italy	12	-0,4%	-39,9%
Latvia	14	9,6%	8,3%
Lithuania	15	-181,8%	-67,2%
Luxembourg	16	0,0%	0,0%
Malta	18	0,0%	0,0%
Netherlands	19	0,0%	-37,5%
Poland	21	0,0%	-43,1%
Portugal	22	0,0%	-7,1%
Romania	23	0,0%	-1,2%
Slovakia	25	-1,6%	-1,6%
Slovenia	24	0,0%	0,0%
Spain	9	0,4%	-6,4%
Sweden	27	-28,4%	-22,1%

# Indicator 2: The judicial organisation

## Comments provided by the national correspondents

### organised by country

*Question 42. Number (legal entities) of first instance specialised courts (or specific judicial order)*

*Question 43. Number (legal entities) of first instance specialised courts (or specific judicial order)*

#### Austria

**Q42 (2014):** On the occasion of the 2014 CEPEJ biannual evaluation Report (2012 data), it has been specified that from January 1st 2013 to July 1st, 2014 a number of district courts will be merged and that the total number of district courts would decline from 141 in 2012 to 115 as of July 1st, 2014. In 2014 there are 129 first instance district courts which is less than 132 (number communicated for the year 2013) but still not complying with the aim of 115. In fact, the objectives are depending on political agreements. Therefore they cannot be realized at the moment.

**Q43 (General Comment):** The other specialized first instance courts are 2 criminal courts and 2 civil law courts (in Vienna and Graz). The sum of the numbers in the categories exceeds the total number of specialised courts because the labour and social court in Vienna is one court that is competent for labour and (some) social welfare cases. From January 1st, 2014 there are 11 newly found courts for administrative law in Austria, namely 9 regional administrative courts, 1 Federal administrative court and 1 Federal Tax Court.

**Q43 (2018):** On principal every court has to deal with all judicial issues; in the biggest Austrian cities certain courts are specialised, i.e. five in Vienna (civil cases, criminal cases, commercial cases [2 x], employment- and social welfare cases) and two in Graz (criminal cases, remaining cases)

**Q43 (2017):** On principal every court has to deal with all judicial issues; in the biggest Austrian cities certain courts are specialised, i.e. five in Vienna (civil cases, criminal cases, commercial cases [2 x], employment- and social welfare cases) and two in Graz (criminal cases, remaining cases)

**Q43 (2016):** On principal every court has to deal with all judicial issues; in the biggest Austrian cities certain courts are specialised, i.e. five in Vienna (civil cases, criminal cases, commercial cases [2 x], employment- and social welfare cases) and two in Graz (criminal cases, remaining cases)

#### Belgium

**Q42 (General Comment):** The reform of the justices of the peace, with a decrease in geographical locations, was consolidated by the law of the 25th of December 2017. The implementation of the reform is carried out between 2016 and 2019.

**Q42 (2017):** The law of 25 December 2017 amended the number of cantons of justices of the peace from 187 to 162. The implementation of this reform will take place until 2019.

**Q42 (2016):** A reform of the justices of the peace is under way, leading to a reduction in the number of hearing locations.

**Q42 (2014):** The decrease of 52% in the number of ordinary courts of first instance between 2013 and 2014 is due to a reform of the judicial map. It relates to a reduction in legal entities: from 27 to 13 first instance courts, 27 to 9 labour courts, 27 to 9 commercial courts, and 34 to 15 police courts.

**Q43 (General Comment):** Other: 162 justices of the peace and 15 police courts

Administrative courts: Council of State, Aliens Litigation Council, Raad voor Vergunningsbetwistingen, het Milieuhandhavingcollege en de Raad voor Verkiezingsbetwistingen.

six courts of first instance have specialized chambers for the enforcement of sentences. The term 'court for the enforcement of sentences' is used, but in reality it is a specialised chamber.

All courts of first instance (13) have a specialised section on family and youth. The term 'family court' is used, but in reality it is a specialised section.

**Q43 (2017):** Others: justices of the peace and police courts. The law of 25 December 2017 amended the number of cantons of justices of the peace from 187 to 162 (162 justices of the peace and 15 police courts).

Administrative courts: Council of State, Aliens Litigation Council, Raad voor Vergunningsbetwistingen, het Milieuhandhavingscollege en de Raad voor Verkiezingsbetwistingen.

Five courts of first instance have specialized chambers for the enforcement of sentences. Despite the term used in their respect - "court for the enforcement of sentences", those are specialised chambers.

All courts of first instance (13) have a specialised family and youth section. The term "family court" is used, but these are also specialised sections.

**Q43 (2016):** Other: justices of the peace and police courts

Administrative courts: Council of State, Aliens Litigation Council, Raad voor Vergunningsbetwistingen, het Milieuhandhavingscollege en de Raad voor Verkiezingsbetwistingen.

Five courts of first instance have specialized chambers for the enforcement of sentences. The name "court for the enforcement of sentences" is used, but in reality it is a specialized chamber.

All courts of first instance (13) have a specialized family and youth section. The name "family court" is used, but in reality it is a specialized section.

**Q43 (2015):** Other: justices of the peace and police courts

Administrative courts: the Council of State, the Council of the Litigation of Foreigners, Milieuhandhavingscollege, de Raad voor Vergunningsbetwistingen en de Raad voor Verkiezingsbetwistingen.

**Q43 (2014):** 2014: Among the other specialised courts are 15 police courts and 187 justices of the peace ("juges de paix").

The family courts are a section within 13 first instance courts.

Administrative courts are the Council of State, the Alien Litigation Council, "(Vlaamse)Raad voor Vergunningsbetwistingen", "het (Vlaamse) Milieuhandhavingscollege". Administrative courts are not part of the judicial system administered by the Federal Justice ("Service Fédéral Public de la Justice" - SPF). Thus, the total number of specialised courts is 220 for specialised courts of the judicial order and 224 if the 4 administrative courts are counted. The decrease of 52% in the number of ordinary courts of first instance between 2013 and 2014 is due to a reform of the judicial map. It relates to a reduction in legal entities: from 27 to 13 first instance courts, 27 to 9 labour courts, 27 to 9 commercial courts, and 34 to 15 police courts.

## Bulgaria

**Q42 (2018):** 42.1. District Court - 113

The District Court is the main court of first instance. It has jurisdiction over all cases except those which are statutorily assigned to another court. It deals with civil, criminal and administrative-criminal cases. The decisions of the district courts are subject to appeal before the respective Regional court.

Provincial/ regional courts- 28

The provincial courts act as courts of first and second instance. As courts of first instance, they examine a precisely defined category of cases involving significant sums or substantial societal interest. When acting as a second (appellate) instance, they re-examine decisions taken by the district courts.

Military first instance courts- 3

Military courts consider criminal cases of crimes committed by servicemen or officials of the Interior Ministry at first instance.

**Q43 (General Comment):** The category "other" encompasses the Specialized Criminal Court of Republic of Bulgaria, established in 2011, situated in Sofia and treated as a District Court. Its jurisdiction covers criminal cases of a general nature for crimes carried out throughout the Republic of Bulgaria. Its competence is determined on the basis of the subject of the case and not the quality of the perpetrator. The Criminal Procedure Code exhaustively enumerates cases within the competence of this Court, namely crimes committed by organized criminal groups, or on behalf of them and following their decision.

**Q43 (2018):** The category "other" encompasses the Specialized Criminal Court of Republic of Bulgaria (see the general comment).

**Q43 (2017):** Specialized Criminal Court

**Q43 (2016):** 'Other specialised 1st instance courts' - 1 Specialized Criminal Court.

## Croatia

**Q42 (General Comment):** The reform of judicial map implemented in 2015 decreased the number of Misdemeanour Courts from 63 to 22. Therefore, in accordance with the Act on Territorial Jurisdiction and Seats of Courts (Official Gazette, No. 128/14) in force, there are currently 22 Misdemeanour Courts in function.

**Q42 (2016):** There was a reform of judicial map implemented in 2015 in which the number of Misdemeanour Courts has decreased from 63 to 22. Therefore, in accordance with the Act on Territorial Jurisdiction and Seats of Courts (Official Gazette, No. 128/14) in force, there are currently 22 Misdemeanour Courts in function.

**Q42 (2014):** In 2014, according to the Act on Territorial Jurisdiction and Seats of Courts there are 67 first instance courts but the Municipal Court in Novi Zagreb is not in function while the Municipal Criminal Court in Zagreb is a specialized court counted in Q42.2.". Accordingly, there are 65 actually functioning first instance courts of a general jurisdiction.

**Q42 (2013):** In 2013, the Ministry of Justice added to the number of geographic locations all offices of a specific court that are located outside of the main building (seat of the court), in which judicial activities are undertaken, i.e. the permanent offices, displaced Land Registry Departments and similar. The number of geographic locations of all the courts is different for the 2012 exercise (158) and the 2013 evaluation cycle (192) accordingly. It is important to emphasize that the real number of courts did not increase between 2012 and 2013.

Also, 66 municipal courts (65 municipal courts and 1 Municipal Criminal Court in Zagreb) were in function out of total 67 first instance courts prescribed by the Act on Territorial Jurisdiction and Seats of Courts. The Municipal Court in Novi Zagreb is still not in function. Accordingly, the reply in respect of the number of first instance general jurisdictions is 65.

**Q43 (General Comment):** The term "other specialized first instance courts" in the Republic of Croatia refers to misdemeanour courts and the Municipal Criminal Court in Zagreb. There was a reform of judicial map implemented in 2015 in which the number of Misdemeanour Courts has decreased from 63 to 22. Therefore, in accordance with the Act on Territorial Jurisdiction and Seats of Courts (Official Gazette, No. 128/14) in force, there are currently 22 Misdemeanour Courts in function.

**Q43 (2018):** Other specialised 1st instance courts are Misdemeanour courts and Municipal Criminal Court in Zagreb.

**Q43 (2017):** 23 other specialised 1st instance courts are 22 Misdemeanour courts and 1 Municipal Criminal Court in Zagreb

**Q43 (2016):** According to the Act on the Jurisdiction and Seats of Courts (Official Gazette 128/14) as of 1 April 2015 the number of municipal courts has been reduced, as of 1 July 2015 reduced the number of misdemeanour courts has been reduced and as of 1 April 2015 a new commercial court has been established.

Other specialised 1st instance courts are 22 Misdemeanour courts and a Municipal Criminal Court in Zagreb.

## Cyprus

**Q42 (2014):** 2014 The number of courts changed in 2014. Instead one labour court in the district of Nicosia, there are three separate courts in different districts. This applies as well as for rent and tenancies court. One more family court was also established. The Assize court deals with serious criminal offences only.

**Q43 (2018):** 5 Assize courts

**Q43 (2017):** Assize Courts

**Q43 (2016):** Assize Courts

**Q43 (2015):** In 2015, two new Assize courts (now 5) and one administrative court were established and one Rent Control Tribunal was removed.

## Czech Republic

**Q42 (2017):** There are no specialised first instance courts, but judges within individual courts are specialised (e.g. for family, labour and enforcement cases at district courts, and insolvency and administrative cases at regional courts as first instance courts).

**Q42 (2016):** There are no specialised first instance courts, but judges within individual courts are specialised (e.g. for family, labour and enforcement cases at district courts, and insolvency and administrative cases at regional courts as first instance courts).

**Q43 (General Comment):** There are no specialised first instance courts, but judges within individual courts are specialised (e.g. for family, labour and enforcement cases at district courts, and insolvency and administrative cases at regional courts as first instance courts).

## Denmark

**Q42 (General Comment):** District courts are called 1st instance courts, the Land Registration court and the Maritime and Commercial Court are considered as first instance specialized courts. Second and third instance courts are the two High Courts and the Supreme Court.

**Q42 (2018):** Data has not changed on this point.

**Q42 (2017):** District courts are called 1st instance courts, the Land Registration court and the Maritime and Commercial Court are considered as first instance specialized courts. Second and third instance courts are the two High Courts and the Supreme Court.

**Q43 (General Comment):** The category "other" concerns the Land Registration Court that has been established in 2009. As for the Commercial Court, in Denmark, it is called Maritime and Commercial Court and it presents the peculiarity to also deal, to a great extent but not exclusively, with insolvency cases (bankruptcies etc.). Accordingly, there is an overlap with the category "Insolvency courts".

**Q43 (2018):** Military courts exist but they are not part of the Danish Courts Administration. The 24 district courts have always dealt with family cases. From 1 April 2019 family issues are a section of the court.

**Q43 (2017):** The category “other” concerns the Land Registration Court that has been established in 2009. As for the Commercial Court, in Denmark, it is called Maritime and Commercial Court and it presents the peculiarity to also deal, to a great extent but not exclusively, with insolvency cases (bankruptcies etc.). Accordingly, there is an overlap with the category “Insolvency courts”. Of course Military courts exist but they are not part of the Danish Courts Administration.

**Q43 (2016):** Land Registration Court.

## Estonia

**Q42 (General Comment):** Estonia has 17 courthouses of county courts (first instance courts), 4 courthouses of administrative courts (first instance courts), 2 courthouses of appellate courts (second instance courts) and 1 courthouse of the Supreme Court (highest instance court), all together 24 courthouses. However, as some of the courts are situated in the same house (e.g Tallinn Administrative Court and Tallinn Circuit Court) and taking into account the fact that Pärnu County Court has a courthouse that is divided between two locations, there are 21 actual geographical locations of Estonian courts.

**Q42 (2016):** A small courthouse was adjoined with another small courthouse. The distance between them was less than 50 km.

**Q43 (General Comment):** In Estonia, there are no specialized first instance courts, other than administrative courts. All the cases are dealt with by ordinary courts of first instance. The two administrative courts of first instance are situated in Tallinn and Tartu. Nevertheless, for guaranteeing wider access to justice, these two courts have several court buildings in other cities, namely in Pärnu and Jõhvi, where judges and their supporting legal staff work.

## Finland

**Q42 (General Comment):** In Finland, there are 27 district courts with 57 offices, five courts of appeal, the Supreme Court, six administrative courts, the Supreme Administrative Court, the Market Court, the Labour Court and the Insurance Court. One of the administrative courts, the Labour Court and the Market Court are located in the same location. In total there are 36 courts in 71 geographic locations.

**Q42 (2016):** Some geographic locations of the District Courts have been shut down.

**Q42 (2014):** In 2014, in Finland there are 81 courts as geographic locations, namely 27 District Courts, 13 Branch offices of District Courts, 25 Auxiliary courtrooms of District Courts (23 till 2014), 3 specialized courts, 6 Administrative Courts (8 till 2014), 5 Courts of Appeal (6 till 2014), the Supreme Court and the Supreme Administrative Court.

**Q43 (General Comment):** In Finland, there are six regional administrative courts, the Market Court, the Labour Court and the Insurance Court.

Another specialised court is the High Court of Impeachment that hears charges against ministers (i.e. members of the Government), the Chancellor of Justice, the Parliamentary Ombudsman and members of the Supreme Court or the Supreme Administrative Court for unlawful conduct in office. In addition, the High Court of Impeachment deals with charges concerning the criminal liability of the President of the Republic. However, it is convened only when necessary.

**Q43 (2016):** In Finland there are 6 Administrative Courts, 1 Market Court, 1 Labour Court and 1 Insurance Court. Then there is the High Court of Impeachment that hears charges against Ministers (i.e. Members of the State Council), Chancellor of Justice, Parliamentary Ombudsman and Supreme Court Justices for unlawful conduct in office but it is convened only when necessary.

## France

**Q42 (2018):** With regard to the ordinary courts, the number indicated in the 2016 questionnaire includes the local courts that have been abolished since 1 July 2017 (Act No. 2011-1862 of 13 December 2011), their powers having been taken over by the courts of first instance in civil matters and by the police courts attached to the courts of first instance in criminal matters.

The number of 786 corresponded to: 164 TGI + 4 TPI + 307 TI + 311 jprox Since then, TIs have been removed from the category of ordinary courts of first instance since they constitute specialised courts of first instance. The number of 479 ordinary courts of first instance therefore corresponded to 164 TGI + 4 TPI + 311 TPROX. The figure of 168 is thus explained by the abolition of the 311 local courts since 1 July 2017, as indicated in the comments in the questionnaire.

Thus:  $479 - 311 = 168$  ordinary courts of first instance (164 TGI + 4 TPI).

**Q43 (2018):** The other specialized courts are: - joint courts for rural leases: 272 ;  
- juvenile courts: 155; - military pension courts: 36;  
- court for navigation on the Rhine: 1;  
- Maritime courts: 6;  
- national court of asylum: 1; - court of first instance for navigation on the Moselle: 1.

In the previous questionnaire, the Joint Rural Lease Courts (JRTs) were indicated, with the District Courts (TIs) within the "Rental Courts", the figure of 307 corresponding to the District Courts, since the seats and jurisdictions of the JRTs were linked to those of the TI. However, the TPBRs are, and have always been, autonomous courts. However, as decrees have been issued to remove some TPBRs, there is no longer a correlation between their number and that of IT. We have therefore indicated here in the "rental courts", only IT (289), and by including TPBRs in a separate item, which is legally more accurate. The total number of TPBRs is 274. On the insurance and social security courts: in the requested reference year, there are 26 disability courts, 115 social security courts (TASS) and 100 departmental social assistance commissions (CDAS). The differential of 100 corresponds to the addition of the 100 CDASs which are administrative courts.

The Paris Court, created on 14 May 2018, brought together all the services of the Regional Court, formerly dispersed over 5 sites, including Ile de la Cité, the Police Court and the 20 District Courts. The number of TIs had to be reduced by 19. In addition, the reform of the transfer of the police court under the 21st century Justice Act had the effect of removing 3 of them from the 307 TIs. The number of IT has therefore increased from 304 (307-3) to 285 district courts (304-19). We have added to these 285 TI the 4 TPIs because of their dual IT and TGI skills. Thus: 285 TI + 4 TPI = 289 TI in total.

**Q43 (2017):** The other specialized courts are:

- juvenile courts 155
- military pensions tribunals 36
- the court for navigation on the Rhine 1
- the court for navigation on the Moselle 1
- maritime trade courts 6
- national court of asylum 1

**Q43 (2016):** The other specialised courts are: 155 juvenile courts; 36 military pension courts; 1 court for navigation on the Rhine; 1 court for navigation on the Moselle; 6 maritime trade courts; 1 national asylum court.

As a matter of fact, the following reforms are on-going:

- The future Tribunal of Paris, whose establishment is scheduled for 14 May 2018, will unify all the services of the TGI (Tribunal de grande instance) currently dispersed over 5 sites, including "Ile de la Cité", the police court and the first instance courts (tribunaux d'instance);
- Since 1 July 2017, the hearings of the Police Court, previously under the jurisdiction of the "tribunaux d'instance", have been transferred to the TGI. The aim of this reform is to refocus the tribunaux d'instance on day-to-day civil justice and to centralise criminal litigation at the seat of the TGI.
- Since 1 July 2017, the 311 local courts have been abolished (Law No. 2011-1862 of 13 December 2011), their powers being taken over by the tribunaux d'instance in civil matters and by the police courts attached to the TGI in criminal matters.
- As of 1 January 2019, social litigation, currently divided between the Social Security Courts (TASS), the Disability Dispute Courts (TCI) and the Departmental Social Assistance Commissions (CDAS), will be unified and transferred to the TGI (first instance courts of general jurisdiction). These specialised courts will then be abolished.

**Q43 (2015):** Other specialised courts are:

- Juvenile courts : 155
- Military Pensions Courts: 36
- Court for navigation on the Rhine: 1
- Maritime Courts: 14
- National Court of Asylum: 1
- Court of First Instance for navigation on the Moselle: 1

**Q43 (2014):** The reduction of the number of specialised courts in 2014 is primarily due to the suppression of 70 military pensions courts.

2013, 2014: the other specialised courts are:

- children courts: 155
- military pensions courts: 36
- Rhine navigation court: 1
- commercial maritime courts: 14
- national court for asylum right: 1
- court of first instance for the navigation on the Moselle: 1

Compared to previous years, a part of the "other specialised courts" was distributed in the proposed categories. Therefore, the agricultural land courts appear in the category rental cases courts.

The specialised interregional jurisdictions, competent to judge organised crime cases have been added.

The category of insurance and/or social security courts comprises the 26 incapability litigations courts and the 115 social security cases courts.

The number of military pensions courts has been drastically reduced.

In 2013 and 2014, 281 courts of rental cases are mentioned, which was not the case in 2010 and 2012. It corresponds to agricultural land courts which were included in the comment and classified in the category "other specialised court".

It is the same for courts for execution of criminal sanctions. In 2013 and 2014, there were 8 of them. They correspond to the sentence enforcement courts which were included in 2010 and 2012 in the category "other specialised courts".

Concerning courts in terms of fight against terrorism, organised crime and corruption, in 2013, they were 50. It corresponds to the interregional jurisdictions specialised in terms of organised crime.

Between 2012 and 2013, a significant increase in the number of insurance and/or social security courts may be observed. This courts appeared in the category "other specialised courts", they correspond to social security courts and incapability litigation courts.

Regarding the category "others", a significant difference may be observed between the number and the type of specialised courts between 2012 and 2013 because this category was redistributed according the specific categories proposed for greater clarity.

**Q43 (2013):** 2013, 2014: the other specialised courts are:

- children courts: 155
- military pensions courts: 36
- Rhine navigation court: 1
- commercial maritime courts: 14
- national court for asylum right: 1
- court of first instance for the navigation on the Moselle: 1

In comparison with previous years, the part "other specialised courts" was distributed in the proposed categories. Thus, the agricultural land courts are included in the category of rental cases courts.

The specialised interregional jurisdictions, competent to judge cases of organised crime were added.

The category insurance and/or social security courts comprises the 26 courts of incapability litigation courts and the 115 courts responsible for social security cases.

The number of military pensions courts was drastically reduced.

In 2013 and 2014, 284 courts of rental cases are mentioned, which was not the case for 2010 and 2012. They refer to the agricultural land courts which were appearing in the comment and were classified in the category "other specialised courts".

It is the same for courts for execution of criminal sanctions. In 2013 and 2014, there are 8 of them. They correspond to the sentence enforcement courts which were appearing in 2010 and 2012 in the category "other specialised courts".

Concerning the courts in terms of fight against terrorism, organised crime or corruption, in 2013, they were less than 50. They correspond to interregional jurisdictions specialised in organised crime.

Between 2012 and 2013, a significant increase in the number of insurance and/or social security courts may be observed. This courts appeared in the category "other specialised courts", they correspond to social security courts and incapability litigation courts.

Regarding the category "others", a significant difference may be observed between the number and the type of specialised courts between 2012 and 2013 because this category was redistributed according the specific categories proposed for greater clarity.



**Q43 (2012):** 2010, 2012: Commercial Courts: 135

Mixed commercial courts 8: 6 in the departments and regions overseas and 2 in the communities overseas (the mixed commercial court of Mayotte is not included for the reference year).

The category "labour courts" brings together the 210 industrial courts and the 6 labour courts.

The category "insurance and/or social security courts" refers to the courts responsible for social security cases.

The other specialised courts of first instance are:

- District courts specialised in criminal matters (police courts): 3
- Local police courts: 3
- Children courts: 155
- Incapacity Dispute courts: 26
- Agricultural land courts: 281
- Sentence enforcement courts: 50
- Military pensions courts: 106
- Rhine navigation court: 1
- Commercial maritime courts: 14
- Court of first instance for the navigation on the Moselle: 1

- It should be noted that the military court of Paris (TAAP) was discontinued on 1st January 2012 by the Law n°2011-1862 of 13 December 2011 relating to the distribution of litigations and the relief of some court proceedings. Its functions were transferred to a pole specialised in military matters in the High Court of Paris. The pole is now the only one that has jurisdiction for offences committed by or against French military in time of peace and outside of the Republic territory. The TAAP is thus counted in 2011 but not in 2012.

## Germany

**Q42 (2017):** Zu 42.1: 638 Amtsgerichte und 115 Landgerichte.

**Q43 (General Comment):** It is noteworthy that depending on the value at dispute, commercial cases are dealt with at Local or Regional Courts, on application in a chamber established at the Regional Court for commercial cases. There are no separate commercial courts. Likewise, there are no independent rent and tenancies courts, enforcement courts or courts for insurance cases. Depending on the caseload, special panels of judges are established for this purpose at the Local and Regional Courts. Family cases are dealt with at first instance in special departments of the Local Courts. The Federal Armed Forces do not have any military courts of their own; its members are subject to civil jurisdiction. The category "other" covers 18 Finance Courts.

**Q43 (2018):** Finance Courts

**Q43 (2017):** Finance courts

**Q43 (2016):** Other specialised 1st instance courts: Finance Courts

**Q43 (2015):** Other: Finance Courts

The data refer to the year 2014. At present, no more recent data are available.

This information relates to manpower percentages. There are no absolute figures for the number of persons. As to the information regarding manpower percentages, a judge working full-time is counted as 1. A judge who works part-time is counted as a portion of 1, depending upon his work hours as a percentage of full-time (e.g. 0.5 for a judge who works half of the full-time working hours).

As to 42.1. and 42.2.: The information is based upon summaries of the staff. This data is derived from a complex calculation key as an annual average value of the actual personnel deployed (for example, excluding employees who were not present more than 20 working days during a quarter for reasons other than holiday and/or training).

As to 42.3.: The number of professional judges at the highest courts of law is based upon judicial statistics. This data is collected every two years and compiled into an overview (most recent: 31 December 2014).

**Q43 (2014):** In 2014, in comparison with 2012, the number of specialized first instance courts decreased of three labour courts in two Landers.

## Greece

**Q43 (General Comment):** In Greece, there are no special courts for the fields of law described in the question 43, besides those already mentioned. The Greek Constitution is reluctant to provide in the Greek legal system special courts. Instead, within the Courts of First Instance and Courts of Appeal of large cities, we have special Chambers, where the task of adjudicating in special categories of law (e.g. family law, commercial law, etc.) is assigned. Judges entrusted with such duties have usually the correspondent specific studies. As far as other special courts are concerned, special provisions regulate the operation of courts for juveniles, military, navy and air force courts.

**Q43 (2017):** In Greece, there are no special courts for the fields of law described in the question 43, besides those already mentioned. The Greek Constitution is reluctant to provide in the Greek legal system special courts. Instead, within the Courts of First Instance and Courts of Appeal of large cities, we have special Chambers, where the task of adjudicating in special categories of law (e.g. family law, commercial law, etc.) is assigned. Judges entrusted with such duties have usually the correspondent specific studies. As far as other special courts are concerned, special provisions regulate the operation of courts for juveniles, military, navy and air force courts.

## Hungary

**Q42 (General Comment):** The Hungarian court system is as follows: Kúria (1) – the Hungarian Supreme Court - its jurisdiction in criminal, civil and administrative cases covers adjudication of extraordinary remedies and appeals, adopting uniformity decisions. It also decides if municipal decrees are in compliance with higher level legislation. Regional courts of appeal (5) – their jurisdiction in criminal and civil cases covers the adjudication of appeals received from the regional courts (third instance in criminal cases). Regional courts (20) – their jurisdiction in criminal, civil and administrative cases covers the adjudication of appeals received from district courts, administrative and labour courts, and procedure at first instance in certain criminal and civil cases. District courts (113) – their jurisdiction in criminal and civil cases covers the procedures at first instance. The number of judges in the largest district court is 357, whereas the smallest court operates with one judge. Out of the 113 district courts, the district courts in the seat of the regional courts have special competences in many cases. Administrative and labour courts (20) – their jurisdiction covers procedures at first instance in individual and collective labour disputes and in administrative cases. First instance administrative and labour courts (20) started operating on 1 January 2013 as first instance specialized courts.

**Q42 (2018):** Two new district courts were established (one in 2017 in the city of Szigetszentmiklós, another one in 2019 in the city of Érd).

113 District Courts (first instance courts of general jurisdiction)

20 Administrative and Labour Courts (specialized first instance courts)

20 Regional Courts (second instance courts of general jurisdiction + first instance courts in cases of higher importance)

5 Regional Courts of Appeal (second instance courts in cases of higher importance)

1 Supreme Court (special judicial review)

**Q42 (2017):** All courts include :

112 District Courts

20 Regional Courts

20 Administrative and Labour Courts

5 Regional Courts of Appeal

1 Supreme Court (Kúria)

The Hungarian court system is as follows: Kúria (1) – the Hungarian Supreme Court - its jurisdiction in criminal, civil and administrative cases covers adjudication of extraordinary remedies and appeals, adopting uniformity decisions. It also decides if municipal decrees are in compliance with higher level legislation. Regional courts of appeal (5) – their jurisdiction in criminal and civil cases covers the adjudication of appeals received from the regional courts (third instance in criminal cases). Regional courts (20) – their jurisdiction in criminal, civil and administrative cases covers the adjudication of appeals received from district courts, administrative and labour courts, and procedure at first instance in certain criminal and civil cases. District courts (112) – their jurisdiction in criminal and civil cases covers the procedures at first instance. The number of judges in the largest district court is 357, whereas the smallest court operates with one judge. Out of the 111 district courts, the district courts in the seat of the regional courts have special competences in many cases. Administrative and labour courts (20) – their jurisdiction covers procedures at first instance in individual and collective labour disputes and in administrative cases. First instance administrative and labour courts (20) started operating on 1 January 2013 as first instance specialized courts. Thus from this date the number of first instance courts of general jurisdiction is 112.

**Q43 (General Comment):** In Hungary, the only specialized 1st instance courts are the administrative and labour courts (20) that deal with administrative, labour and social security cases. Till 2013, there were 20 Labour courts which became in 2013 Administrative and Labour courts. More precisely, their jurisdiction covers procedures at first instance in individual and collective labour disputes, and in administrative actions. These courts are not a part of the ordinary 1st instance courts (district courts). Their professional management is the duty of the administrative and labour regional departments (6).

There are military departments at five Regional Courts and at one Regional Court of Appeal. Although they only deal with military related criminal cases, they are not considered as specialized courts as they are a part of the ordinary court system both in administrative and professional management.

## Ireland

**Q42 (General Comment):** In Ireland, there are only three first instance courts (as legal entities) exercising general jurisdiction for the entire State (the High Court, the Circuit Court and the District Court). Each of those three courts has a single court president only, who exercises a nationwide remit for his/her court. The number of geographic locations reflects the physical location serving as seats or venues for the three jurisdictions.

**Q42 (2016):** The specialised courts referred to are the two Special Criminal Courts the jurisdiction of which generally relates to trial of terrorism- and organised crime-related offences.

The increase of one location over the figure provided for 2014 refers to the temporary relocation of the Dublin District Court's Drug Treatment Court in 2016.

**Q43 (General Comment):** The two specialised first instance courts listed above are Special Criminal Court No. 1 and Special Criminal Court No. 2. The latter was established in October 2015 and came into operation, sitting for the first time, in 2016. In previous cycles the category "other" (1) was referring to Special Criminal Court No. 1.

Other than distinctions between jurisdictional levels there is no specialisation - all judges within a court jurisdiction may be allocated to any category of case falling within the jurisdictional remit of the court concerned. Starting in 2013 a new cadre of specialist judges was created in the Circuit Court with specific jurisdiction in relation to certain types of personal insolvency remedy and certain pre-trial order making powers.

Ireland has a specialist regime for the trial of commercial proceedings in the form of the Commercial List of the High Court (known as the 'Commercial Court') but, as it is not a separate legal entity, being a list within and formally a part of the High Court, it is not included as a specialist court as such.

## Italy

**Q42 (2018):** In 2012-2013 we went through a major reform of the judicial map. In particular, a great number of justice of peace offices (initially 846) were shut down. However, each Italian municipality had (and still has) the opportunity to preserve the office at their own expenses. For this reason, each year a series of Justice of Peace offices administered by the municipality might be re-opened or closed. 3 justice of peace offices closed between 2017 and 2018.

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**Q43 (General Comment):** Since 2014 in Italy there are 22 Brand Commercial courts (Tribunali delle imprese) that are legal entities of their own and not just internal court divisions for organizational purpose (such as labour, family etc.).

It is noteworthy that in Italy, some of the specialized first instance courts are not administered and financed by the Ministry of Justice. This is the case for the regional administrative courts, the regional audit commissions, the local tax commissions and military courts. These courts are not taken into consideration for the replies to questions 6, 46 and 52 for none of the exercises.

In respect of the 29 regional administrative courts (geographic locations) and their supreme court, it should be stressed that they have been encompassed within the total under question 43 for the last four exercises, but only since 2014 this approach is reflected in questions 91 and 99 (number of administrative law cases).

Moreover, in Italy specific matters (such as labour, family etc.) are dealt by specific divisions within the same Court. There are also 26 divisions called DDA (Direzioni Distrettuali Antimafia) which deal specifically with mafia and organized crime.

**Q43 (2018):** The category "other" category subsumes 29 Minor (or Juvenile) Courts and 103 Tax Courts.

**Q43 (2017):** Other: 29 Minor (or Juvenile) Courts + 103 provincial tax commissions

**Q43 (2016):** OTHER: 29 Minor (or Juvenile) Courts + 103 Local Tax Commissions

**Q43 (2013):** In September 2013, the Italian judicial system implemented an extensive reorganization of the territorial distribution of offices with the closing (by merger with other offices) of 30 Tribunals, 30 Prosecution offices, 220 branches of Tribunals and 346 Peace Judges.

## Latvia

**Q42 (2018):** Since the reform of March, 2018, the number of first instance courts has been reduced to 10 legal entities at first instance (9 general + 1 administrative). There are also 6 appellate courts and Supreme court.

**Q42 (2017):** The number of first instance courts (legal entities) is indicated on 31.12.2017., in Latvia starting from 2015 till March, 2018 was a reform where court map was revised. The number of first instance courts (legal entities) starting from March, 2018 is 9. As regards the specialised court - there is only one specialised court the Administrative court with 5 court houses.

**Q42 (2016):** There is only one specialised court the administrative court with 5 court houses

**Q43 (General Comment):** In Latvia, only the Administrative court can be considered as a 1st instance specialized court (which is divided into 5 court houses). As to the category “military courts”, the reply NA is justified by the fact that according to the Law on Judicial Power, judicial power in the Republic of Latvia is vested in district (city) courts, regional courts, the Supreme Court and the Constitutional Court, but in state of emergencies or during war – also military courts. The rest of the courts in Latvia are not established, and therefore in this case should be NAP. Latvia has also one Court, which is specialized on Commercial cases, but that court working with other civil cases and is first instance court. This court is unchecked separately on Question 43 because it is not a separate commercial court, but just few judges are specialized on commercial cases.

**Q43 (2018):** There is only Administrative court in Latvia.

**Q43 (2016):** There is only one specialised court the administrative court with 5 court houses

### Lithuania

**Q42 (2018):** Number of courts (as legal entities) in Lithuania decreased from 1st January 2018 according to the Law on Reorganization of Courts of the Republic of Lithuania (Law of 23rd June, 2016 No. XII-2474). Instead of 49 district courts (as legal entities) there are now 12 district courts (some of them have court houses), instead of 5 regional administrative courts there are now 2 of them (one has houses). The number of first instance courts of general jurisdiction (legal entities) in point 42.1 implies 5 regional courts (of general jurisdiction) which are first instance for criminal and civil cases assigned to its jurisdiction by law. These courts also are appeal instance for judgements, decisions, rulings and orders of district courts, so their number is also included in the number of all courts at point 42.3.

**Q42 (2017):** From January 1, 2018, there are 22 left (17 first instance courts, 2 first instance courts of special jurisdiction, 2 courts of appeal (1 of them is specialized court) and 1 court of cassation).

**Q42 (2014):** As regional courts of Lithuania function not only as courts of appeal, but also as courts of first instance (Article 19 of the Law on Courts of the Republic of Lithuania), for 2014, the number of these courts is also included in the number of first instance courts of general jurisdiction. This was not the case in earlier years.

### Luxembourg

**Q42 (General Comment):** 42.1: 3 justices of the peace and 2 district courts

42.2: Please note that the total of 043 is not identical to the total in 042, as most of the specialized courts are in fact specialized sections of a general court. E.g. the commercial courts (which also deal with insolvency cases) are specialized sections of the district court (tribunal d'arrondissement). Only the administrative, military and 1st instance social security courts are selfstanding.

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**Q43 (2014):** Most of the areas mentioned in the question are within the competence of district courts (commercial cases, insolvency cases, family law cases and all criminal cases except for offenses that are under the jurisdiction of justices of peace) and justices of peace (labour law cases, rental cases). The indicated total is a purely statistical information which does not reflect the reality.

**Q43 (2012):** Matters concerning trade and family law are dealt with at the level of district courts, while matters pertaining to labour law and rental cases are within the competence of the justices of peace.

## Malta

**Q42 (2018):** In 2018, the Commercial Division was set up in order to hear cases filed under the Companies Act that include Insolvency cases. This new specialised first instance court is the reason behind the increase in the number of courts quoted at 42.2 above.

**Q43 (General Comment):** The 1st Instance Courts include general jurisdiction and specialised courts, tribunals and boards. Following April 2018, a new Commercial Section was set-up, which sees to claims filed under the Companies Act. There are now nine (9) specialised first instance courts, namely the First Hall, Commercial Section, the First Hall, Family Court, the Rent Regulation Board, the Administrative Tribunal, the Court of First Instance, the Land Arbitration Board, the Rural Leases Control Board, the Small Claims Tribunal and the Court of Voluntary Jurisdiction.

**Q43 (2018):** The courts referred to under 'Other specialised 1st Instance courts' include:

- The Civil Court, First Hall
- the Land Arbitration Board
- the Rural Leases Control Board
- the Small Claims Tribunal
- the Court of Voluntary Jurisdiction

**Q43 (2017):** The other specialised 1st Instance courts include:

- the Civil Court, First Hall
- the Court of Voluntary Jurisdiction - the Land Arbitration Board
- the Rural Leases Control Board
- the Small Claims Tribunal

**Q43 (2016):** The other specialised 1st Instance courts include:

- the Civil Court, First Hall
- the Land Arbitration Board
- the Rural Leases Control Board
- the Small Claims Tribunal

## Netherlands

**Q42 (General Comment):** Since 2013 and following the implementation of the reform related to the reorganization of the judicial map, the number of district courts was reduced from 19 in 2010 to 11 in 2013 and 2014. Moreover, this reform resulted in the closure of sub-district court locations due to which the number of geographic locations decreased from 64 in 2010 to 40 in 2013 and 2014.

**Q42 (2017):** same as last year

**Q43 (General Comment):** There is only one specialized first instance court, namely the Trade and Industry Appeals Tribunal, also known as Administrative High Court for Trade and Industry. The other specialized jurisdictions are not legal entities (Natte kamer, Ondernemingskamer, Militaire kamer) but only chambers within the courts.

There is no separate military court, but there is a military chamber in one of the district courts.

**Q43 (2017):** same as last year

**Q43 (2015):** Currently the commercial court in the Netherlands is the specialized court CBb. Per January first 2017 starts the Netherlands Commercial Court (NCC).

## Poland

**Q42 (2018):** .

**Q42 (2017):** 42.1 First instance courts of general jurisdiction - common courts (318 regional courts, 45 district courts).

42.2 First instance specialised courts - 16 administrative courts, 9 military courts.

42.3 All the courts - the Supreme Court, common courts (318 regional courts, 45 district courts, 11 appeal courts), administrative courts (voivodship administrative courts (16), the Supreme Administrative Court), military courts (regional military courts (7), district military courts (2)).

**Q42 (2016):** 42.1 First instance courts of general jurisdiction - common courts (318 regional courts, 45 district courts).

42.2 First instance specialised courts - 16 administrative courts, 9 military courts.

42.3 All the courts - the Supreme Court, common courts (318 regional courts, 45 district courts, 11 appeal courts), administrative courts (16 voivodship administrative courts. the Supreme Administrative Court), military courts (9 regional military courts, 2 district military courts). The differences between presented data and the data from 2014 edition is likely to be due to the restoration of District Courts, abolished and converted to divisions of larger units in 2013.

The difference in courts number between this (363) and previous evaluation cycle (287) is probably caused by a significant organizational reform of polish court system, which took place in 2013. Almost eighty small district courts were merged with larger entities. Since 2015 the reform has been reversing, which has resulted in an increase in the number of the courts.

**Q42 (2012):** In 2012 there was a structural change concerning District courts. Some of them were transformed into divisions of other courts.

## Portugal

**Q42 (2018):** These data correspond to the values given for the last scoreboard.

The differences registered result from the changes to the judicial organization (Law n. 40-A/2016, 22 December) in force since January 1, 2017.

42.1 the number of 1st instance courts with general jurisdiction decreased due to the increase of specialized courts.

Accordingly, 20 courts that were closed in 2014 were re-enacted as proximity judgments, new family sections were created as well as new sections with generic jurisdiction.

**Q42 (2017):** The differences registered result from the changes to the judicial organization (Law n. 40-A/2016, 22 December) in force since January 1, 2017.

42.1 the number of 1st instance courts with general jurisdiction decreased due to the increase of specialized courts.

Accordingly, 20 courts that were closed in 2014 were re-enacted as proximity judgments, new family sections were created as well as new sections with generic jurisdiction.

**Q42 (2014):** As a result of the implementation of the new Judicial Organization Reform (Law n.62/2013, of 26th August and Decree-Law n.49/2013, 26th August), the number of specialized first instance courts increased in 2014, while the enlargement of the court districts has been promoted.

Three goals are pursued by this reform: to widen district court's geographic jurisdiction and relocate them according to social and economic criteria; to cover the whole territory with specific jurisdictions; to implement a new court management system. The reform melted the former judicial districts into 23 judicial districts, each containing two or more units, according to the demographic and economic reality of the geographical area in which they are located.

The difference between the numbers of question 42.2 (228) and 43 is due to the inclusion of the 20 administrative courts in question 43, obtaining a result of 248. In Portugal, the administrative jurisdiction is autonomous, independent from the civil jurisdiction.

**Q43 (General Comment):** Q.43 -total:The number given under Q43.1.1 includes 17 first instance courts of administrative jurisdiction that are not included under Q.42.2. Administrative courts are part of another jurisdiction and under our law cannot be considered specialized courts.

Other specialised 1st instance courts include: Criminal Instruction Courts, Maritime Courts; Intellectual Property and Competition Court; Enforcement Courts.

There are no insolvency courts in Portugal.

Law 31/2012, 14 August, put in force a special eviction procedure that takes place before the Rent and tenancy section (Balcão Nacional do Arrendamento) that is functioning since 8 January 2013. This procedure enables the landlord to obtain an eviction order when the tenant does not vacate the leased premises on the date prescribed by law or by the date fixed by agreement between the parties. This is an electronic procedure that takes place before the rent and tenancy section (Balcão Nacional do Arrendamento). This section is not a court and is dependent on the Ministry of Justice. Only if the tenant opposes the application for eviction is the case referred to a judicial court.

**Q43 (2018):** Changes to the judicial organization (Law n. 40-A/2016, 22 December) are in force since January 1, 2017.

**Q43 (2017):** Other specialised 1st instance courts include, among others: Criminal Instruction Courts, Maritime Courts; Intellectual Property and Competition Court; Enforcement Courts.

Law 31/2012, 14 August, put in force the Rent and tenancy section (Balcão Nacional do Arrendamento) that is functioning since 8 January 2013.

**Q43 (2015):** In 2013-2014, the Reform of the Portuguese Judicial system was implemented. One of the major goals of this reform was to set up specialised courts on a national level, which led to a significant increase of commercial courts compared to previous years.

The difference between Q42.2 and Q43 is due to the inclusion of the 20 administrative courts in Q43. In Portugal, the administrative jurisdiction is autonomous, independent from the civil jurisdiction and cannot be considered as specialised courts.

Other courts:

Other specialised 1st instance courts include: Criminal Instruction Courts, Maritime Courts; Intellectual Property and Competition Court; Enforcement Courts.

Law 31/2012, 14 August, put in force the Rent and tenancy section (Balcão Nacional do Arrendamento) that is functioning since 8 January 2013

**Q43 (2014):** In 2013-2014, the Reform of the Portuguese Judicial system was implemented. One of the major goals of this reform was to set up specialised courts on a national level, which led to a significant increase of commercial courts compared to previous years.

For 2014, the category "other" subsumes as in 2012 Criminal Instruction Courts, Maritime Courts, Intellectual Property and Competition Court and Enforcement Courts. Additionally, the Rent and tenancy section (Balcão Nacional do Arrendamento) has been established by law in August 2012 and is functioning since 8 January 2013.

**Q43 (2012):** For 2012, the category "other" encompasses Criminal Instruction Courts, Maritime Courts, Intellectual Property and Competition Court and Enforcement Courts.

## Romania

**Q42 (General Comment):** In Romania there are 233 first instance courts of general jurisdiction including 176 judecatorii (first instance courts), 42 tribunals and 15 courts of appeal. The tribunals and the courts of appeal are ruling in more important cases or in the situations where the competence is established in personam.

**Q42 (2017):** There are 176 first instance courts, 42 tribunals and 15 courts of appeals. All of the first instance courts deal with cases in first instance, but also the tribunals and the courts of appeal may have material or personal jurisdiction in first instance.

**Q42 (2016):** There are 176 first instance courts, 42 tribunals and 15 courts of appeals. All of the first instance courts deal with cases in first instance, but also the tribunals and the courts of appeal may have material or personal jurisdiction in first instance.

## Slovakia

**Q42 (2018):** The entire court system of the Slovak republic consists of 54 District Courts, 8 Regional Courts, The Specialised Criminal Court and

The Supreme Court of the Slovak republic

**Q42 (2017):** The court system of the Slovak republic consists of 54 District Courts, 8 Regional Courts, Specialised Criminal Court and Supreme Court of the Slovak republic

**Q42 (2016):** The court system of the Slovak republic consists of 54 District Courts, 8 Regional Courts, The Specialised Criminal Court and The Supreme Court of the Slovak republic

**Q43 (General Comment):** In the Slovak court system there are 8 Regional courts which are the courts with dual competence. The Regional courts are the courts of appeal with the general jurisdiction in the civil, commercial and the criminal cases. In the appellate procedure they decide the appeals lodged against the decisions of all District courts within their local jurisdiction. At the same time the Regional courts have the jurisdiction as the courts of first instance in administrative matters. They act as the administrative courts.

The Specialized Criminal court is competent to judge the grave criminal matters enumerated in the § 14 of the Criminal procedure Code (e. g. premeditated murder, corruption, terrorism, organised crime, severe economic crimes, damaging the financial interests of the EU etc.)

## Slovenia

**Q42 (2018):** First instance courts of general jurisdiction: 44 local courts + 11 district courts = 55

First instance specialised courts: 3 labour courts + 1 labour and social court + 1 Administrative court = 5

All courts: first instance courts of general jurisdiction (55, see Q42.1) + first instance specialised courts (4 labour courts + 1 social court + 7 branch offices of labour and social courts + 1 administrative court + 3 branch offices of administrative court) + second instance courts and courts of appeal (4 higher courts of general jurisdiction + 1 higher labour and social court) + the Supreme court = 77.

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**Q42 (2015):** legal entities:

First instance courts of general jurisdiction: 44 local courts + 11 district courts = 55

First instance specialised courts: 3 labour courts + 1 labour and social court + 1 administrative court = 5

geographic locations:

All the courts = 77

- first instance courts of general jurisdiction = 55 (Q42.1); additionally

- first instance specialised courts = 4 labour courts + 1 social court + 7 branch offices of labour and social courts + 1 administrative court + 3 branch offices of administrative court = 16; additionally

- second instance courts and courts of appeal = 4 higher courts of general jurisdiction + 1 higher labour and social court = 5; and finally

- supreme court: the Supreme Court of the Republic of Slovenia = 1.

**Q43 (General Comment):** The question refers to the number of first instance specialised courts as legal entities. Although the given answer for the 'labour courts' category is 4 and the 'insurance and/ or social welfare courts' category is 1, the total number of these courts is 4, as one of the labour courts and the social court form a single legal entity – Labour and social court in Ljubljana.

## Spain

**Q43 (General Comment):** The Arbitration Court was created by decision of the General Council of the Judiciary of 25 November 2010. The latter assigns exclusive jurisdiction over arbitration matters to the Court of First Instance No. 101 of Madrid. This measure seeks to foster the development of uniform criteria in court proceedings for the assistance and control of arbitration in Madrid.

Other specialised courts include: Penal courts; Penal courts specialized in violence against women; violence against women courts; juvenile courts; Prison courts; foreclosure proceedings courts; Civil Capacity courts and Civil registry

**Q43 (2018):** Between 2016 and 2018, more first instance courts have become specialized in family matters. Courts of violence against women: 106

Foreclosure proceedings Courts: 3

Court of arbitration: 1

Civil capacity courts: 12

Criminal courts: 341

Criminal courts specialized in Violence against women, 32

Juvenile Courts: 82

Prison courts: 51

Civil Registries: 28

Additionally (and they are not accounted) there are 26 military courts that are not part of the Judiciary but they are inspected by it)

**Q43 (2017):** -338 Criminal courts

-32 Criminal courts specialized in violence against women

-106 violence against women courts

-82 juvenile courts

-51 Prison courts

-3 foreclosure proceedings courts

-1 Arbitration court

-18 Civil Capacity courts

- 28 Civil register offices

**Q43 (2016):** - 335 Criminal courts

-30 Criminal courts specialized in violence against women

-106 violence against women courts

-83 juvenile courts

-51 Prison courts

-3 foreclosure proceedings courts

-1 Arbitration court

-18 Civil Capacity courts

- 28 Civil register courts



**Q43 (2015):** Other specialised courts include: 343 Penal courts; 23 Penal courts specialized in violence against women; 106 violence against women courts; 83 juvenile courts; 50 Prison courts; 3 foreclosure proceedings courts; 1 Arbitration court; 12 Civil Capacity courts and 28 Civil registry.

The Commercial Courts deal with insolvency issues.

Military Courts have not been accounted because they do not belong to the Judiciary (except the Supreme Court 5th room ). There are other 26 Military Courts.

**Q43 (2014):** In 2014, the category “other specialized 1st instance courts” encompasses: 357 Penal courts; 23 Penal courts specialized in violence against women; 106 violence against women courts; 83 Juvenile courts; 50 Prison courts; 16 Courts for disabled people (capacity courts), 26 Civil Register Courts, 3 Foreclosure proceedings courts (mortgage courts); 1 Arbitration court.

The Decanatos exclusive are not included in this exercise because these organs are not courts and have rather administrative nature (units in charge of supporting the courts within their territory in matters such as assignment of cases or distribution of rogatory letters among courts).

**Q43 (2012):** In 2012, the category “other specialized 1st instance courts” encompasses: 380 Penal courts; 17 Penal courts specialised in violence against women; 106 Violence against women courts; 82 Juvenile courts; 1 Juvenile Enforcement court; 50 Prison courts; 9 Capacity courts; 26 Civil Register courts; 8 Decanatos exclusive; 4 Labour enforcement courts; 4 Mortgage courts and one Arbitration Court.

## Sweden

**Q42 (2018):** In 2018 evaluation cycle, the answer has been adjusted to comply with the CEPEJ definitions. District courts are the courts of first instance among the general courts and deal with criminal and civil cases and various kinds of other matters. In addition to civil and criminal cases, district courts also take decisions on such matters as adoption, administrators, bankruptcy and special representatives. There are 48 district courts across the country. They vary in size, from about ten to several hundred employees.

**Q43 (2018):** In 2018 evaluation cycle, the answer has been adjusted to comply with the CEPEJ definitions. General administrative courts are the courts of first instance among the general courts and deal with cases involving disputes between the community and individuals. These courts settle many different types of cases (around 500 different types of cases). Common types of cases are tax cases, social insurance cases, cases under the Social Services Act and cases concerning compulsory care. There are twelve administrative courts. The Patent and Market Court deals, among other things, with disputes under the Competition Act and the Marketing Practices Act. There is one first-instance Patent and Market Court.

Land and Environment courts process cases such as permits for water operations and environmentally hazardous operations, issues of health protection, nature conservation, refuse collection, polluted areas and hazardous waste, environmentally-related damages and compensation issues, issues of building, demolition and land permits under the Planning and Building Act, site leaseholds, appeals in planning matters, land parcelling, utility easements and expropriation. There are five Land and Environment Courts, which are specialized courts at the District Courts in Nacka, Vänersborg, Växjö, Umeå and Östersund. Migration courts review decisions made by the Swedish Migration Board on matters concerning aliens and citizenship. There are four Migration Courts, they are specialized courts which are part of the Administrative Courts in Malmö, Göteborg , Stockholm and Luleå.

Maritime courts deal with cases under the Swedish Maritime Code (1994:1009). There are seven maritime courts, which are part of the District Courts in Luleå, Sundsvall, Stockholm, Kalmar, Malmö, Gothenburg and Karlstad. Sweden also has special courts, which are not considered to be part of the general and administrative courts' system. These two courts are completely separated from the general and administrative courts and their organization, which means that they have a more far-reaching separation from the general and administrative courts. Those are: The Labour Court (deals with labour disputes. Labour disputes are disputes in the frame of employers and employees' relationships. The Labour Court is normally the first and only instance competent in labour disputes. Nevertheless, some labour disputes are heard first in a district court, after which an appeal may be lodged with the Labour Court as the court of second and final instance) and The Defence Intelligence Court. Rent and Tenancy Tribunals are not included because they are not courts in Sweden but administrative agencies. These are quasi-judicial bodies which hold similar powers to the courts and they make decision on disputes involving rents, tenant-ownerships and leaseholds.

**Q43 (2017):** 2 specialised 1st instance Courts, Market Court and the Court of Patent appeals are from September 1st 2016 replaced by one Patent and Market Court and a Patent and Market Court of Appeal which is a part of the Stockholm district Court and Svea Hovrätt Court of appeals.

Other specialised 1st instance court is the Defence Intelligence Court.

**Q43 (2016):** 2 specialised 1st instance Courts, Market Court and the Court of Patent appeals are from September 1st 2016 replaced by one Patent and Market Court and a Patent and Market Court of Appeal which is a part of the Stockholm district Court and Svea Hovrätt Court of appeals.

Other specialised 1st instance court is the Defence Intelligence Court.

**Q43 (2015):** Other specialised 1st instance courts: Market Court, the Court of Patent appeals and the Defence Intelligence Court.

N.b. The Market Court and the Court of Patent appeals are from September 1st 2016 replaced by one Patent and Market Court and a Patent and Market Court of Appeal, see Q 208.

# Indicator 2: The judicial organisation

## Comments provided by the national correspondents

### organised by question no.

*Question 42. Number (legal entities) of first instance specialised courts (or specific judicial order)*

*Question 43. Number (legal entities) of first instance specialised courts (or specific judicial order)*

#### Question 42

##### Austria

**(2014):** On the occasion of the 2014 CEPEJ biannual evaluation Report (2012 data), it has been specified that from January 1st 2013 to July 1st, 2014 a number of district courts will be merged and that the total number of district courts would decline from 141 in 2012 to 115 as of July 1st, 2014. In 2014 there are 129 first instance district courts which is less than 132 (number communicated for the year 2013) but still not complying with the aim of 115. In fact, the objectives are depending on political agreements. Therefore they cannot be realized at the moment.

##### Belgium

**(General Comment):** The reform of the justices of the peace, with a decrease in geographical locations, was consolidated by the law of the 25th of December 2017. The implementation of the reform is carried out between 2016 and 2019.

**(2017):** The law of 25 December 2017 amended the number of cantons of justices of the peace from 187 to 162. The implementation of this reform will take place until 2019.

**(2016):** A reform of the justices of the peace is under way, leading to a reduction in the number of hearing locations.

**(2014):** The decrease of 52% in the number of ordinary courts of first instance between 2013 and 2014 is due to a reform of the judicial map. It relates to a reduction in legal entities: from 27 to 13 first instance courts, 27 to 9 labour courts, 27 to 9 commercial courts, and 34 to 15 police courts.

##### Bulgaria

**(2018):** 42.1. District Court - 113

The District Court is the main court of first instance. It has jurisdiction over all cases except those which are statutorily assigned to another court. It deals with civil, criminal and administrative-criminal cases. The decisions of the district courts are subject to appeal before the respective Regional court.

Provincial/ regional courts- 28

The provincial courts act as courts of first and second instance. As courts of first instance, they examine a precisely defined category of cases involving significant sums or substantial societal interest. When acting as a second (appellate) instance, they re-examine decisions taken by the district courts.

Military first instance courts- 3

Military courts consider criminal cases of crimes committed by servicemen or officials of the Interior Ministry at first instance.

##### Croatia

**(General Comment):** The reform of judicial map implemented in 2015 decreased the number of Misdemeanour Courts from 63 to 22. Therefore, in accordance with the Act on Territorial Jurisdiction and Seats of Courts (Official Gazette, No. 128/14) in force, there are currently 22 Misdemeanour Courts in function.

**(2016):** There was a reform of judicial map implemented in 2015 in which the number of Misdemeanour Courts has decreased from 63 to 22. Therefore, in accordance with the Act on Territorial Jurisdiction and Seats of Courts (Official Gazette, No. 128/14) in force, there are currently 22 Misdemeanour Courts in function.

**(2014):** In 2014, according to the Act on Territorial Jurisdiction and Seats of Courts there are 67 first instance courts but the Municipal Court in Novi Zagreb is not in function while the Municipal Criminal Court in Zagreb is a specialized court counted in Q42.2.". Accordingly, there are 65 actually functioning first instance courts of a general jurisdiction.

**(2013):** In 2013, the Ministry of Justice added to the number of geographic locations all offices of a specific court that are located outside of the main building (seat of the court), in which judicial activities are undertaken, i.e. the permanent offices, displaced Land Registry Departments and similar. The number of geographic locations of all the courts is different for the 2012 exercise (158) and the 2013 evaluation cycle (192) accordingly. It is important to emphasize that the real number of courts did not increase between 2012 and 2013.

Also, 66 municipal courts (65 municipal courts and 1 Municipal Criminal Court in Zagreb) were in function out of total 67 first instance courts prescribed by the Act on Territorial Jurisdiction and Seats of Courts. The Municipal Court in Novi Zagreb is still not in function. Accordingly, the reply in respect of the number of first instance general jurisdictions is 65.

## Cyprus

**(2014):** 2014 The number of courts changed in 2014. Instead one labour court in the district of Nicosia, there are three separate courts in different districts. This applies as well as for rent and tenancies court. One more family court was also established. The Assize court deals with serious criminal offences only.

## Czech Republic

**(2017):** There are no specialised first instance courts, but judges within individual courts are specialised (e.g. for family, labour and enforcement cases at district courts, and insolvency and administrative cases at regional courts as first instance courts).

**(2016):** There are no specialised first instance courts, but judges within individual courts are specialised (e.g. for family, labour and enforcement cases at district courts, and insolvency and administrative cases at regional courts as first instance courts).

## Denmark

**(General Comment):** District courts are called 1st instance courts, the Land Registration court and the Maritime and Commercial Court are considered as first instance specialized courts. Second and third instance courts are the two High Courts and the Supreme Court.

**(2018):** Data has not changed on this point.

**(2017):** District courts are called 1st instance courts, the Land Registration court and the Maritime and Commercial Court are considered as first instance specialized courts. Second and third instance courts are the two High Courts and the Supreme Court.

## Estonia

**(General Comment):** Estonia has 17 courthouses of county courts (first instance courts), 4 courthouses of administrative courts (first instance courts), 2 courthouses of appellate courts (second instance courts) and 1 courthouse of the Supreme Court (highest instance court), all together 24 courthouses. However, as some of the courts are situated in the same house (e.g Tallinn Administrative Court and Tallinn Circuit Court) and taking into account the fact that Pärnu County Court has a courthouse that is divided between two locations, there are 21 actual geographical locations of Estonian courts.

**(2016):** A small courthouse was adjoined with another small courthouse. The distance between them was less than 50 km.

## Finland

**(General Comment):** In Finland, there are 27 district courts with 57 offices, five courts of appeal, the Supreme Court, six administrative courts, the Supreme Administrative Court, the Market Court, the Labour Court and the Insurance Court. One of the administrative courts, the Labour Court and the Market Court are located in the same location. In total there are 36 courts in 71 geographic locations.

**(2016):** Some geographic locations of the District Courts have been shut down.

**(2014):** In 2014, in Finland there are 81 courts as geographic locations, namely 27 District Courts, 13 Branch offices of District Courts, 25 Auxiliary courtrooms of District Courts (23 till 2014), 3 specialized courts, 6 Administrative Courts (8 till 2014), 5 Courts of Appeal (6 till 2014), the Supreme Court and the Supreme Administrative Court.

## France

**(2018):** With regard to the ordinary courts, the number indicated in the 2016 questionnaire includes the local courts that have been abolished since 1 July 2017 (Act No. 2011-1862 of 13 December 2011), their powers having been taken over by the courts of first instance in civil matters and by the police courts attached to the courts of first instance in criminal matters.

The number of 786 corresponded to: 164 TGI + 4 TPI + 307 TI + 311 jprox. Since then, TIs have been removed from the category of ordinary courts of first instance since they constitute specialised courts of first instance. The number of 479 ordinary courts of first instance therefore corresponded to 164 TGI + 4 TPI + 311 TPROX. The figure of 168 is thus explained by the abolition of the 311 local courts since 1 July 2017, as indicated in the comments in the questionnaire.

Thus:  $479 - 311 = 168$  ordinary courts of first instance (164 TGI + 4 TPI).

## Germany

**(2017):** Zu 42.1: 638 Amtsgerichte und 115 Landgerichte.

## Hungary

**(General Comment):** The Hungarian court system is as follows: Kúria (1) – the Hungarian Supreme Court - its jurisdiction in criminal, civil and administrative cases covers adjudication of extraordinary remedies and appeals, adopting uniformity decisions. It also decides if municipal decrees are in compliance with higher level legislation. Regional courts of appeal (5) – their jurisdiction in criminal and civil cases covers the adjudication of appeals received from the regional courts (third instance in criminal cases). Regional courts (20) – their jurisdiction in criminal, civil and administrative cases covers the adjudication of appeals received from district courts, administrative and labour courts, and procedure at first instance in certain criminal and civil cases. District courts (113) – their jurisdiction in criminal and civil cases covers the procedures at first instance. The number of judges in the largest district court is 357, whereas the smallest court operates with one judge. Out of the 113 district courts, the district courts in the seat of the regional courts have special competences in many cases. Administrative and labour courts (20) – their jurisdiction covers procedures at first instance in individual and collective labour disputes and in administrative cases. First instance administrative and labour courts (20) started operating on 1 January 2013 as first instance specialized courts.

**(2018):** Two new district courts were established (one in 2017 in the city of Szigetszentmiklós, another one in 2019 in the city of Érd).

113 District Courts (first instance courts of general jurisdiction)

20 Administrative and Labour Courts (specialized first instance courts)

20 Regional Courts (second instance courts of general jurisdiction + first instance courts in cases of higher importance)

5 Regional Courts of Appeal (second instance courts in cases of higher importance)

1 Supreme Court (special judicial review)

**(2017):** All courts include :

112 District Courts

20 Regional Courts

20 Administrative and Labour Courts

5 Regional Courts of Appeal

1 Supreme Court (Kúria)

The Hungarian court system is as follows: Kúria (1) – the Hungarian Supreme Court - its jurisdiction in criminal, civil and administrative cases covers adjudication of extraordinary remedies and appeals, adopting uniformity decisions. It also decides if municipal decrees are in compliance with higher level legislation. Regional courts of appeal (5) – their jurisdiction in criminal and civil cases covers the adjudication of appeals received from the regional courts (third instance in criminal cases). Regional courts (20) – their jurisdiction in criminal, civil and administrative cases covers the adjudication of appeals received from district courts, administrative and labour courts, and procedure at first instance in certain criminal and civil cases. District courts (112) – their jurisdiction in criminal and civil cases covers the procedures at first instance. The number of judges in the largest district court is 357, whereas the smallest court operates with one judge. Out of the 111 district courts, the district courts in the seat of the regional courts have special competences in many cases. Administrative and labour courts (20) – their jurisdiction covers procedures at first instance in individual and collective labour disputes and in administrative cases. First instance administrative and labour courts (20) started operating on 1 January 2013 as first instance specialized courts. Thus from this date the number of first instance courts of general jurisdiction is 112.

## Ireland

**(General Comment):** In Ireland, there are only three first instance courts (as legal entities) exercising general jurisdiction for the entire State (the High Court, the Circuit Court and the District Court). Each of those three courts has a single court president only, who exercises a nationwide remit for his/her court. The number of geographic locations reflects the physical location serving as seats or venues for the three jurisdictions.

**(2016):** The specialised courts referred to are the two Special Criminal Courts the jurisdiction of which generally relates to trial of terrorism- and organised crime-related offences.

The increase of one location over the figure provided for 2014 refers to the temporary relocation of the Dublin District Court's Drug Treatment Court in 2016.

## Italy

**(2018):** In 2012-2013 we went through a major reform of the judicial map. In particular, a great number of justice of peace offices (initially 846) were shut down. However, each Italian municipality had (and still has) the opportunity to preserve the office at their own expenses. For this reason, each year a series of Justice of Peace offices administered by the municipality might be re-opened or closed. 3 justice of peace offices closed between 2017 and 2018.

**(2017):** In 2012-2013 we went through a major reform of the judicial map. In particular, a great number of justice of peace offices (initially 846) were shut down. However, each Italian municipality had (and still has) the opportunity to preserve the office at their own expenses. For this reason, each year a series of Justice of Peace offices administered by the municipality might be re-opened or closed.

## Latvia

**(2018):** Since the reform of March, 2018, the number of first instance courts has been reduced to 10 legal entities at first instance (9 general + 1 administrative). There are also 6 appellate courts and Supreme court.

**(2017):** The number of first instance courts (legal entities) is indicated on 31.12.2017., in Latvia starting from 2015 till March, 2018 was a reform where court map was revised. The number of first instance courts (legal entities) starting from March, 2018 is 9. As regards the specialised court - there is only one specialised court the Administrative court with 5 court houses.

**(2016):** There is only one specialised court the administrative court with 5 court houses

## Lithuania

**(2018):** Number of courts (as legal entities) in Lithuania decreased from 1st January 2018 according to the Law on Reorganization of Courts of the Republic of Lithuania (Law of 23rd June, 2016 No. XII-2474). Instead of 49 district courts (as legal entities) there are now 12 district courts (some of them have court houses), instead of 5 regional administrative courts there are now 2 of them (one has houses). The number of first instance courts of general jurisdiction (legal entities) in point 42.1 implies 5 regional courts (of general jurisdiction) which are first instance for criminal and civil cases assigned to its jurisdiction by law. These courts also are appeal instance for judgements, decisions, rulings and orders of district courts, so their number is also included in the number of all courts at point 42.3.

**(2017):** From January 1, 2018, there are 22 left (17 first instance courts, 2 first instance courts of special jurisdiction, 2 courts of appeal (1 of them is specialized court) and 1 court of cassation).

**(2014):** As regional courts of Lithuania function not only as courts of appeal, but also as courts of first instance (Article 19 of the Law on Courts of the Republic of Lithuania), for 2014, the number of these courts is also included in the number of first instance courts of general jurisdiction. This was not the case in earlier years.

## **Luxembourg**

**(General Comment):** 42.1: 3 justices of the peace and 2 district courts

42.2: Please note that the total of 043 is not identical to the total in 042, as most of the specialized courts are in fact specialized sections of a general court. E.g. the commercial courts (which also deal with insolvency cases) are specialized sections of the district court (tribunal d'arrondissement). Only the administrative, military and 1st instance social security courts are selfstanding.

**(2017):** 42.1: 3 justices of the peace and 2 district courts

42.2: Please note that the total of 043 is not identical to the total in 042, as most of the specialized courts are in fact specialized sections of a general court. E.g. the commercial courts (which also deal with insolvency cases) are specialized sections of the district court (tribunal d'arrondissement). Only the administrative, military and 1st instance social security courts are selfstanding.

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## **Malta**

**(2018):** In 2018, the Commercial Division was set up in order to hear cases filed under the Companies Act that include Insolvency cases. This new specialised first instance court is the reason behind the increase in the number of courts quoted at 42.2 above.

## **Netherlands**

**(General Comment):** Since 2013 and following the implementation of the reform related to the reorganization of the judicial map, the number of district courts was reduced from 19 in 2010 to 11 in 2013 and 2014. Moreover, this reform resulted in the closure of sub-district court locations due to which the number of geographic locations decreased from 64 in 2010 to 40 in 2013 and 2014.

**(2017):** same as last year

## **Poland**

**(2018):** .

**(2017):** 42.1 First instance courts of general jurisdiction - common courts (318 regional courts, 45 district courts).  
42.2 First instance specialised courts - 16 administrative courts, 9 military courts.  
42.3 All the courts - the Supreme Court, common courts (318 regional courts, 45 district courts, 11 appeal courts), administrative courts (voivodship administrative courts (16), the Supreme Administrative Court), military courts (regional military courts (7), district military courts (2)).

**(2016):** 42.1 First instance courts of general jurisdiction - common courts (318 regional courts, 45 district courts).  
42.2 First instance specialised courts - 16 administrative courts, 9 military courts.  
42.3 All the courts - the Supreme Court, common courts (318 regional courts, 45 district courts, 11 appeal courts), administrative courts (16 voivodship administrative courts, the Supreme Administrative Court), military courts (9 regional military courts, 2 district military courts). The differences between presented data and the data from 2014 edition is likely to be due to the restoration of District Courts, abolished and converted to divisions of larger units in 2013.  
The difference in courts number between this (363) and previous evaluation cycle (287) is probably caused by a significant organizational reform of Polish court system, which took place in 2013. Almost eighty small district courts were merged with larger entities. Since 2015 the reform has been reversing, which has resulted in an increase in the number of the courts.

**(2012):** In 2012 there was a structural change concerning District courts. Some of them were transformed into divisions of other courts.

## Portugal

**(2018):** These data correspond to the values given for the last scoreboard.  
The differences registered result from the changes to the judicial organization (Law n. 40-A/2016, 22 December) in force since January 1, 2017.  
42.1 the number of 1st instance courts with general jurisdiction decreased due to the increase of specialized courts.  
Accordingly, 20 courts that were closed in 2014 were re-enacted as proximity judgments, new family sections were created as well as new sections with generic jurisdiction.

**(2017):** The differences registered result from the changes to the judicial organization (Law n. 40-A/2016, 22 December) in force since January 1, 2017.  
42.1 the number of 1st instance courts with general jurisdiction decreased due to the increase of specialized courts.  
Accordingly, 20 courts that were closed in 2014 were re-enacted as proximity judgments, new family sections were created as well as new sections with generic jurisdiction.

**(2014):** As a result of the implementation of the new Judicial Organization Reform (Law n.62/2013, of 26th August and Decree-Law n.49/2013, 26th August), the number of specialized first instance courts increased in 2014, while the enlargement of the court districts has been promoted.  
Three goals are pursued by this reform: to widen district court's geographic jurisdiction and relocate them according to social and economic criteria; to cover the whole territory with specific jurisdictions; to implement a new court management system. The reform melted the former judicial districts into 23 judicial districts, each containing two or more units, according to the demographic and economic reality of the geographical area in which they are located.  
The difference between the numbers of question 42.2 (228) and 43 is due to the inclusion of the 20 administrative courts in question 43, obtaining a result of 248. In Portugal, the administrative jurisdiction is autonomous, independent from the civil jurisdiction.

## Romania

**(General Comment):** In Romania there are 233 first instance courts of general jurisdiction including 176 judecatorii (first instance courts), 42 tribunals and 15 courts of appeal. The tribunals and the courts of appeal are ruling in more important cases or in the situations where the competence is established in personam.

**(2017):** There are 176 first instance courts, 42 tribunals and 15 courts of appeals. All of the first instance courts deal with cases in first instance, but also the tribunals and the courts of appeal may have material or personal jurisdiction in first instance.



**(2016):** There are 176 first instance courts, 42 tribunals and 15 courts of appeals. All of the first instance courts deal with cases in first instance, but also the tribunals and the courts of appeal may have material or personal jurisdiction in first instance.

## **Slovakia**

**(2018):** The entire court system of the Slovak republic consists of 54 District Courts, 8 Regional Courts, The Specialised Criminal Court and The Supreme Court of the Slovak republic

**(2017):** The court system of the Slovak republic consists of 54 District Courts, 8 Regional Courts, Specialised Criminal Court and Supreme Court of the Slovak republic

**(2016):** The court system of the Slovak republic consists of 54 District Courts, 8 Regional Courts, The Specialised Criminal Court and The Supreme Court of the Slovak republic

## **Slovenia**

**(2018):** First instance courts of general jurisdiction: 44 local courts + 11 district courts = 55

First instance specialised courts: 3 labour courts + 1 labour and social court + 1 Administrative court = 5

All courts: first instance courts of general jurisdiction (55, see Q42.1) + first instance specialised courts (4 labour courts + 1 social court + 7 branch offices of labour and social courts + 1 administrative court + 3 branch offices of administrative court) + second instance courts and courts of appeal (4 higher courts of general jurisdiction + 1 higher labour and social court) + the Supreme court = 77.

**(2017):** First instance courts of general jurisdiction: 44 local courts + 11 district courts = 55

First instance specialised courts: 3 labour courts + 1 labour and social court + 1 Administrative court = 5

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**(2015):** legal entities:

First instance courts of general jurisdiction: 44 local courts + 11 district courts = 55

First instance specialised courts: 3 labour courts + 1 labour and social court + 1 administrative court = 5

geographic locations:

All the courts = 77

- first instance courts of general jurisdiction = 55 (Q42.1); additionally

- first instance specialised courts = 4 labour courts + 1 social court + 7 branch offices of labour and social courts + 1 administrative court + 3 branch offices of administrative court = 16; additionally

- second instance courts and courts of appeal = 4 higher courts of general jurisdiction + 1 higher labour and social court = 5; and finally

- supreme court: the Supreme Court of the Republic of Slovenia = 1.

## **Sweden**

**(2018):** In 2018 evaluation cycle, the answer has been adjusted to comply with the CEPEJ definitions. District courts are the courts of first instance among the general courts and deal with criminal and civil cases and various kinds of other matters. In addition to civil and criminal cases, district courts also take decisions on such matters as adoption, administrators, bankruptcy and special representatives. There are 48 district courts across the country. They vary in size, from about ten to several hundred employees.

## Question 43

### Austria

**(General Comment):** The other specialized first instance courts are 2 criminal courts and 2 civil law courts (in Vienna and Graz). The sum of the numbers in the categories exceeds the total number of specialised courts because the labour and social court in Vienna is one court that is competent for labour and (some) social welfare cases. From January 1st, 2014 there are 11 newly found courts for administrative law in Austria, namely 9 regional administrative courts, 1 Federal administrative court and 1 Federal Tax Court.

**(2018):** On principal every court has to deal with all judicial issues; in the biggest Austrian cities certain courts are specialised, i.e. five in Vienna (civil cases, criminal cases, commercial cases [2 x], employment- and social welfare cases) and two in Graz (criminal cases, remaining cases)

**(2017):** On principal every court has to deal with all judicial issues; in the biggest Austrian cities certain courts are specialised, i.e. five in Vienna (civil cases, criminal cases, commercial cases [2 x], employment- and social welfare cases) and two in Graz (criminal cases, remaining cases)

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### Belgium

**(General Comment):** Other: 162 justices of the peace and 15 police courts  
Administrative courts: Council of State, Aliens Litigation Council, Raad voor Vergunningsbetwistingen, het Milieuhandhavingscollege en de Raad voor Verkiezingsbetwistingen.  
six courts of first instance have specialized chambers for the enforcement of sentences. The term 'court for the enforcement of sentences' is used, but in reality it is a specialised chamber.  
All courts of first instance (13) have a specialised section on family and youth. The term 'family court' is used, but in reality it is a specialised section.

**(2017):** Others: justices of the peace and police courts. The law of 25 December 2017 amended the number of cantons of justices of the peace from 187 to 162 (162 justices of the peace and 15 police courts).  
Administrative courts: Council of State, Aliens Litigation Council, Raad voor Vergunningsbetwistingen, het Milieuhandhavingscollege en de Raad voor Verkiezingsbetwistingen.  
Five courts of first instance have specialized chambers for the enforcement of sentences. Despite the term used in their respect - "court for the enforcement of sentences", those are specialised chambers.  
All courts of first instance (13) have a specialised family and youth section. The term "family court" is used, but these are also specialised sections.

**(2016):** Other: justices of the peace and police courts  
Administrative courts: Council of State, Aliens Litigation Council, Raad voor Vergunningsbetwistingen, het Milieuhandhavingscollege en de Raad voor Verkiezingsbetwistingen.  
Five courts of first instance have specialized chambers for the enforcement of sentences. The name "court for the enforcement of sentences" is used, but in reality it is a specialized chamber.  
All courts of first instance (13) have a specialized family and youth section. The name "family court" is used, but in reality it is a specialized section.

**(2015):** Other: justices of the peace and police courts  
Administrative courts: the Council of State, the Council of the Litigation of Foreigners, Milieuhandhavingscollege, de Raad voor Vergunningsbetwistingen en de Raad voor Verkiezingsbetwistingen.

**(2014):** 2014: Among the other specialised courts are 15 police courts and 187 justices of the peace ("juges de paix"). The family courts are a section within 13 first instance courts.

Administrative courts are the Council of State, the Alien Litigation Council, "(Vlaamse)Raad voor Vergunningsbetwistingen", "het (Vlaamse) Milieuhandhavingscollege". Administrative courts are not part of the judicial system administered by the Federal Justice ("Service Fédéral Public de la Justice" - SPF). Thus, the total number of specialised courts is 220 for specialised courts of the judicial order and 224 if the 4 administrative courts are counted. The decrease of 52% in the number of ordinary courts of first instance between 2013 and 2014 is due to a reform of the judicial map. It relates to a reduction in legal entities: from 27 to 13 first instance courts, 27 to 9 labour courts, 27 to 9 commercial courts, and 34 to 15 police courts.

## **Bulgaria**

**(General Comment):** The category "other" encompasses the Specialized Criminal Court of Republic of Bulgaria, established in 2011, situated in Sofia and treated as a District Court. Its jurisdiction covers criminal cases of a general nature for crimes carried out throughout the Republic of Bulgaria. Its competence is determined on the basis of the subject of the case and not the quality of the perpetrator. The Criminal Procedure Code exhaustively enumerates cases within the competence of this Court, namely crimes committed by organized criminal groups, or on behalf of them and following their decision.

**(2018):** The category "other" encompasses the Specialized Criminal Court of Republic of Bulgaria (see the general comment).

**(2017):** Specialized Criminal Court

**(2016):** 'Other specialised 1st instance courts' - 1 Specialized Criminal Court.

## **Croatia**

**(General Comment):** The term "other specialized first instance courts" in the Republic of Croatia refers to misdemeanour courts and the Municipal Criminal Court in Zagreb. There was a reform of judicial map implemented in 2015 in which the number of Misdemeanour Courts has decreased from 63 to 22. Therefore, in accordance with the Act on Territorial Jurisdiction and Seats of Courts (Official Gazette, No. 128/14) in force, there are currently 22 Misdemeanour Courts in function.

**(2018):** Other specialised 1st instance courts are Misdemeanour courts and Municipal Criminal Court in Zagreb.

**(2017):** 23 other specialised 1st instance courts are 22 Misdemeanour courts and 1 Municipal Criminal Court in Zagreb

**(2016):** According to the Act on the Jurisdiction and Seats of Courts (Official Gazette 128/14) as of 1 April 2015 the number of municipal courts has been reduced, as of 1 July 2015 reduced the number of misdemeanour courts has been reduced and as of 1 April 2015 a new commercial court has been established.

Other specialised 1st instance courts are 22 Misdemeanour courts and a Municipal Criminal Court in Zagreb.

## **Cyprus**

**(2018):** 5 Assize courts

**(2017):** Assize Courts

**(2016):** Assize Courts

**(2015):** In 2015, two new Assize courts (now 5) and one administrative court were established and one Rent Control Tribunal was removed.

## Czech Republic

**(General Comment):** There are no specialised first instance courts, but judges within individual courts are specialised (e.g. for family, labour and enforcement cases at district courts, and insolvency and administrative cases at regional courts as first instance courts).

## Denmark

**(General Comment):** The category “other” concerns the Land Registration Court that has been established in 2009. As for the Commercial Court, in Denmark, it is called Maritime and Commercial Court and it presents the peculiarity to also deal, to a great extent but not exclusively, with insolvency cases (bankruptcies etc.). Accordingly, there is an overlap with the category “Insolvency courts”.

**(2018):** Military courts exist but they are not part of the Danish Courts Administration. The 24 district courts have always dealt with family cases. From 1 April 2019 family issues are a section of the court.

**(2017):** The category “other” concerns the Land Registration Court that has been established in 2009. As for the Commercial Court, in Denmark, it is called Maritime and Commercial Court and it presents the peculiarity to also deal, to a great extent but not exclusively, with insolvency cases (bankruptcies etc.). Accordingly, there is an overlap with the category “Insolvency courts”. Of course Military courts exist but they are not part of the Danish Courts Administration.

**(2016):** Land Registration Court.

## Estonia

**(General Comment):** In Estonia, there are no specialized first instance courts, other than administrative courts. All the cases are dealt with by ordinary courts of first instance. The two administrative courts of first instance are situated in Tallinn and Tartu. Nevertheless, for guaranteeing wider access to justice, these two courts have several court buildings in other cities, namely in Pärnu and Jõhvi, where judges and their supporting legal staff work.

## Finland

**(General Comment):** In Finland, there are six regional administrative courts, the Market Court, the Labour Court and the Insurance Court.

Another specialised court is the High Court of Impeachment that hears charges against ministers (i.e. members of the Government), the Chancellor of Justice, the Parliamentary Ombudsman and members of the Supreme Court or the Supreme Administrative Court for unlawful conduct in office. In addition, the High Court of Impeachment deals with charges concerning the criminal liability of the President of the Republic. However, it is convened only when necessary.

**(2016):** In Finland there are 6 Administrative Courts, 1 Market Court, 1 Labour Court and 1 Insurance Court. Then there is the High Court of Impeachment that hears charges against Ministers (i.e. Members of the State Council), Chancellor of Justice, Parliamentary Ombudsman and Supreme Court Justices for unlawful conduct in office but it is convened only when necessary.

## France

**(2018):** The other specialized courts are: - joint courts for rural leases: 272 ;  
- juvenile courts: 155; - military pension courts: 36;  
- court for navigation on the Rhine: 1;  
- Maritime courts: 6;  
- national court of asylum: 1; - court of first instance for navigation on the Moselle: 1.

In the previous questionnaire, the Joint Rural Lease Courts (JRTs) were indicated, with the District Courts (TIs) within the "Rental Courts", the figure of 307 corresponding to the District Courts, since the seats and jurisdictions of the JRTs were linked to those of the TI. However, the TPBRs are, and have always been, autonomous courts. However, as decrees have been issued to remove some TPBRs, there is no longer a correlation between their number and that of IT. We have therefore indicated here in the "rental courts", only IT (289), and by including TPBRs in a separate item, which is legally more accurate. The total number of TPBRs is 274. On the insurance and social security courts: in the requested reference year, there are 26 disability courts, 115 social security courts (TASS) and 100 departmental social assistance commissions (CDAS). The differential of 100 corresponds to the addition of the 100 CDASs which are administrative courts.

The Paris Court, created on 14 May 2018, brought together all the services of the Regional Court, formerly dispersed over 5 sites, including Ile de la Cité, the Police Court and the 20 District Courts. The number of TIs had to be reduced by 19. In addition, the reform of the transfer of the police court under the 21st century Justice Act had the effect of removing 3 of them from the 307 TIs. The number of IT has therefore increased from 304 (307-3) to 285 district courts (304-19). We have added to these 285 TI the 4 TPIs because of their dual IT and TGI skills. Thus: 285 TI + 4 TPI = 289 TI in total.

**(2017):** The other specialized courts are:

- juvenile courts 155
- military pensions tribunals 36
- the court for navigation on the Rhine 1
- the court for navigation on the Moselle 1
- maritime trade courts 6
- national court of asylum 1

**(2016):** The other specialised courts are: 155 juvenile courts; 36 military pension courts; 1 court for navigation on the Rhine; 1 court for navigation on the Moselle; 6 maritime trade courts; 1 national asylum court.

As a matter of fact, the following reforms are on-going:

- The future Tribunal of Paris, whose establishment is scheduled for 14 May 2018, will unify all the services of the TGI (Tribunal de grande instance) currently dispersed over 5 sites, including "Ile de la Cité", the police court and the first instance courts (tribunaux d'instance);
- Since 1 July 2017, the hearings of the Police Court, previously under the jurisdiction of the "tribunaux d'instance", have been transferred to the TGI. The aim of this reform is to refocus the tribunaux d'instance on day-to-day civil justice and to centralise criminal litigation at the seat of the TGI.
- Since 1 July 2017, the 311 local courts have been abolished (Law No. 2011-1862 of 13 December 2011), their powers being taken over by the tribunaux d'instance in civil matters and by the police courts attached to the TGI in criminal matters.
- As of 1 January 2019, social litigation, currently divided between the Social Security Courts (TASS), the Disability Dispute Courts (TCI) and the Departmental Social Assistance Commissions (CDAS), will be unified and transferred to the TGI (first instance courts of general jurisdiction). These specialised courts will then be abolished.

**(2015):** Other specialised courts are:

- Juvenile courts : 155
- Military Pensions Courts: 36
- Court for navigation on the Rhine: 1
- Maritime Courts: 14
- National Court of Asylum: 1
- Court of First Instance for navigation on the Moselle: 1

**(2014):** The reduction of the number of specialised courts in 2014 is primarily due to the suppression of 70 military pensions courts.

2013, 2014: the other specialised courts are:

- children courts: 155
- military pensions courts: 36
- Rhine navigation court: 1
- commercial maritime courts: 14
- national court for asylum right: 1
- court of first instance for the navigation on the Moselle: 1

Compared to previous years, a part of the "other specialised courts" was distributed in the proposed categories. Therefore, the agricultural land courts appear in the category rental cases courts.

The specialised interregional jurisdictions, competent to judge organised crime cases have been added.

The category of insurance and/or social security courts comprises the 26 incapability litigations courts and the 115 social security cases courts.

The number of military pensions courts has been drastically reduced.

In 2013 and 2014, 281 courts of rental cases are mentioned, which was not the case in 2010 and 2012. It corresponds to agricultural land courts which were included in the comment and classified in the category "other specialised court".

It is the same for courts for execution of criminal sanctions. In 2013 and 2014, there were 8 of them. They correspond to the sentence enforcement courts which were included in 2010 and 2012 in the category "other specialised courts".

Concerning courts in terms of fight against terrorism, organised crime and corruption, in 2013, they were 50. It corresponds to the interregional jurisdictions specialised in terms of organised crime.

Between 2012 and 2013, a significant increase in the number of insurance and/or social security courts may be observed. This courts appeared in the category "other specialised courts", they correspond to social security courts and incapability litigation courts.

Regarding the category "others", a significant difference may be observed between the number and the type of specialised courts between 2012 and 2013 because this category was redistributed according the specific categories proposed for greater clarity.

**(2013):** 2013, 2014: the other specialised courts are:

- children courts: 155
- military pensions courts: 36
- Rhine navigation court: 1
- commercial maritime courts: 14
- national court for asylum right: 1
- court of first instance for the navigation on the Moselle: 1

In comparison with previous years, the part "other specialised courts" was distributed in the proposed categories. Thus, the agricultural land courts are included in the category of rental cases courts.

The specialised interregional jurisdictions, competent to judge cases of organised crime were added.

The category insurance and/or social security courts comprises the 26 courts of incapability litigation courts and the 115 courts responsible for social security cases.

The number of military pensions courts was drastically reduced.

In 2013 and 2014, 284 courts of rental cases are mentioned, which was not the case for 2010 and 2012. They refer to the agricultural land courts which were appearing in the comment and were classified in the category "other specialised courts".

It is the same for courts for execution of criminal sanctions. In 2013 and 2014, there are 8 of them. They correspond to the sentence enforcement courts which were appearing in 2010 and 2012 in the category "other specialised courts".

Concerning the courts in terms of fight against terrorism, organised crime or corruption, in 2013, they were less than 50. They correspond to interregional jurisdictions specialised in organised crime.

Between 2012 and 2013, a significant increase in the number of insurance and/or social security courts may be observed. This courts appeared in the category "other specialised courts", they correspond to social security courts and incapability litigation courts.

Regarding the category "others", a significant difference may be observed between the number and the type of specialised courts between 2012 and 2013 because this category was redistributed according the specific categories proposed for greater clarity.

**(2012):** 2010, 2012: Commercial Courts: 135

Mixed commercial courts 8: 6 in the departments and regions overseas and 2 in the communities overseas (the mixed commercial court of Mayotte is not included for the reference year).

The category "labour courts" brings together the 210 industrial courts and the 6 labour courts.

The category "insurance and/or social security courts" refers to the courts responsible for social security cases.

The other specialised courts of first instance are:

- District courts specialised in criminal matters (police courts): 3

- Local police courts: 3

- Children courts: 155

- Incapacity Dispute courts: 26

- Agricultural land courts: 281

- Sentence enforcement courts: 50

- Military pensions courts: 106

- Rhine navigation court: 1

- Commercial maritime courts: 14

- Court of first instance for the navigation on the Moselle: 1

- It should be noted that the military court of Paris (TAAP) was discontinued on 1st January 2012 by the Law n°2011-1862 of 13 December 2011 relating to the distribution of litigations and the relief of some court proceedings. Its functions were transferred to a pole specialised in military matters in the High Court of Paris. The pole is now the only one that has jurisdiction for offences committed by or against French military in time of peace and outside of the Republic territory. The TAAP is thus counted in 2011 but not in 2012.

## Germany

**(General Comment):** It is noteworthy that depending on the value at dispute, commercial cases are dealt with at Local or Regional Courts, on application in a chamber established at the Regional Court for commercial cases. There are no separate commercial courts. Likewise, there are no independent rent and tenancies courts, enforcement courts or courts for insurance cases. Depending on the caseload, special panels of judges are established for this purpose at the Local and Regional Courts. Family cases are dealt with at first instance in special departments of the Local Courts. The Federal Armed Forces do not have any military courts of their own; its members are subject to civil jurisdiction. The category "other" covers 18 Finance Courts.

**(2018):** Finance Courts

**(2017):** Finance courts

**(2016):** Other specialised 1st instance courts: Finance Courts

**(2015):** Other: Finance Courts

The data refer to the year 2014. At present, no more recent data are available.

This information relates to manpower percentages. There are no absolute figures for the number of persons. As to the information regarding manpower percentages, a judge working full-time is counted as 1. A judge who works part-time is counted as a portion of 1, depending upon his work hours as a percentage of full-time (e.g. 0.5 for a judge who works half of the full-time working hours).

As to 42.1. and 42.2.: The information is based upon summaries of the staff. This data is derived from a complex calculation key as an annual average value of the actual personnel deployed (for example, excluding employees who were not present more than 20 working days during a quarter for reasons other than holiday and/or training).

As to 42.3.: The number of professional judges at the highest courts of law is based upon judicial statistics. This data is collected every two years and compiled into an overview (most recent: 31 December 2014).

**(2014):** In 2014, in comparison with 2012, the number of specialized first instance courts decreased of three labour courts in two Landers.

## Greece

**(General Comment):** In Greece, there are no special courts for the fields of law described in the question 43, besides those already mentioned. The Greek Constitution is reluctant to provide in the Greek legal system special courts. Instead, within the Courts of First Instance and Courts of Appeal of large cities, we have special Chambers, where the task of adjudicating in special categories of law (e.g. family law, commercial law, etc.) is assigned. Judges entrusted with such duties have usually the correspondent specific studies. As far as other special courts are concerned, special provisions regulate the operation of courts for juveniles, military, navy and air force courts.

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## Hungary

**(General Comment):** In Hungary, the only specialized 1st instance courts are the administrative and labour courts (20) that deal with administrative, labour and social security cases. Till 2013, there were 20 Labour courts which became in 2013 Administrative and Labour courts. More precisely, their jurisdiction covers procedures at first instance in individual and collective labour disputes, and in administrative actions. These courts are not a part of the ordinary 1st instance courts (district courts). Their professional management is the duty of the administrative and labour regional departments (6). There are military departments at five Regional Courts and at one Regional Court of Appeal. Although they only deal with military related criminal cases, they are not considered as specialized courts as they are a part of the ordinary court system both in administrative and professional management.

## Ireland

**(General Comment):** The two specialised first instance courts listed above are Special Criminal Court No. 1 and Special Criminal Court No. 2. The latter was established in October 2015 and came into operation, sitting for the first time, in 2016. In previous cycles the category "other" (1) was referring to Special Criminal Court No. 1. Other than distinctions between jurisdictional levels there is no specialisation - all judges within a court jurisdiction may be allocated to any category of case falling within the jurisdictional remit of the court concerned. Starting in 2013 a new cadre of specialist judges was created in the Circuit Court with specific jurisdiction in relation to certain types of personal insolvency remedy and certain pre-trial order making powers. Ireland has a specialist regime for the trial of commercial proceedings in the form of the Commercial List of the High Court (known as the 'Commercial Court') but, as it is not a separate legal entity, being a list within and formally a part of the High Court, it is not included as a specialist court as such.

## Italy

**(General Comment):** Since 2014 in Italy there are 22 Brand Commercial courts (Tribunali delle imprese) that are legal entities of their own and not just internal court divisions for organizational purpose (such as labour, family etc.). It is noteworthy that in Italy, some of the specialized first instance courts are not administered and financed by the Ministry of Justice. This is the case for the regional administrative courts, the regional audit commissions, the local tax commissions and military courts. These courts are not taken into consideration for the replies to questions 6, 46 and 52 for none of the exercises. In respect of the 29 regional administrative courts (geographic locations) and their supreme court, it should be stressed that they have been encompassed within the total under question 43 for the last four exercises, but only since 2014 this approach is reflected in questions 91 and 99 (number of administrative law cases). Moreover, in Italy specific matters (such as labour, family etc.) are dealt by specific divisions within the same Court. There are also 26 divisions called DDA (Direzioni Distrettuali Antimafia) which deal specifically with mafia and organized crime.

**(2018):** The category "other" category subsumes 29 Minor (or Juvenile) Courts and 103 Tax Courts.

**(2017):** Other: 29 Minor (or Juvenile) Courts + 103 provincial tax commissions

**(2016):** OTHER: 29 Minor (or Juvenile) Courts + 103 Local Tax Commissions



**(2013):** In September 2013, the Italian judicial system implemented an extensive reorganization of the territorial distribution of offices with the closing (by merger with other offices) of 30 Tribunals, 30 Prosecution offices, 220 branches of Tribunals and 346 Peace Judges.

## Latvia

**(General Comment):** In Latvia, only the Administrative court can be considered as a 1st instance specialized court (which is divided into 5 court houses). As to the category “military courts”, the reply NA is justified by the fact that according to the Law on Judicial Power, judicial power in the Republic of Latvia is vested in district (city) courts, regional courts, the Supreme Court and the Constitutional Court, but in state of emergencies or during war – also military courts. The rest of the courts in Latvia are not established, and therefore in this case should be NAP. Latvia has also one Court, which is specialized on Commercial cases, but that court working with other civil cases and is first instance court. This court is unchecked separately on Question 43 because it is not a separate commercial court, but just few judges are specialized on commercial cases.

**(2018):** There is only Administrative court in Latvia.

**(2016):** There is only one specialised court the administrative court with 5 court houses

## Luxembourg

**(General Comment):** Please note that the total of 043 is not identical to the total in 042, as most of the specialized courts are in fact specialized sections of a general court. E.g. the commercial courts (which also deal with insolvency cases) are specialized sections of the district court (tribunal d'arrondissement). Only the administrative, military and 1st instance social security courts are selfstanding.

**(2017):** Please note that the total of 043 is not identical to the total in 042, as most of the specialized courts are in fact specialized sections of a general court. E.g. the commercial courts (which also deal with insolvency cases) are specialized sections of the district court (tribunal d'arrondissement). Only the administrative, military and 1st instance social security courts are selfstanding.

**(2016):** Please note that the total of 043 is not identical to the total in 042, as most of the specialized courts are in fact specialized sections of a general court. E.g. the commercial courts (which also deal with insolvency cases) are specialized sections of the district court (tribunal d'arrondissement). Only the administrative, military and 1st instance social security courts are selfstanding.

**(2014):** Most of the areas mentioned in the question are within the competence of district courts (commercial cases, insolvency cases, family law cases and all criminal cases except for offenses that are under the jurisdiction of justices of peace) and justices of peace (labour law cases, rental cases). The indicated total is a purely statistical information which does not reflect the reality.

**(2012):** Matters concerning trade and family law are dealt with at the level of district courts, while matters pertaining to labour law and rental cases are within the competence of the justices of peace.

## Malta

**(General Comment):** The 1st Instance Courts include general jurisdiction and specialised courts, tribunals and boards. Following April 2018, a new Commercial Section was set-up, which sees to claims filed under the Companies Act. There are now nine (9) specialised first instance courts, namely the First Hall, Commercial Section, the First Hall, Family Court, the Rent Regulation Board, the Administrative Tribunal, the Court of First Instance, the Land Arbitration Board, the Rural Leases Control Board, the Small Claims Tribunal and the Court of Voluntary Jurisdiction.

**(2018):** The courts referred to under 'Other specialised 1st Instance courts' include:

- The Civil Court, First Hall
- the Land Arbitration Board
- the Rural Leases Control Board
- the Small Claims Tribunal
- the Court of Voluntary Jurisdiction

**(2017):** The other specialised 1st Instance courts include:

- the Civil Court, First Hall
- the Court of Voluntary Jurisdiction - the Land Arbitration Board
- the Rural Leases Control Board
- the Small Claims Tribunal

**(2016):** The other specialised 1st Instance courts include:

- the Civil Court, First Hall
- the Land Arbitration Board
- the Rural Leases Control Board
- the Small Claims Tribunal

## Netherlands

**(General Comment):** There is only one specialized first instance court, namely the Trade and Industry Appeals Tribunal, also known as Administrative High Court for Trade and Industry. The other specialized jurisdictions are not legal entities (Natte kamer, Ondernemingskamer, Militaire kamer) but only chambers within the courts. There is no separate military court, but there is a military chamber in one of the district courts.

**(2017):** same as last year

**(2015):** Currently the commercial court in the Netherlands is the specialized court CBb. Per January first 2017 starts the Netherlands Commercial Court (NCC).

## Portugal

**(General Comment):** Q.43 -total: The number given under Q43.1.1 includes 17 first instance courts of administrative jurisdiction that are not included under Q.42.2. Administrative courts are part of another jurisdiction and under our law cannot be considered specialized courts.

Other specialised 1st instance courts include: Criminal Instruction Courts, Maritime Courts; Intellectual Property and Competition Court; Enforcement Courts.

There are no insolvency courts in Portugal.

Law 31/2012, 14 August, put in force a special eviction procedure that takes place before the Rent and tenancy section (Balcão Nacional do Arrendamento) that is functioning since 8 January 2013. This procedure enables the landlord to obtain an eviction order when the tenant does not vacate the leased premises on the date prescribed by law or by the date fixed by agreement between the parties. This is an electronic procedure that takes place before the rent and tenancy section (Balcão Nacional do Arrendamento). This section is not a court and is dependent on the Ministry of Justice. Only if the tenant opposes the application for eviction is the case referred to a judicial court.

**(2018):** Changes to the judicial organization (Law n. 40-A/2016, 22 December) are in force since January 1, 2017.

**(2017):** Other specialised 1st instance courts include, among others: Criminal Instruction Courts, Maritime Courts; Intellectual Property and Competition Court; Enforcement Courts.

Law 31/2012, 14 August, put in force the Rent and tenancy section (Balcão Nacional do Arrendamento) that is functioning since 8 January 2013.

**(2015):** In 2013-2014, the Reform of the Portuguese Judicial system was implemented. One of the major goals of this reform was to set up specialised courts on a national level, which led to a significant increase of commercial courts compared to previous years.

The difference between Q42.2 and Q43 is due to the inclusion of the 20 administrative courts in Q43. In Portugal, the administrative jurisdiction is autonomous, independent from the civil jurisdiction and cannot be considered as specialised courts.

Other courts:

Other specialised 1st instance courts include: Criminal Instruction Courts, Maritime Courts; Intellectual Property and Competition Court; Enforcement Courts.

Law 31/2012, 14 August, put in force the Rent and tenancy section (Balcão Nacional do Arrendamento) that is functioning since 8 January 2013

**(2014):** In 2013-2014, the Reform of the Portuguese Judicial system was implemented. One of the major goals of this reform was to set up specialised courts on a national level, which led to a significant increase of commercial courts compared to previous years.

For 2014, the category "other" subsumes as in 2012 Criminal Instruction Courts, Maritime Courts, Intellectual Property and Competition Court and Enforcement Courts. Additionally, the Rent and tenancy section (Balcão Nacional do Arrendamento) has been established by law in August 2012 and is functioning since 8 January 2013.

**(2012):** For 2012, the category "other" encompasses Criminal Instruction Courts, Maritime Courts, Intellectual Property and Competition Court and Enforcement Courts.

## Slovakia

**(General Comment):** In the Slovak court system there are 8 Regional courts which are the courts with dual competence. The Regional courts are the courts of appeal with the general jurisdiction in the civil, commercial and the criminal cases. In the appellate procedure they decide the appeals lodged against the decisions of all District courts within their local jurisdiction. At the same time the Regional courts have the jurisdiction as the courts of first instance in administrative matters. They act as the administrative courts.

The Specialized Criminal court is competent to judge the grave criminal matters enumerated in the § 14 of the Criminal procedure Code (e. g. premeditated murder, corruption, terrorism, organised crime, severe economic crimes, damaging the financial interests of the EU etc.)

## Slovenia

**(General Comment):** The question refers to the number of first instance specialised courts as legal entities. Although the given answer for the 'labour courts' category is 4 and the 'insurance and/ or social welfare courts' category is 1, the total number of these courts is 4, as one of the labour courts and the social court form a single legal entity – Labour and social court in Ljubljana.

## Spain

**(General Comment):** The Arbitration Court was created by decision of the General Council of the Judiciary of 25 November 2010. The latter assigns exclusive jurisdiction over arbitration matters to the Court of First Instance No. 101 of Madrid. This measure seeks to foster the development of uniform criteria in court proceedings for the assistance and control of arbitration in Madrid.

Other specialised courts include: Penal courts; Penal courts specialized in violence against women; violence against women courts; juvenile courts; Prison courts; foreclosure proceedings courts; Civil Capacity courts and Civil registry

**(2018):** Between 2016 and 2018, more first instance courts have become specialized in family matters. Courts of violence against women: 106  
Foreclosure proceedings Courts: 3  
Court of arbitration: 1  
Civil capacity courts: 12  
Criminal courts: 341  
Criminal courts specialized in Violence against women, 32  
Juvenile Courts: 82  
Prison courts: 51  
Civil Registries: 28  
Additionally (and they are not accounted) there are 26 military courts that are not part of the Judiciary but they are inspected by it)

**(2017):** -338 Criminal courts  
-32 Criminal courts specialized in violence against women  
-106 violence against women courts  
-82 juvenile courts  
-51 Prison courts  
-3 foreclosure proceedings courts  
-1 Arbitration court  
-18 Civil Capacity courts  
- 28 Civil register offices

**(2016):** - 335 Criminal courts  
-30 Criminal courts specialized in violence against women  
-106 violence against women courts  
-83 juvenile courts  
-51 Prison courts  
-3 foreclosure proceedings courts  
-1 Arbitration court  
-18 Civil Capacity courts  
- 28 Civil register courts

**(2015):** Other specialised courts include: 343 Penal courts; 23 Penal courts specialized in violence against women; 106 violence against women courts; 83 juvenile courts; 50 Prison courts; 3 foreclosure proceedings courts; 1 Arbitration court; 12 Civil Capacity courts and 28 Civil registry.

The Commercial Courts deal with insolvency issues.

Military Courts have not been accounted because they do not belong to the Judiciary (except the Supreme Court 5th room ). There are other 26 Military Courts.

**(2014):** In 2014, the category "other specialized 1st instance courts" encompasses: 357 Penal courts; 23 Penal courts specialized in violence against women; 106 violence against women courts; 83 Juvenile courts; 50 Prison courts; 16 Courts for disabled people (capacity courts), 26 Civil Register Courts, 3 Foreclosure proceedings courts (mortgage courts); 1 Arbitration court.

The Decanatos exclusive are not included in this exercise because these organs are not courts and have rather administrative nature (units in charge of supporting the courts within their territory in matters such as assignment of cases or distribution of rogatory letters among courts).

**(2012):** In 2012, the category "other specialized 1st instance courts" encompasses: 380 Penal courts; 17 Penal courts specialised in violence against women; 106 Violence against women courts; 82 Juvenile courts; 1 Juvenile Enforcement court; 50 Prison courts; 9 Capacity courts; 26 Civil Register courts; 8 Decanatos exclusive; 4 Labour enforcement courts; 4 Mortgage courts and one Arbitration Court.

## Sweden

**(2018):** In 2018 evaluation cycle, the answer has been adjusted to comply with the CEPEJ definitions. General administrative courts are the courts of first instance among the general courts and deal with cases involving disputes between the community and individuals. These courts settle many different types of cases (around 500 different types of cases). Common types of cases are tax cases, social insurance cases, cases under the Social Services Act and cases concerning compulsory care. There are twelve administrative courts. The Patent and Market Court deals, among other things, with disputes under the Competition Act and the Marketing Practices Act. There is one first-instance Patent and Market Court.

Land and Environment courts process cases such as permits for water operations and environmentally hazardous operations, issues of health protection, nature conservation, refuse collection, polluted areas and hazardous waste, environmentally-related damages and compensation issues, issues of building, demolition and land permits under the Planning and Building Act, site leaseholds, appeals in planning matters, land parcelling, utility easements and expropriation. There are five Land and Environment Courts, which are specialized courts at the District Courts in Nacka, Vänersborg, Växjö, Umeå and Östersund. Migration courts review decisions made by the Swedish Migration Board on matters concerning aliens and citizenship. There are four Migration Courts, they are specialized courts which are part of the Administrative Courts in Malmö, Göteborg, Stockholm and Luleå.

Maritime courts deal with cases under the Swedish Maritime Code (1994:1009). There are seven maritime courts, which are part of the District Courts in Luleå, Sundsvall, Stockholm, Kalmar, Malmö, Gothenburg and Karlstad. Sweden also has special courts, which are not considered to be part of the general and administrative courts' system. These two courts are completely separated from the general and administrative courts and their organization, which means that they have a more far-reaching separation from the general and administrative courts. Those are: The Labour Court (deals with labour disputes. Labour disputes are disputes in the frame of employers and employees' relationships. The Labour Court is normally the first and only instance competent in labour disputes. Nevertheless, some labour disputes are heard first in a district court, after which an appeal may be lodged with the Labour Court as the court of second and final instance) and The Defence Intelligence Court. Rent and Tenancy Tribunals are not included because they are not courts in Sweden but administrative agencies. These are quasi-judicial bodies which hold similar powers to the courts and they make decision on disputes involving rents, tenant-ownerships and leaseholds.

**(2017):** 2 specialised 1st instance Courts, Market Court and the Court of Patent appeals are from September 1st 2016 replaced by one Patent and Market Court and a Patent and Market Court of Appeal which is a part of the Stockholm district Court and Svea Hovrätt Court of appeals.

Other specialised 1st instance court is the Defence Intelligence Court.

**(2016):** 2 specialised 1st instance Courts, Market Court and the Court of Patent appeals are from September 1st 2016 replaced by one Patent and Market Court and a Patent and Market Court of Appeal which is a part of the Stockholm district Court and Svea Hovrätt Court of appeals.

Other specialised 1st instance court is the Defence Intelligence Court.

**(2015):** Other specialised 1st instance courts: Market Court, the Court of Patent appeals and the Defence Intelligence Court.

N.b. The Market Court and the Court of Patent appeals are from September 1st 2016 replaced by one Patent and Market Court and a Patent and Market Court of Appeal, see Q 208.

# **Indicator 3: The performance of courts at all stages of the proceedings**

**Table 3.1.1.1(2018): First instance courts, number of other than criminal law cases in 2018 - Pending cases on 1st Jan. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	522 569	32 437	366 196	324 166	42 030	16 644	25 386	NAP	NAP	71 648	52 288
Belgium	NA	NA	NA	NAP	NAP	NAP	NA	NAP	NAP	21 318	NA
Bulgaria	82 931	NA	NA	NA	NAP	NAP	NAP	NAP	NA	9 426	NA
Croatia	297 507	148 828	138 113	91 062	47 051	44 709	2 342	NAP	NAP	10 566	NAP
Cyprus	57 972	NA	NA	NA	NA	NA	NA	NA	NA	8 025	NA
Czech Republic	446 370	148 655	162 410	153 009	7 459	NAP	7 459	NAP	1 942	10 377	124 928
Denmark	144 319	20 458	94 887	83 319	9 229	3 094	6 135	NAP	2 339	NAP	28 974
Estonia	26 056	6 280	18 884	9 294	9 590	4 775	4 815	NAP	NAP	892	NAP
Finland	154 229	6 487	121 848	121 848	NAP	NAP	NAP	NAP	NAP	20 765	5 129
France	1 821 752	1 588 116	73 162	73 162	NAP	NAP	NAP	NAP	NAP	160 474	NAP
Germany	NA	703 935	NA	NA	NA	NA	1 727 738	NA	NA	845 199	440 716
Greece	NA	252 811	NA	NA	NA	NA	NA	NA	NA	200 803	NA
Hungary	174 020	85 430	58 332	20 389	37 436	NAP	35 986	1 450	507	5 467	24 791
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	3 797 952	2 331 797	1 282 107	1 282 107	NAP	NAP	NAP	NAP	NAP	184 048	NAP
Latvia	25 433	19 522	4 499	4 499	0	0	NAP	NAP	NAP	1 412	NAP
Lithuania	33 101	27 167	1 720	1 301	NA	NA	NA	NA	419	2 748	1 466
Luxembourg	NA	1 306	1 314	NAP	NAP	NAP	NAP	NAP	1 314	NA	NAP
Malta	9 492	8 856	262	262	NAP	NAP	NAP	NAP	NAP	374	NAP
Netherlands	279 950	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	47 290	NAP
Poland	2 324 337	807 970	1 404 323	780 007	624 316	470 502	153 814	NAP	NAP	25 726	86 318
Portugal	NA	230 602	NA	NA	NAP	NAP	NAP	NAP	NAP	71 446	NAP
Romania	639 082	581 464	10 770	1 354	9 416	4 322	5 094	NAP	NAP	46 848	NAP
Slovakia	269 114	110 221	89 392	31 105	9 390	NAP	9 390	0	48 897	5 155	64 346
Slovenia	122 514	38 624	61 003	56 402	4 601	4 119	482	NAP	NAP	3 292	19 595
Spain	1 426 264	942 844	331 391	331 391	NAP	NAP	NAP	NAP	NAP	152 029	NAP
Sweden	97 859	26 858	8 692	8 692	NAP	NAP	NAP	NAP	NAP	59 299	3 010
<b>Average</b>	<b>607 277</b>	<b>369 121</b>	<b>222 595</b>	<b>187 409</b>	<b>72 774</b>	<b>68 521</b>	<b>179 876</b>	<b>725</b>	<b>9 236</b>	<b>81 859</b>	<b>77 415</b>
<b>Median</b>	<b>174 020</b>	<b>97 826</b>	<b>73 162</b>	<b>64 782</b>	<b>9 416</b>	<b>4 549</b>	<b>7 459</b>	<b>725</b>	<b>1 628</b>	<b>21 042</b>	<b>28 974</b>
<b>Minimum</b>	<b>9 492</b>	<b>1 306</b>	<b>262</b>	<b>262</b>	<b>0</b>	<b>0</b>	<b>482</b>	<b>0</b>	<b>419</b>	<b>374</b>	<b>1 466</b>
<b>Maximum</b>	<b>3 797 952</b>	<b>2 331 797</b>	<b>1 404 323</b>	<b>1 282 107</b>	<b>624 316</b>	<b>470 502</b>	<b>1 727 738</b>	<b>1 450</b>	<b>48 897</b>	<b>845 199</b>	<b>440 716</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>22%</b>	<b>19%</b>	<b>30%</b>	<b>26%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>4%</b>	<b>19%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>44%</b>	<b>56%</b>	<b>44%</b>	<b>78%</b>	<b>63%</b>	<b>7%</b>	<b>41%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.1.1.2(2018): First instance courts, number of other than criminal law cases in 2018 - Incoming cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	3 267 183	83 403	2 598 742	1 669 386	929 356	621 199	308 157	NAP	NAP	71 553	513 485
Belgium	1 060 896	767 255	267 025	NAP	267 025	NAP	267 025	NAP	NAP	16 665	9 951
Bulgaria	378 948	NA	NA	NA	NAP	NAP	NAP	NAP	NA	31 146	NA
Croatia	882 675	116 412	752 833	120 873	631 960	495 739	136 221	NAP	NAP	13 430	NAP
Cyprus	20 937	NA	NA	NA	NA	NA	NA	NAP	NA	1 950	NA
Czech Republic	936 757	346 240	553 409	440 015	111 788	NAP	111 788	NAP	1 606	11 865	25 243
Denmark	2 277 208	41 854	2 076 446	357 316	1 714 131	1 689 592	24 539	NAP	4 999	NAP	158 908
Estonia	297 825	15 382	279 965	48 177	231 788	111 522	120 266	NAP	NAP	2 478	NAP
Finland	499 995	8 244	457 303	457 303	NAP	NAP	NAP	NAP	NAP	24 593	9 855
France	1 882 289	1 498 080	171 180	171 180	NAP	NAP	NAP	NAP	NAP	213 029	NAP
Germany	NA	1 261 954	NA	2 509 519	NA	5 428 233	126 423	NA	NA	748 328	945 094
Greece	NA	213 468	NA	NA	NA	NA	NA	NA	NA	60 320	NA
Hungary	719 282	132 557	550 507	203 997	344 358	NAP	339 852	4 506	2 152	17 120	19 098
Ireland	223 906	131 159	91 655	91 655	NAP	NAP	NAP	NAP	NAP	NAP	1 092
Italy	3 518 409	1 539 174	1 929 267	1 929 267	NAP	NAP	NAP	NAP	NAP	49 968	NAP
Latvia	317 227	27 778	287 606	42 345	245 261	245 261	NAP	NAP	NAP	1 843	NAP
Lithuania	210 779	99 292	71 599	63 208	NA	NA	NA	NA	8 391	14 899	24 989
Luxembourg	11 379	4 807	5 326	1 031	NAP	NAP	NAP	NAP	4 295	1 246	NAP
Malta	11 827	8 640	3 040	3 040	NAP	NAP	NAP	NAP	NAP	147	NAP
Netherlands	1 199 579	134 710	965 230	965 230	NAP	NAP	NAP	NAP	NAP	99 629	NAP
Poland	10 983 338	1 324 787	9 272 680	4 621 436	4 651 244	3 691 685	959 559	NAP	NAP	65 963	319 908
Portugal	NA	296 748	NA	NA	NAP	NAP	NAP	NAP	NAP	24 382	NAP
Romania	1 354 351	1 240 508	30 103	23 618	6 485	5 631	854	NAP	NAP	83 740	NAP
Slovakia	592 842	126 997	278 255	93 784	110 402	NAP	110 323	79	74 069	5 063	182 527
Slovenia	638 075	40 700	437 669	163 899	273 770	222 701	51 069	NAP	NAP	3 540	156 166
Spain	2 324 441	1 284 086	868 023	868 023	NAP	NAP	NAP	NAP	NAP	172 332	NAP
Sweden	260 016	64 117	21 490	21 490	NAP	NAP	NAP	NAP	NAP	167 245	7 164
<b>Average</b>	<b>1 411 257</b>	<b>432 334</b>	<b>998 607</b>	<b>675 718</b>	<b>793 131</b>	<b>1 390 174</b>	<b>213 006</b>	<b>2 293</b>	<b>15 919</b>	<b>76 099</b>	<b>182 575</b>
<b>Median</b>	<b>678 679</b>	<b>131 159</b>	<b>362 638</b>	<b>167 540</b>	<b>270 398</b>	<b>495 739</b>	<b>123 345</b>	<b>2 293</b>	<b>4 647</b>	<b>24 382</b>	<b>25 243</b>
<b>Minimum</b>	<b>11 379</b>	<b>4 807</b>	<b>3 040</b>	<b>1 031</b>	<b>6 485</b>	<b>5 631</b>	<b>854</b>	<b>79</b>	<b>1 606</b>	<b>147</b>	<b>1 092</b>
<b>Maximum</b>	<b>10 983 338</b>	<b>1 539 174</b>	<b>9 272 680</b>	<b>4 621 436</b>	<b>4 651 244</b>	<b>5 428 233</b>	<b>959 559</b>	<b>4 506</b>	<b>74 069</b>	<b>748 328</b>	<b>945 094</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>11%</b>	<b>7%</b>	<b>19%</b>	<b>15%</b>	<b>15%</b>	<b>11%</b>	<b>11%</b>	<b>11%</b>	<b>15%</b>	<b>0%</b>	<b>11%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>41%</b>	<b>56%</b>	<b>44%</b>	<b>81%</b>	<b>63%</b>	<b>7%</b>	<b>41%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.



**Table 3.1.1.3(2018): First instance courts, number of other than criminal law cases in 2018 - Resolved cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	3 274 813	84 061	2 614 882	1 676 640	938 242	622 348	315 894	NAP	NAP	64 177	511 693
Belgium	1 149 719	862 888	267 025	NAP	267 025	NAP	267 025	NAP	NAP	19 806	NA
Bulgaria	369 915	NA	NA	NA	NAP	NAP	NAP	NAP	NA	31 044	NA
Croatia	922 780	130 931	776 278	143 939	632 339	495 865	136 474	NAP	NAP	15 571	NAP
Cyprus	26 147	NA	NA	NA	NA	NA	NA	NA	NA	4 275	NA
Czech Republic	958 742	351 743	562 658	446 312	114 206	NAP	114 206	NAP	2 140	10 445	33 896
Denmark	2 267 599	39 768	2 070 226	357 728	1 707 761	1 690 470	17 291	NAP	4 737	NAP	157 605
Estonia	299 371	15 473	281 421	46 060	235 361	112 715	122 646	NAP	NAP	2 477	NAP
Finland	529 974	8 427	484 490	484 490	NAP	NAP	NAP	NAP	NAP	27 608	9 449
France	1 813 313	1 434 571	169 124	169 124	NAP	NAP	NAP	NAP	NAP	209 618	NAP
Germany	NA	1 227 172	NA	NA	NA	NA	87 651	NA	NA	726 730	960 583
Greece	NA	184 131	NA	NA	NA	NA	NA	NA	NA	98 633	NA
Hungary	762 142	154 139	565 484	206 500	356 586	NAP	352 232	4 354	2 398	17 407	25 112
Ireland	175 913	82 744	92 077	92 077	NAP	NAP	NAP	NAP	NAP	NAP	1 092
Italy	3 618 916	1 583 707	1 967 089	1 967 089	NAP	NAP	NAP	NAP	NAP	68 120	NAP
Latvia	317 970	28 712	287 320	42 059	245 261	245 261	NAP	NAP	NAP	1 938	NAP
Lithuania	212 946	102 877	72 175	63 788	NA	NA	NA	NA	8 387	13 048	24 846
Luxembourg	11 249	4 857	5 321	1 031	NAP	NAP	NAP	NAP	4 290	1 071	NAP
Malta	11 481	8 068	3 279	3 279	NAP	NAP	NAP	NAP	NAP	134	NAP
Netherlands	1 207 954	136 326	976 807	976 807	NAP	NAP	NAP	NAP	NAP	94 821	NAP
Poland	10 873 270	1 220 249	9 305 584	4 743 532	4 562 052	3 572 462	989 590	NAP	NAP	69 315	278 122
Portugal	NA	323 967	NA	NA	NAP	NAP	NAP	NAP	NAP	27 055	NAP
Romania	1 402 241	1 273 442	29 986	23 426	6 560	5 324	1 236	NAP	NAP	98 813	NAP
Slovakia	660 330	165 833	280 349	91 943	112 073	NAP	111 994	79	76 333	4 866	209 282
Slovenia	650 931	44 677	449 352	175 982	273 370	222 205	51 165	NAP	NAP	3 233	153 669
Spain	2 132 393	1 113 252	847 428	847 428	NAP	NAP	NAP	NAP	NAP	171 713	NAP
Sweden	252 458	62 507	21 445	21 445	NAP	NAP	NAP	NAP	NAP	161 929	6 577
<b>Average</b>	<b>1 412 607</b>	<b>425 781</b>	<b>1 005 900</b>	<b>599 080</b>	<b>787 570</b>	<b>870 831</b>	<b>213 950</b>	<b>2 217</b>	<b>16 381</b>	<b>77 754</b>	<b>197 661</b>
<b>Median</b>	<b>711 236</b>	<b>136 326</b>	<b>368 336</b>	<b>169 124</b>	<b>270 198</b>	<b>370 563</b>	<b>118 426</b>	<b>2 217</b>	<b>4 514</b>	<b>27 055</b>	<b>93 783</b>
<b>Minimum</b>	<b>11 249</b>	<b>4 857</b>	<b>3 279</b>	<b>1 031</b>	<b>6 560</b>	<b>5 324</b>	<b>1 236</b>	<b>79</b>	<b>2 140</b>	<b>134</b>	<b>1 092</b>
<b>Maximum</b>	<b>10 873 270</b>	<b>1 583 707</b>	<b>9 305 584</b>	<b>4 743 532</b>	<b>4 562 052</b>	<b>3 572 462</b>	<b>989 590</b>	<b>4 354</b>	<b>76 333</b>	<b>726 730</b>	<b>960 583</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>11%</b>	<b>7%</b>	<b>19%</b>	<b>19%</b>	<b>15%</b>	<b>15%</b>	<b>11%</b>	<b>15%</b>	<b>15%</b>	<b>0%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>41%</b>	<b>56%</b>	<b>44%</b>	<b>78%</b>	<b>63%</b>	<b>7%</b>	<b>41%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.1.1.4(2018): First instance courts, number of other than criminal law cases in 2018 - Pending cases on 31 Dec. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	514 939	31 779	350 056	316 912	33 144	15 495	17 649	NAP	NAP	79 024	54 080
Belgium	NA	NA	NA	NAP	NA	NAP	NA	NAP	NAP	20 089	NA
Bulgaria	91 964	NA	NA	NA	NAP	NAP	NAP	NAP	NA	9 528	NA
Croatia	257 110	134 271	114 418	65 897	48 521	46 432	2 089	NAP	NAP	8 421	NAP
Cyprus	52 762	NA	NA	NA	NA	NA	NA	NA	NA	5 700	NA
Czech Republic	424 385	143 152	153 161	146 712	5 041	NAP	5 041	NAP	1 408	11 797	116 275
Denmark	149 974	22 544	97 182	82 907	11 674	2 216	9 458	NAP	2 601	NAP	30 248
Estonia	24 225	6 069	17 349	11 328	6 021	3 660	2 361	NAP	NAP	807	NAP
Finland	124 250	6 304	94 661	94 661	NAP	NAP	NAP	NAP	NAP	17 750	5 535
France	1 890 728	1 651 625	75 218	75 218	NAP	NAP	NAP	NAP	NAP	163 885	NAP
Germany	NA	738 819	NA	NA	NA	NA	1 766 513	NA	NA	866 972	443 995
Greece	NA	282 148	NA	NA	NA	NA	NA	NA	NA	162 490	NA
Hungary	131 158	63 848	43 355	17 886	25 208	NAP	23 606	1 602	261	5 180	18 775
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	3 697 445	2 287 264	1 244 285	1 244 285	NAP	NAP	NAP	NAP	NAP	165 896	NAP
Latvia	24 690	18 588	4 785	4 785	0	0	NAP	NAP	NAP	1 317	NAP
Lithuania	30 934	23 582	1 144	721	NAP	NAP	NAP	NAP	423	4 599	1 609
Luxembourg	NA	1 256	1 319	NAP	NAP	NAP	NAP	NAP	1 319	NA	NAP
Malta	10 138	9 727	23	23	NAP	NAP	NAP	NAP	NAP	388	NAP
Netherlands	266 100	40 981	173 279	173 279	NAP	NAP	NAP	NAP	NAP	51 846	NAP
Poland	2 434 405	912 508	1 371 419	657 911	713 508	589 725	123 783	NAP	NAP	22 374	128 104
Portugal	NA	203 383	NA	NA	NAP	NAP	NAP	NAP	NAP	68 773	NAP
Romania	591 192	548 530	10 887	1 546	9 341	4 629	4 712	NAP	NAP	31 775	NAP
Slovakia	201 626	71 385	87 298	32 946	7 719	NAP	7 719	0	46 633	5 352	37 591
Slovenia	109 512	34 647	49 175	44 175	5 000	4 614	386	NAP	NAP	3 599	22 091
Spain	1 613 295	1 103 465	354 118	354 118	NAP	NAP	NAP	NAP	NAP	155 712	NAP
Sweden	105 417	28 468	8 737	8 737	NAP	NAP	NAP	NAP	NAP	64 615	3 597
<b>Average</b>	<b>606 964</b>	<b>363 667</b>	<b>212 593</b>	<b>175 476</b>	<b>78 652</b>	<b>83 346</b>	<b>178 483</b>	<b>801</b>	<b>8 774</b>	<b>80 329</b>	<b>78 355</b>
<b>Median</b>	<b>149 974</b>	<b>63 848</b>	<b>81 258</b>	<b>65 897</b>	<b>9 341</b>	<b>4 622</b>	<b>7 719</b>	<b>801</b>	<b>1 364</b>	<b>18 920</b>	<b>30 248</b>
<b>Minimum</b>	<b>10 138</b>	<b>1 256</b>	<b>23</b>	<b>23</b>	<b>0</b>	<b>0</b>	<b>386</b>	<b>0</b>	<b>261</b>	<b>388</b>	<b>1 609</b>
<b>Maximum</b>	<b>3 697 445</b>	<b>2 287 264</b>	<b>1 371 419</b>	<b>1 244 285</b>	<b>713 508</b>	<b>589 725</b>	<b>1 766 513</b>	<b>1 602</b>	<b>46 633</b>	<b>866 972</b>	<b>443 995</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>22%</b>	<b>15%</b>	<b>26%</b>	<b>22%</b>	<b>15%</b>	<b>11%</b>	<b>11%</b>	<b>11%</b>	<b>15%</b>	<b>4%</b>	<b>19%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>44%</b>	<b>59%</b>	<b>48%</b>	<b>81%</b>	<b>63%</b>	<b>7%</b>	<b>41%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.1.1.5(2018): First instance courts, number of civil and commercial litigious and administrative cases pending more than 2 years in 2018 (Q91)**

States	Civil (and commercial) litigious cases		Administrative law cases	
	Number	as a % of all pending cases on 31 Dec	Number	as a % of all pending cases on 31 Dec
Austria	NA	NA	19 367	24,5%
Belgium	NA	NA	NA	NA
Bulgaria	NA	NA	NA	NA
Croatia	47 305	35,2%	NA	NA
Cyprus	NA	NA	NA	NA
Czech Republic	NA	NA	NA	NA
Denmark	NA	NA	NA	NA
Estonia	318	5,2%	30	3,7%
Finland	NA	NA	NA	NA
France	NA	NA	27 136	16,6%
Germany	NA	NA	NA	NA
Greece	NA	NA	NA	NA
Hungary	NA	NA	NA	NA
Ireland	NA	NA	NAP	NAP
Italy	NA	NA	84 621	51,0%
Latvia	2 603	14,0%	61	4,6%
Lithuania	1 502	6,4%	97	2,1%
Luxembourg	NA	NA	NA	NA
Malta	4 152	42,7%	247	63,7%
Netherlands	NA	NA	NA	NA
Poland	NA	NA	NA	NA
Portugal	47 476	23,3%	NA	NA
Romania	17 182	3,1%	1 437	4,5%
Slovakia	NA	NA	NA	NA
Slovenia	10 543	30,4%	14	0,4%
Spain	NA	NA	NA	NA
Sweden	997	3,5%	126	0,2%
<b>Average</b>	<b>14 675</b>	<b>18,2%</b>	<b>13 314</b>	<b>17,1%</b>
<b>Median</b>	<b>4 152</b>	<b>14,0%</b>	<b>187</b>	<b>4,6%</b>
<b>Minimum</b>	<b>318</b>	<b>3,1%</b>	<b>14</b>	<b>0,2%</b>
<b>Maximum</b>	<b>47 476</b>	<b>42,7%</b>	<b>84 621</b>	<b>63,7%</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>67%</b>	<b>67%</b>	<b>59%</b>	<b>59%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>4%</b>

**Table 3.1.1.1(2017): First instance courts, number of other than criminal law cases in 2017 - Pending cases on 1st Jan. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	530 969	31 532	390 281	350 894	39 387	18 711	20 676	NAP	NAP	57 010	52 146
Belgium	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP	27 615	NA
Bulgaria	77 396	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	7 743	NA
Croatia	313 783	159 981	140 109	95 943	44 166	42 009	2 157	NAP	NAP	13 693	NAP
Cyprus	54 586	NA	NA	NA	NA	NA	NA	NA	NA	7 540	898
Czech Republic	465 609	163 222	164 996	159 112	3 871	NAP	3 871	NAP	2 013	10 377	127 014
Denmark	136 043	20 909	87 083	77 671	7 012	1 728	5 284	NAP	2 400	NAP	28 051
Estonia	29 923	6 193	22 802	2 039	20 763	3 674	17 089	NAP	NAP	928	NAP
Finland	136 237	7 358	100 644	100 644	NAP	NAP	NAP	NAP	NAP	22 940	5 295
France	1 899 497	1 630 342	105 064	105 064	NAP	NAP	NAP	NAP	NAP	164 091	NAP
Germany	NA	719 662	NA	NA	NA	NA	1 691 876	NA	NA	701 598	462 519
Greece	NA	244 637	NA	NA	NA	NA	NA	NA	NA	240 650	NA
Hungary	138 168	79 099	25 806	25 130	704	NAP	NA	704	492	5 827	27 436
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	3 982 989	2 478 381	1 292 897	1 292 897	NAP	NAP	NAP	NAP	NAP	211 711	NAP
Latvia	29 430	25 078	2 947	2 947	NAP	NAP	NAP	NAP	NAP	1 405	NAP
Lithuania	38 475	29 543	1 862	867	NA	NA	NA	NA	995	4 270	2 800
Luxembourg	NA	1 136	1 440	NAP	NAP	NAP	NAP	NAP	1 440	NA	NAP
Malta	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	413	NAP
Netherlands	284 649	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	52 649	NAP
Poland	2 390 468	724 720	1 534 191	1 030 834	503 357	388 192	115 165	NAP	NAP	30 867	100 690
Portugal	NA	271 902	NA	NA	NAP	NAP	NAP	NAP	NAP	72 589	NAP
Romania	630 979	570 748	10 112	1 756	8 356	4 193	4 163	NAP	NAP	50 119	NAP
Slovakia	264 068	94 328	81 504	28 850	8 442	NAP	8 442	NAP	44 212	5 509	82 727
Slovenia	148 701	42 220	82 719	77 127	5 592	5 179	413	NAP	NAP	2 000	21 762
Spain	1 281 288	795 775	328 098	328 098	NAP	NAP	NAP	NAP	NAP	157 415	NAP
Sweden	81 014	26 667	8 385	8 385	NAP	NAP	NAP	NAP	NAP	42 627	3 335
<b>Average</b>	<b>645 714</b>	<b>386 830</b>	<b>243 386</b>	<b>216 956</b>	<b>64 165</b>	<b>66 241</b>	<b>186 914</b>	<b>704</b>	<b>8 592</b>	<b>78 816</b>	<b>76 223</b>
<b>Median</b>	<b>206 385</b>	<b>94 328</b>	<b>84 901</b>	<b>77 671</b>	<b>8 399</b>	<b>5 179</b>	<b>6 863</b>	<b>704</b>	<b>1 727</b>	<b>25 278</b>	<b>27 744</b>
<b>Minimum</b>	<b>29 430</b>	<b>1 136</b>	<b>1 440</b>	<b>867</b>	<b>704</b>	<b>1 728</b>	<b>413</b>	<b>704</b>	<b>492</b>	<b>413</b>	<b>898</b>
<b>Maximum</b>	<b>3 982 989</b>	<b>2 478 381</b>	<b>1 534 191</b>	<b>1 292 897</b>	<b>503 357</b>	<b>388 192</b>	<b>1 691 876</b>	<b>704</b>	<b>44 212</b>	<b>701 598</b>	<b>462 519</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>26%</b>	<b>22%</b>	<b>30%</b>	<b>30%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>11%</b>	<b>4%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>7%</b>	<b>48%</b>	<b>59%</b>	<b>48%</b>	<b>81%</b>	<b>67%</b>	<b>7%</b>	<b>41%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.



**Table 3.1.1.2(2017): First instance courts, number of other than criminal law cases in 2017 - Incoming cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	3 229 560	84 716	2 569 287	1 644 273	925 014	633 837	291 177	NAP	NAP	74 227	501 330
Belgium	498 495	214 533	253 629	NAP	253 629	NAP	253 629	NAP	NAP	19 835	10 498
Bulgaria	397 399	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	31 333	NA
Croatia	940 095	129 130	799 149	165 077	634 072	497 577	136 495	NAP	NAP	11 816	NAP
Cyprus	15 160	NA	NA	NA	NA	NA	NA	NA	NA	1 840	1 031
Czech Republic	1 007 787	361 160	613 082	478 629	132 610	NAP	132 610	NAP	1 843	11 031	22 514
Denmark	2 286 018	41 329	2 104 528	368 012	1 732 276	1 713 233	19 043	NAP	4 240	NAP	140 161
Estonia	267 703	16 159	248 558	14 020	234 538	121 455	113 083	NAP	NAP	2 986	NAP
Finland	496 472	8 259	450 958	450 958	NAP	NAP	NAP	NAP	NAP	27 817	9 438
France	2 135 602	1 658 004	280 355	280 355	NAP	NAP	NAP	NAP	NAP	197 243	NAP
Germany	NA	1 244 697	NA	2 525 579	NA	5 476 346	122 799	NA	NA	866 662	970 975
Greece	NA	200 426	NA	NA	NA	NA	NA	NA	NA	60 100	NA
Hungary	847 148	178 330	623 259	201 591	418 418	NAP	414 067	4 351	3 250	16 908	28 651
Ireland	225 215	128 820	95 363	95 363	NAP	NAP	NAP	NAP	NAP	NAP	1 032
Italy	3 454 018	1 492 837	1 912 626	1 912 626	NAP	NAP	NAP	NAP	NAP	48 555	NAP
Latvia	319 637	28 652	288 911	43 123	245 788	245 788	NAP	NAP	NAP	2 074	NAP
Lithuania	267 278	113 871	110 043	80 626	NA	NA	NA	NA	29 417	11 699	31 665
Luxembourg	10 776	4 604	4 959	987	NAP	NAP	NAP	NAP	3 972	1 213	NAP
Malta	10 911	7 656	3 174	3 174	NAP	NAP	NAP	NAP	NAP	81	NAP
Netherlands	1 243 209	147 954	995 731	995 731	NAP	NAP	NAP	NAP	NAP	99 524	NAP
Poland	11 628 150	1 352 948	9 952 141	5 066 262	4 885 879	3 678 725	1 207 154	NAP	NAP	72 426	250 635
Portugal	NA	300 833	NA	NA	NAP	NAP	NAP	NAP	NAP	25 091	NAP
Romania	1 455 782	1 279 631	30 051	23 094	6 957	5 393	1 564	NAP	NAP	146 100	NAP
Slovakia	855 880	192 663	278 475	67 178	132 197	NAP	132 197	NAP	79 100	5 036	379 706
Slovenia	664 648	44 772	457 958	169 702	288 256	234 035	54 221	NAP	NAP	3 976	157 942
Spain	2 144 395	1 186 759	792 497	792 497	NAP	NAP	NAP	NAP	NAP	165 139	NAP
Sweden	253 319	61 931	21 729	21 729	NAP	NAP	NAP	NAP	NAP	163 550	6 109
<b>Average</b>	<b>1 443 944</b>	<b>419 227</b>	<b>1 040 294</b>	<b>700 027</b>	<b>824 136</b>	<b>1 400 710</b>	<b>239 837</b>	<b>4 351</b>	<b>20 304</b>	<b>82 650</b>	<b>179 406</b>
<b>Median</b>	<b>755 898</b>	<b>147 954</b>	<b>369 935</b>	<b>185 647</b>	<b>270 943</b>	<b>497 577</b>	<b>132 404</b>	<b>4 351</b>	<b>4 106</b>	<b>25 091</b>	<b>30 158</b>
<b>Minimum</b>	<b>10 776</b>	<b>4 604</b>	<b>3 174</b>	<b>987</b>	<b>6 957</b>	<b>5 393</b>	<b>1 564</b>	<b>4 351</b>	<b>1 843</b>	<b>81</b>	<b>1 031</b>
<b>Maximum</b>	<b>11 628 150</b>	<b>1 658 004</b>	<b>9 952 141</b>	<b>5 066 262</b>	<b>4 885 879</b>	<b>5 476 346</b>	<b>1 207 154</b>	<b>4 351</b>	<b>79 100</b>	<b>866 662</b>	<b>970 975</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>11%</b>	<b>7%</b>	<b>19%</b>	<b>15%</b>	<b>15%</b>	<b>11%</b>	<b>11%</b>	<b>15%</b>	<b>11%</b>	<b>0%</b>	<b>7%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>41%</b>	<b>56%</b>	<b>44%</b>	<b>81%</b>	<b>67%</b>	<b>7%</b>	<b>41%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.1.1.3(2017): First instance courts, number of other than criminal law cases in 2017 - Resolved cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	3 248 636	83 811	2 604 602	1 682 179	922 423	635 904	286 519	NAP	NAP	59 035	501 188
Belgium	NA	240 963	253 629	NAP	253 629	NAP	253 629	NAP	NAP	19 986	NA
Bulgaria	386 923	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	29 666	NA
Croatia	956 115	140 364	800 808	170 317	630 491	494 181	136 310	NAP	NAP	14 943	NAP
Cyprus	17 168	NA	NA	NA	NA	NA	NA	NA	NA	1 355	1 065
Czech Republic	1 018 171	366 389	610 340	479 403	129 022	NAP	129 022	NAP	1 915	10 113	31 329
Denmark	2 280 231	42 325	2 098 695	365 470	1 728 773	1 711 887	16 886	NAP	4 452	NAP	139 211
Estonia	278 506	16 043	259 496	14 025	245 471	120 113	125 358	NAP	NAP	2 967	NAP
Finland	478 438	9 152	429 811	429 811	NAP	NAP	NAP	NAP	NAP	29 878	9 597
France	2 213 947	1 700 230	312 257	312 257	NAP	NAP	NAP	NAP	NAP	201 460	NAP
Germany	NA	1 260 439	NA	NA	NA	NA	87 136	NA	NA	727 832	994 402
Greece	NA	192 482	NA	NA	NA	NA	NA	NA	NA	99 772	NA
Hungary	840 592	171 999	620 029	206 332	410 463	NAP	406 858	3 605	3 235	17 268	31 296
Ireland	183 793	93 729	89 032	89 032	NAP	NAP	NAP	NAP	NAP	NAP	1 032
Italy	3 554 193	1 588 435	1 889 902	1 889 902	NAP	NAP	NAP	NAP	NAP	75 856	NAP
Latvia	323 093	34 197	286 829	41 571	245 258	245 258	NAP	NAP	NAP	2 067	NAP
Lithuania	272 652	116 247	110 185	80 192	NA	NA	NA	NA	29 993	13 221	32 999
Luxembourg	10 637	4 434	5 059	987	NAP	NAP	NAP	NAP	4 072	1 144	NAP
Malta	10 458	7 427	2 912	2 912	NAP	NAP	NAP	NAP	NAP	119	NAP
Netherlands	1 237 649	146 581	986 489	986 489	NAP	NAP	NAP	NAP	NAP	104 579	NAP
Poland	11 693 624	1 269 714	10 081 986	5 317 072	4 764 914	3 596 416	1 168 498	NAP	NAP	77 567	264 357
Portugal	NA	340 071	NA	NA	NAP	NAP	NAP	NAP	NAP	26 343	NAP
Romania	1 447 679	1 268 915	29 393	23 496	5 897	5 264	633	NAP	NAP	149 371	NAP
Slovakia	929 579	248 958	274 229	65 911	131 932	NAP	131 932	NAP	76 386	5 950	400 442
Slovenia	690 542	48 354	479 405	190 165	289 240	235 094	54 146	NAP	NAP	2 682	160 101
Spain	2 011 650	1 042 698	796 432	796 432	NAP	NAP	NAP	NAP	NAP	172 520	NAP
Sweden	236 486	61 758	21 405	21 405	NAP	NAP	NAP	NAP	NAP	146 888	6 435
<b>Average</b>	<b>1 492 207</b>	<b>419 829</b>	<b>1 047 406</b>	<b>626 922</b>	<b>813 126</b>	<b>880 515</b>	<b>233 077</b>	<b>3 605</b>	<b>20 009</b>	<b>79 703</b>	<b>197 958</b>
<b>Median</b>	<b>840 592</b>	<b>146 581</b>	<b>371 034</b>	<b>190 165</b>	<b>271 435</b>	<b>369 720</b>	<b>130 477</b>	<b>3 605</b>	<b>4 262</b>	<b>26 343</b>	<b>32 999</b>
<b>Minimum</b>	<b>10 458</b>	<b>4 434</b>	<b>2 912</b>	<b>987</b>	<b>5 897</b>	<b>5 264</b>	<b>633</b>	<b>3 605</b>	<b>1 915</b>	<b>119</b>	<b>1 032</b>
<b>Maximum</b>	<b>11 693 624</b>	<b>1 700 230</b>	<b>10 081 986</b>	<b>5 317 072</b>	<b>4 764 914</b>	<b>3 596 416</b>	<b>1 168 498</b>	<b>3 605</b>	<b>76 386</b>	<b>727 832</b>	<b>994 402</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>15%</b>	<b>7%</b>	<b>19%</b>	<b>19%</b>	<b>15%</b>	<b>15%</b>	<b>11%</b>	<b>15%</b>	<b>11%</b>	<b>0%</b>	<b>11%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>41%</b>	<b>56%</b>	<b>44%</b>	<b>81%</b>	<b>67%</b>	<b>7%</b>	<b>41%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.1.1.4(2017): First instance courts, number of other than criminal law cases in 2017 - Pending cases on 31 Dec. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	523 071	32 437	366 144	324 166	41 978	16 644	25 334	NAP	NAP	72 202	52 288
Belgium	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP	27 213	NA
Bulgaria	87 872	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	9 410	NA
Croatia	297 507	148 828	138 113	91 062	47 051	44 709	2 342	NAP	NAP	10 566	NAP
Cyprus	52 578	NA	NA	NA	NA	NA	NA	NA	NA	8 025	864
Czech Republic	455 225	157 993	167 738	158 338	7 459	NAP	7 459	NAP	1 941	11 295	118 199
Denmark	140 504	19 913	91 552	80 213	9 151	3 074	6 077	NAP	2 188	NAP	29 039
Estonia	18 556	6 175	11 501	1 943	9 558	4 743	4 815	NAP	NAP	880	NAP
Finland	154 271	6 465	121 791	121 791	NAP	NAP	NAP	NAP	NAP	20 879	5 136
France	1 821 152	1 588 116	73 162	73 162	NAP	NAP	NAP	NAP	NAP	159 874	NAP
Germany	NA	703 920	NA	NA	NA	NA	1 727 539	NA	NA	840 158	440 747
Greece	NA	252 654	NA	NA	NA	NA	NA	NA	NA	200 978	NA
Hungary	144 724	85 430	29 036	20 389	8 659	NAP	NA	1 450	507	5 467	24 791
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	3 882 814	2 382 783	1 315 621	1 315 621	NAP	NAP	NAP	NAP	NAP	184 410	NAP
Latvia	25 444	19 533	4 499	4 499	NAP	NAP	NAP	NAP	NAP	1 412	NAP
Lithuania	33 101	27 167	1 720	1 301	NA	NA	NA	NA	419	2 748	1 466
Luxembourg	NA	1 306	1 341	NAP	NAP	NAP	NAP	NAP	1 341	NA	NAP
Malta	9 492	8 856	262	262	NAP	NAP	NAP	NAP	NAP	374	NAP
Netherlands	279 950	49 944	182 716	182 716	NAP	NAP	NAP	NAP	NAP	47 290	NAP
Poland	2 324 994	807 954	1 404 346	780 024	624 322	470 501	153 821	NAP	NAP	25 726	86 968
Portugal	NA	232 664	NA	NA	NAP	NAP	NAP	NAP	NAP	71 337	NAP
Romania	639 082	581 464	10 770	1 354	9 416	4 322	5 094	NAP	NAP	46 848	NAP
Slovakia	273 420	116 418	89 567	31 780	9 391	NAP	9 391	NAP	48 396	5 166	62 269
Slovenia	122 613	38 638	61 078	56 472	4 606	4 118	488	NAP	NAP	3 294	19 603
Spain	1 421 091	941 138	327 930	327 930	NAP	NAP	NAP	NAP	NAP	152 023	NAP
Sweden	97 847	26 840	8 709	8 709	NAP	NAP	NAP	NAP	NAP	59 289	3 009
<b>Average</b>	<b>609 777</b>	<b>358 115</b>	<b>220 380</b>	<b>188 512</b>	<b>77 159</b>	<b>78 302</b>	<b>194 236</b>	<b>1 450</b>	<b>9 132</b>	<b>81 953</b>	<b>70 365</b>
<b>Median</b>	<b>154 271</b>	<b>85 430</b>	<b>81 365</b>	<b>73 162</b>	<b>9 404</b>	<b>4 743</b>	<b>6 768</b>	<b>1 450</b>	<b>1 641</b>	<b>23 303</b>	<b>26 915</b>
<b>Minimum</b>	<b>9 492</b>	<b>1 306</b>	<b>262</b>	<b>262</b>	<b>4 606</b>	<b>3 074</b>	<b>488</b>	<b>1 450</b>	<b>419</b>	<b>374</b>	<b>864</b>
<b>Maximum</b>	<b>3 882 814</b>	<b>2 382 783</b>	<b>1 404 346</b>	<b>1 315 621</b>	<b>624 322</b>	<b>470 501</b>	<b>1 727 539</b>	<b>1 450</b>	<b>48 396</b>	<b>840 158</b>	<b>440 747</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>22%</b>	<b>15%</b>	<b>22%</b>	<b>22%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>11%</b>	<b>4%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>7%</b>	<b>48%</b>	<b>59%</b>	<b>48%</b>	<b>81%</b>	<b>67%</b>	<b>7%</b>	<b>41%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.1.1.5(2017): First instance courts, number of civil and commercial litigious and administrative cases pending more than 2 years in 2017 (Q91)**

States	Civil (and commercial) litigious cases		Administrative law cases	
	Number	as a % of all pending cases on 31 Dec	Number	as a % of all pending cases on 31 Dec
Austria	4 358	13,4%	17 082	23,7%
Belgium	NA	NA	NA	NA
Bulgaria	NA	NA	NA	NA
Croatia	49 253	33,1%	NA	NA
Cyprus	NA	NA	NA	NA
Czech Republic	NA	NA	NA	NA
Denmark	NA	NA	NA	NA
Estonia	263	4,3%	28	3,2%
Finland	NA	NA	NA	NA
France	NA	NA	NA	NA
Germany	NA	NA	NA	NA
Greece	NA	NA	NA	NA
Hungary	NA	NA	NA	NA
Ireland	NA	NA	NAP	NAP
Italy	NA	NA	NA	NA
Latvia	NA	NA	NA	NA
Lithuania	1 535	5,7%	71	2,6%
Luxembourg	NA	NA	NA	NA
Malta	NA	NA	268	71,7%
Netherlands	NA	NA	NA	NA
Poland	NA	NA	NA	NA
Portugal	63 789	27,4%	NA	NA
Romania	25 174	4,3%	1 399	3,0%
Slovakia	NA	NA	NA	NA
Slovenia	10 542	27,3%	8	0,2%
Spain	NA	NA	NA	NA
Sweden	865	3,2%	41	0,1%
<b>Average</b>	<b>19 472</b>	<b>14,8%</b>	<b>2 700</b>	<b>14,9%</b>
<b>Median</b>	<b>7 450</b>	<b>9,5%</b>	<b>71</b>	<b>3,0%</b>
<b>Minimum</b>	<b>263</b>	<b>3,2%</b>	<b>8</b>	<b>0,1%</b>
<b>Maximum</b>	<b>63 789</b>	<b>33,1%</b>	<b>17 082</b>	<b>71,7%</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>	<b>70%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>4%</b>



**Table 3.1.1.1(2016): First instance courts, number of other than criminal law cases in 2016 - Pending cases on 1st Jan. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	524 240	33 222	388 908	356 361	32 556	28 491	4 056	NAP	NAP	48 297	53 813
Belgium	NA	NA	NA	NAP	NA	NAP	NA	NAP	NAP	32 080	NAP
Bulgaria	73 159	NA	NA	NA	NAP	NAP	NAP	NAP	NA	8 759	NA
Croatia	331 743	184 289	132 430	97 339	35 091	32 551	2 540	NAP	NAP	15 024	NAP
Cyprus	52 412	NA	NA	NA	NA	NA	NA	NA	NA	7 737	NA
Czech Republic	517 801	186 136	205 370	191 171	12 622	NAP	12 622	NAP	1 577	8 296	117 999
Denmark	122 137	20 790	73 598	66 980	6 618	971	5 647	NAP	NAP	NAP	27 749
Estonia	28 828	5 845	21 836	7 727	14 109	3 682	10 427	NAP	NAP	1 147	NAP
Finland	128 042	9 530	97 217	97 217	NAP	NAP	NAP	NAP	NAP	15 553	5 742
France	1 863 243	1 611 461	88 926	88 926	NAP	NAP	NAP	NAP	NAP	162 856	NAP
Germany	NA	754 864	NA	NA	NA	NA	1 657 420	NA	NA	644 890	1 468 300
Greece	NA	241 441	NA	NA	NA	NA	NA	NA	NA	263 476	NA
Hungary	148 425	76 124	31 335	30 442	893	NAP	NA	893	391	5 776	35 190
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	4 215 937	2 687 388	1 287 283	1 287 283	NAP	NAP	NAP	NAP	NAP	241 266	NAP
Latvia	32 312	28 001	3 018	3 018	NAP	NAP	NAP	NAP	NAP	1 293	NAP
Lithuania	44 147	27 595	870	410	NA	NA	NA	NA	460	10 893	4 789
Luxembourg	NA	1 137	1 646	NAP	NAP	NAP	NAP	NAP	1 646	NA	NAP
Malta	9 459	9 041	NAP	NAP	NAP	NAP	NAP	NAP	NAP	418	NAP
Netherlands	299 580	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	47 570	NAP
Poland	1 579 497	713 029	725 695	371 152	354 543	298 505	56 038	NAP	NA	33 167	107 606
Portugal	NA	312 255	NA	NA	NAP	NAP	NAP	NAP	NAP	75 515	NAP
Romania	649 920	597 721	11 750	3 049	8 701	4 788	3 913	NAP	NAP	40 449	NAP
Slovakia	320 952	158 706	71 485	24 605	6 946	NAP	6 946	NAP	39 934	6 575	84 186
Slovenia	192 231	45 550	118 604	113 760	4 844	4 442	402	NAP	NAP	1 619	26 458
Spain	1 382 963	840 840	365 705	365 705	NAP	NAP	NAP	NAP	NAP	176 418	NAP
Sweden	71 388	26 196	8 399	8 399	NAP	NAP	NAP	NAP	NAP	33 796	2 997
<b>Average</b>	<b>599 448</b>	<b>389 598</b>	<b>201 893</b>	<b>183 150</b>	<b>47 692</b>	<b>53 347</b>	<b>176 001</b>	<b>893</b>	<b>8 802</b>	<b>78 453</b>	<b>175 894</b>
<b>Median</b>	<b>192 231</b>	<b>117 415</b>	<b>81 262</b>	<b>88 926</b>	<b>10 662</b>	<b>4 788</b>	<b>6 297</b>	<b>893</b>	<b>1 577</b>	<b>23 817</b>	<b>35 190</b>
<b>Minimum</b>	<b>9 459</b>	<b>1 137</b>	<b>870</b>	<b>410</b>	<b>893</b>	<b>971</b>	<b>402</b>	<b>893</b>	<b>391</b>	<b>418</b>	<b>2 997</b>
<b>Maximum</b>	<b>4 215 937</b>	<b>2 687 388</b>	<b>1 287 283</b>	<b>1 287 283</b>	<b>354 543</b>	<b>298 505</b>	<b>1 657 420</b>	<b>893</b>	<b>39 934</b>	<b>644 890</b>	<b>1 468 300</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>22%</b>	<b>19%</b>	<b>30%</b>	<b>26%</b>	<b>19%</b>	<b>15%</b>	<b>19%</b>	<b>15%</b>	<b>19%</b>	<b>4%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>11%</b>	<b>44%</b>	<b>59%</b>	<b>44%</b>	<b>81%</b>	<b>63%</b>	<b>7%</b>	<b>44%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: Any deviations from the 2015 figures are due to a new way of collecting statistics.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.1.1.2(2016): First instance courts, number of other than criminal law cases in 2016 - Incoming cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	3 284 414	84 708	2 641 124	1 670 674	970 450	683 624	286 826	NAP	NAP	56 583	501 999
Belgium	990 337	727 238	263 653	NAP	243 653	NAP	243 653	NAP	NAP	19 446	NAP
Bulgaria	340 272	NA	NA	NA	NAP	NAP	NAP	NAP	NA	25 072	NA
Croatia	963 825	135 583	813 903	183 550	630 353	490 091	140 262	NAP	NAP	14 339	NAP
Cyprus	20 394	NA	NA	NA	NA	NA	NA	NA	NA	1 543	NA
Czech Republic	1 039 521	332 407	660 677	490 606	167 963	NAP	167 963	NAP	2 108	11 416	35 021
Denmark	2 232 881	41 620	2 060 019	352 091	1 707 928	1 689 939	17 989	NAP	NAP	NAP	131 242
Estonia	325 147	16 408	305 783	43 717	262 066	107 351	154 715	NAP	NAP	2 956	NAP
Finland	451 430	8 587	393 960	393 960	NAP	NAP	NAP	NAP	NAP	38 831	10 052
France	2 253 976	1 698 704	361 740	361 740	NAP	NAP	NAP	NAP	NAP	193 532	NAP
Germany	NA	1 308 135	NA	2 639 044	NA	5 551 746	122 206	NA	NA	739 325	1 348 599
Greece	NA	146 569	NA	NA	NA	NA	NA	NA	NA	53 934	NA
Hungary	870 257	184 824	637 091	191 575	441 767	NAP	437 387	4 380	3 749	19 590	28 752
Ireland	233 058	127 395	104 848	104 848	NAP	NAP	NAP	NAP	NAP	NAP	815
Italy	3 657 690	1 554 837	2 048 288	2 048 288	NAP	NAP	NAP	NAP	NAP	54 565	NAP
Latvia	318 677	39 260	277 057	29 479	247 578	247 578	NAP	NAP	NAP	2 360	NAP
Lithuania	333 886	124 885	108 033	81 613	NA	NA	NA	NA	26 420	14 917	86 051
Luxembourg	10 911	4 533	5 195	1 111	NAP	NAP	NAP	NAP	4 084	1 183	NAP
Malta	6 730	6 640	NAP	NAP	NAP	NAP	NAP	NAP	NAP	90	NAP
Netherlands	1 245 537	161 171	971 332	971 332	NAP	NAP	NAP	NAP	NAP	113 034	NAP
Poland	10 778 246	1 196 509	9 256 718	4 815 988	4 440 730	3 578 837	861 893	NAP	NA	76 692	248 327
Portugal	NA	308 880	NA	NA	NAP	NAP	NAP	NAP	NAP	26 049	NAP
Romania	1 477 959	1 335 498	25 099	18 421	6 678	5 904	774	NAP	NAP	117 362	NAP
Slovakia	922 805	201 368	256 154	61 557	114 075	NAP	114 075	NAP	80 522	8 861	456 422
Slovenia	710 366	51 659	483 065	184 457	298 608	240 849	57 759	NAP	NAP	2 972	172 670
Spain	1 972 326	999 383	808 117	808 117	NAP	NAP	NAP	NAP	NAP	164 826	NAP
Sweden	231 823	59 591	21 366	21 366	NAP	NAP	NAP	NAP	NAP	143 970	6 896
<b>Average</b>	<b>1 444 686</b>	<b>434 256</b>	<b>1 071 582</b>	<b>736 835</b>	<b>794 321</b>	<b>1 399 547</b>	<b>217 125</b>	<b>4 380</b>	<b>23 377</b>	<b>76 138</b>	<b>252 237</b>
<b>Median</b>	<b>896 531</b>	<b>146 569</b>	<b>393 960</b>	<b>191 575</b>	<b>280 337</b>	<b>490 091</b>	<b>147 489</b>	<b>4 380</b>	<b>4 084</b>	<b>25 072</b>	<b>108 647</b>
<b>Minimum</b>	<b>6 730</b>	<b>4 533</b>	<b>5 195</b>	<b>1 111</b>	<b>6 678</b>	<b>5 904</b>	<b>774</b>	<b>4 380</b>	<b>2 108</b>	<b>90</b>	<b>815</b>
<b>Maximum</b>	<b>10 778 246</b>	<b>1 698 704</b>	<b>9 256 718</b>	<b>4 815 988</b>	<b>4 440 730</b>	<b>5 551 746</b>	<b>861 893</b>	<b>4 380</b>	<b>80 522</b>	<b>739 325</b>	<b>1 348 599</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>11%</b>	<b>7%</b>	<b>19%</b>	<b>15%</b>	<b>15%</b>	<b>11%</b>	<b>11%</b>	<b>15%</b>	<b>19%</b>	<b>0%</b>	<b>11%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>7%</b>	<b>41%</b>	<b>56%</b>	<b>44%</b>	<b>81%</b>	<b>63%</b>	<b>7%</b>	<b>44%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: Any deviations from the 2015 figures are due to a new way of collecting statistics.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.1.1.3(2016): First instance courts, number of other than criminal law cases in 2016 - Resolved cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	3 298 090	86 398	2 656 631	1 676 141	980 490	693 404	287 086	NAP	NAP	51 395	503 666
Belgium	1 012 332	745 166	263 653	NAP	243 653	NAP	243 653	NAP	NAP	23 513	NAP
Bulgaria	336 056	NA	NA	NA	NAP	NAP	NAP	NAP	NA	26 117	NA
Croatia	980 816	160 153	804 991	185 317	619 674	479 167	140 507	NAP	NAP	15 672	NAP
Cyprus	21 661	NA	NA	NA	NA	NA	NA	NA	NA	1 740	NA
Czech Republic	1 093 080	365 678	692 231	517 490	173 069	NAP	173 069	NAP	1 672	9 157	26 014
Denmark	2 225 000	42 116	2 052 009	344 729	1 707 280	1 689 196	18 084	NAP	NAP	NAP	130 875
Estonia	317 757	16 007	298 627	44 042	254 585	106 635	147 950	NAP	NAP	3 123	NAP
Finland	442 641	10 718	390 607	390 607	NAP	NAP	NAP	NAP	NAP	30 815	10 501
France	2 219 465	1 682 166	345 602	345 602	NAP	NAP	NAP	NAP	NAP	191 697	NAP
Germany	NA	1 343 337	NA	NA	NA	NA	87 843	NA	NA	682 617	1 355 615
Greece	NA	145 221	NA	NA	NA	NA	NA	NA	NA	79 872	NA
Hungary	888 592	181 849	650 977	196 915	450 414	NAP	445 845	4 569	3 648	19 539	36 227
Ireland	177 247	75 463	100 969	100 969	NAP	NAP	NAP	NAP	NAP	NAP	815
Italy	3 822 644	1 760 695	1 978 213	1 978 213	NAP	NAP	NAP	NAP	NAP	83 736	NAP
Latvia	321 955	42 183	277 524	29 550	247 974	247 974	NAP	NAP	NAP	2 248	NAP
Lithuania	339 558	122 937	107 041	81 156	NA	NA	NA	NA	25 885	21 540	88 040
Luxembourg	11 091	4 534	5 401	1 111	NAP	NAP	NAP	NAP	4 290	1 156	NAP
Malta	7 231	7 128	NAP	NAP	NAP	NAP	NAP	NAP	NAP	103	NAP
Netherlands	1 247 910	162 270	977 958	977 958	NAP	NAP	NAP	NAP	NAP	107 682	NAP
Poland	10 015 117	1 182 200	8 491 429	4 156 304	4 335 125	3 489 148	845 977	NAP	NA	78 992	262 496
Portugal	NA	346 863	NA	NA	NAP	NAP	NAP	NAP	NAP	29 048	NAP
Romania	1 496 900	1 362 471	26 737	19 714	7 023	6 499	524	NAP	NAP	107 692	NAP
Slovakia	979 689	265 746	246 135	57 312	112 579	NAP	112 579	NAP	76 244	9 927	457 881
Slovenia	753 615	54 982	518 674	220 914	297 760	240 018	57 742	NAP	NAP	2 589	177 370
Spain	2 062 884	1 030 805	848 098	848 098	NAP	NAP	NAP	NAP	NAP	183 981	NAP
Sweden	222 225	59 146	21 361	21 361	NAP	NAP	NAP	NAP	NAP	135 150	6 568
<b>Average</b>	<b>1 428 898</b>	<b>450 249</b>	<b>1 035 946</b>	<b>609 675</b>	<b>785 802</b>	<b>869 005</b>	<b>213 405</b>	<b>4 569</b>	<b>22 348</b>	<b>75 964</b>	<b>254 672</b>
<b>Median</b>	<b>934 141</b>	<b>160 153</b>	<b>390 607</b>	<b>208 915</b>	<b>276 173</b>	<b>363 571</b>	<b>144 229</b>	<b>4 569</b>	<b>4 290</b>	<b>26 117</b>	<b>109 458</b>
<b>Minimum</b>	<b>7 231</b>	<b>4 534</b>	<b>5 401</b>	<b>1 111</b>	<b>7 023</b>	<b>6 499</b>	<b>524</b>	<b>4 569</b>	<b>1 672</b>	<b>103</b>	<b>815</b>
<b>Maximum</b>	<b>10 015 117</b>	<b>1 760 695</b>	<b>8 491 429</b>	<b>4 156 304</b>	<b>4 335 125</b>	<b>3 489 148</b>	<b>845 977</b>	<b>4 569</b>	<b>76 244</b>	<b>682 617</b>	<b>1 355 615</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>11%</b>	<b>7%</b>	<b>19%</b>	<b>19%</b>	<b>15%</b>	<b>15%</b>	<b>11%</b>	<b>15%</b>	<b>19%</b>	<b>0%</b>	<b>11%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>7%</b>	<b>41%</b>	<b>56%</b>	<b>44%</b>	<b>81%</b>	<b>63%</b>	<b>7%</b>	<b>44%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: Any deviations from the 2015 figures are due to a new way of collecting statistics.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.1.1.4(2016): First instance courts, number of other than criminal law cases in 2016 - Pending cases on 31 Dec. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	510 564	31 532	373 401	350 894	22 507	18 711	3 796	NAP	NAP	53 485	52 146
Belgium	NA	NA	NA	NAP	NA	NAP	NA	NAP	NAP	27 615	NAP
Bulgaria	77 375	NA	NA	NA	NAP	NAP	NAP	NAP	NA	7 714	NA
Croatia	313 515	159 713	140 109	95 943	44 166	42 009	2 157	NAP	NAP	13 693	NAP
Cyprus	51 145	NA	NA	NA	NA	NA	NA	NA	NA	7 540	NA
Czech Republic	464 242	152 865	173 816	164 287	7 516	NAP	7 516	NAP	2 013	10 555	127 006
Denmark	129 683	20 294	81 302	74 342	6 960	1 714	5 246	NAP	NAP	NAP	28 087
Estonia	35 078	6 110	28 047	7 326	20 721	3 674	17 047	NAP	NAP	921	NAP
Finland	136 831	7 399	100 570	100 570	NAP	NAP	NAP	NAP	NAP	23 569	5 293
France	1 897 754	1 627 999	105 064	105 064	NAP	NAP	NAP	NAP	NAP	164 691	NAP
Germany	NA	719 662	NA	NA	NA	NA	1 691 795	NA	NA	701 598	1 463 852
Greece	NA	242 789	NA	NA	NA	NA	NA	NA	NA	237 593	NA
Hungary	138 177	79 099	25 806	25 102	704	NAP	NA	704	492	5 827	27 445
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	4 050 983	2 481 530	1 357 358	1 357 358	NAP	NAP	NAP	NAP	NAP	212 095	NAP
Latvia	29 430	25 078	2 947	2 947	NAP	NAP	NAP	NAP	NAP	1 405	NAP
Lithuania	38 475	29 543	1 862	867	NA	NA	NA	NA	995	4 270	2 800
Luxembourg	NA	1 136	1 440	NAP	NAP	NAP	NAP	NAP	1 440	NA	NAP
Malta	8 843	8 430	NAP	NAP	NAP	NAP	NAP	NAP	NAP	413	NAP
Netherlands	284 649	53 826	178 174	178 174	NAP	NAP	NAP	NAP	NAP	52 649	NAP
Poland	2 342 626	727 338	1 490 984	1 030 836	460 148	388 194	71 954	NAP	NA	30 867	93 437
Portugal	NA	274 272	NA	NA	NAP	NAP	NAP	NAP	NAP	72 516	NAP
Romania	630 979	570 748	10 112	1 756	8 356	4 193	4 163	NAP	NAP	50 119	NAP
Slovakia	264 068	94 328	81 504	28 850	8 442	NAP	8 442	NAP	44 212	5 509	82 727
Slovenia	148 653	42 227	82 668	77 068	5 600	5 181	419	NAP	NAP	2 000	21 758
Spain	1 284 483	795 722	331 285	331 285	NAP	NAP	NAP	NAP	NAP	157 476	NAP
Sweden	80 986	26 641	8 404	8 404	NAP	NAP	NAP	NAP	NAP	42 616	3 325
<b>Average</b>	<b>615 169</b>	<b>355 577</b>	<b>240 782</b>	<b>218 949</b>	<b>58 512</b>	<b>66 239</b>	<b>181 254</b>	<b>704</b>	<b>9 830</b>	<b>78 614</b>	<b>173 443</b>
<b>Median</b>	<b>148 653</b>	<b>79 099</b>	<b>82 668</b>	<b>86 506</b>	<b>8 399</b>	<b>5 181</b>	<b>6 381</b>	<b>704</b>	<b>1 440</b>	<b>25 592</b>	<b>28 087</b>
<b>Minimum</b>	<b>8 843</b>	<b>1 136</b>	<b>1 440</b>	<b>867</b>	<b>704</b>	<b>1 714</b>	<b>419</b>	<b>704</b>	<b>492</b>	<b>413</b>	<b>2 800</b>
<b>Maximum</b>	<b>4 050 983</b>	<b>2 481 530</b>	<b>1 490 984</b>	<b>1 357 358</b>	<b>460 148</b>	<b>388 194</b>	<b>1 691 795</b>	<b>704</b>	<b>44 212</b>	<b>701 598</b>	<b>1 463 852</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>22%</b>	<b>15%</b>	<b>26%</b>	<b>22%</b>	<b>19%</b>	<b>15%</b>	<b>19%</b>	<b>15%</b>	<b>19%</b>	<b>4%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>11%</b>	<b>44%</b>	<b>59%</b>	<b>44%</b>	<b>81%</b>	<b>63%</b>	<b>7%</b>	<b>44%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: Any deviations from the 2015 figures are due to a new way of collecting statistics.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.



**Table 3.1.1.5(2016): First instance courts, number of civil and commercial litigious and administrative cases pending more than 2**

States	Civil (and commercial) litigious cases		Administrative law cases	
	Number	as a % of all pending cases on 31 Dec	Number	as a % of all pending cases on 31 Dec
Austria	4 411	14,0%	12 917	24,2%
Belgium	NA	NA	NA	NA
Bulgaria	NA	NA	NA	NA
Croatia	52 400	32,8%	NA	NA
Cyprus	NA	NA	NA	NA
Czech Republic	NA	NA	NA	NA
Denmark	NA	NA	NAP	NAP
Estonia	241	3,9%	14	1,5%
Finland	NA	NA	NA	NA
France	NA	NA	NA	NA
Germany	NA	NA	NA	NA
Greece	NA	NA	NA	NA
Hungary	NA	NA	NA	NA
Ireland	NA	NA	NAP	NAP
Italy	NA	NA	NA	NA
Latvia	NA	NA	NA	NA
Lithuania	1 882	6,4%	270	6,3%
Luxembourg	NA	NA	NA	NA
Malta	NA	NA	294	71,2%
Netherlands	NA	NA	NA	NA
Poland	NA	NA	NA	NA
Portugal	81 019	29,5%	NA	NA
Romania	24 571	4,3%	1 731	3,5%
Slovakia	NA	NA	NA	NA
Slovenia	9 660	22,9%	7	0,4%
Spain	NA	NA	NA	NA
Sweden	763	2,9%	329	0,8%
<b>Average</b>	<b>21 868</b>	<b>14,6%</b>	<b>2 223</b>	<b>15,4%</b>
<b>Median</b>	<b>7 036</b>	<b>10,2%</b>	<b>294</b>	<b>3,5%</b>
<b>Minimum</b>	<b>241</b>	<b>2,9%</b>	<b>7</b>	<b>0,4%</b>
<b>Maximum</b>	<b>81 019</b>	<b>32,8%</b>	<b>12 917</b>	<b>71,2%</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>70%</b>	<b>70%</b>	<b>67%</b>	<b>67%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>7%</b>

**Table 3.1.1.1(2015): First instance courts, number of other than criminal law cases in 2015 - Pending cases on 1st Jan. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	482 779	35 068	397 794	372 342	25 452	21 827	3 625	NAP	NAP	NAP	49 917
Belgium	NA	180 894	NA	NA	NA	NAP	NA	NAP	NA	37 624	NAP
Bulgaria	69 865	NA	NA	NA	NAP	NAP	NAP	NAP	NA	8 460	NA
Croatia	354 707	195 718	145 013	102 786	42 227	39 262	2 965	NAP	NAP	13 976	NAP
Cyprus	58 568	NA	NA	NA	NA	NA	NA	NA	NA	8 074	NA
Czech Republic	546 992	215 113	221 076	210 783	8 995	NAP	8 995	NAP	1 298	9 374	101 429
Denmark	116 296	20 933	66 789	60 220	6 569	1 616	4 953	NAP	NAP	NAP	28 574
Estonia	23 838	6 116	16 392	9 510	6 882	3 125	3 757	NAP	NAP	1 330	NAP
Finland	127 125	8 883	91 790	91 790	NAP	NAP	NAP	NAP	NAP	20 955	5 497
France	1 810 803	1 571 438	80 597	80 597	NAP	NAP	NAP	NAP	NAP	158 768	NAP
Germany	NA	782 964	NA	NA	NA	NA	NA	NA	NA	662 009	1 748 709
Greece	NA	246 691	NA	NA	NA	NA	NA	NA	NA	308 860	NA
Hungary	150 305	74 290	26 626	25 154	1 076	NAP	NA	1 076	396	6 734	42 655
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	4 618 528	2 987 907	1 362 885	1 362 885	NAP	NAP	NAP	NAP	NAP	267 736	NAP
Latvia	37 504	31 407	4 671	4 671	NAP	NAP	NAP	NAP	NAP	1 426	NAP
Lithuania	45 735	30 149	1 041	729	NAP	NAP	NAP	NAP	312	10 845	3 700
Luxembourg	NA	1 382	NA	NAP	NAP	NAP	NAP	NAP	NA	NA	NAP
Malta	10 568	9 885	NAP	NAP	NAP	NAP	NAP	NAP	NAP	683	NAP
Netherlands	310 170	51 794	204 372	204 372	NAP	NAP	NAP	NAP	NAP	51 020	NAP
Poland	-	-	-	-	-	-	-	-	-	-	-
Portugal	NA	369 190	NA	NA	NAP	NAP	NAP	NAP	NAP	68 332	NAP
Romania	733 382	661 619	13 356	4 375	8 981	5 550	3 431	NAP	NAP	61 838	NAP
Slovakia	396 248	199 203	71 696	65 066	6 630	NAP	6 630	NAP	NA	16 271	109 078
Slovenia	251 889	48 384	170 745	164 736	6 009	5 376	633	NAP	NAP	1 668	31 092
Spain	1 445 180	857 047	384 727	384 727	NAP	NAP	NAP	NAP	NAP	203 406	NAP
Sweden	74 407	28 538	8 744	8 744	NAP	NAP	NAP	NAP	NAP	34 000	3 125
<b>Average</b>	<b>583 244</b>	<b>374 548</b>	<b>192 254</b>	<b>185 499</b>	<b>12 536</b>	<b>12 793</b>	<b>4 374</b>	<b>1 076</b>	<b>669</b>	<b>88 790</b>	<b>212 378</b>
<b>Median</b>	<b>201 097</b>	<b>74 290</b>	<b>80 597</b>	<b>80 597</b>	<b>6 882</b>	<b>5 463</b>	<b>3 691</b>	<b>1 076</b>	<b>396</b>	<b>18 613</b>	<b>36 874</b>
<b>Minimum</b>	<b>10 568</b>	<b>1 382</b>	<b>1 041</b>	<b>729</b>	<b>1 076</b>	<b>1 616</b>	<b>633</b>	<b>1 076</b>	<b>312</b>	<b>683</b>	<b>3 125</b>
<b>Maximum</b>	<b>4 618 528</b>	<b>2 987 907</b>	<b>1 362 885</b>	<b>1 362 885</b>	<b>42 227</b>	<b>39 262</b>	<b>8 995</b>	<b>1 076</b>	<b>1 298</b>	<b>662 009</b>	<b>1 748 709</b>
<b>Nb of values</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>
<b>% of NA</b>	<b>23%</b>	<b>12%</b>	<b>31%</b>	<b>27%</b>	<b>15%</b>	<b>12%</b>	<b>19%</b>	<b>12%</b>	<b>27%</b>	<b>4%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>8%</b>	<b>50%</b>	<b>65%</b>	<b>50%</b>	<b>85%</b>	<b>62%</b>	<b>12%</b>	<b>46%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Belgium:** The pending cases of commercial courts, first instance (civil, youth, family) and justice of the peace are not included. Included in pending cases are: labor courts, police courts, courts of appeal.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

**Table 3.1.1.2(2015): First instance courts, number of other than criminal law cases in 2015 - Incoming cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	3 287 147	91 057	2 684 699	1 721 024	963 675	684 737	278 938	NAP	NAP	NAP	511 391
Belgium	NA	767 875	NA	NA	240 044	NAP	240 044	NAP	NA	22 577	NAP
Bulgaria	345 327	NA	NA	NA	NAP	NAP	NAP	NAP	NA	26 472	NA
Croatia	903 398	160 537	728 522	157 484	571 038	449 321	121 717	NAP	NAP	14 339	NAP
Cyprus	29 667	NA	NA	NA	NA	NA	NA	NA	NA	1 694	NA
Czech Republic	1 136 003	398 243	690 653	508 617	179 997	NAP	179 997	NAP	2 039	9 143	37 964
Denmark	2 592 856	42 053	2 420 680	346 762	2 073 918	2 061 209	12 709	NAP	NAP	NAP	130 123
Estonia	236 230	15 189	217 670	44 407	173 263	72 800	100 463	NAP	NAP	3 371	NAP
Finland	441 823	11 108	393 554	393 554	NAP	NAP	NAP	NAP	NAP	27 112	10 049
France	2 288 643	1 740 302	356 334	356 334	NAP	NAP	NAP	NAP	NAP	192 007	NAP
Germany	NA	1 423 489	NA	NA	NA	NA	NA	NA	NA	657 108	1 203 321
Greece	NA	230 068	NA	NA	NA	NA	NA	NA	NA	54 402	NA
Hungary	902 411	176 407	678 103	212 034	463 007	NAP	459 210	3 797	3 062	18 149	29 752
Ireland	245 462	138 540	105 623	105 623	NAP	NAP	NAP	NAP	NAP	NAP	1 299
Italy	3 483 179	1 545 092	1 938 087	1 938 087	NAP	NAP	NAP	NAP	NAP	61 723	NAP
Latvia	308 909	39 504	267 173	29 066	238 107	238 107	NAP	NAP	NAP	2 232	NAP
Lithuania	321 474	102 793	103 334	90 640	NAP	NAP	NAP	NAP	12 694	16 923	98 424
Luxembourg	NA	4 555	NA	NAP	NAP	NAP	NAP	NAP	NA	1 264	NAP
Malta	6 991	6 916	NAP	NAP	NAP	NAP	NAP	NAP	NAP	75	NAP
Netherlands	1 253 987	161 950	991 752	991 752	NAP	NAP	NAP	NAP	NAP	100 285	NAP
Poland	-	-	-	-	-	-	-	-	-	-	-
Portugal	NA	316 060	NA	NA	NAP	NAP	NAP	NAP	NAP	34 850	NAP
Romania	1 443 850	1 353 189	26 313	19 224	7 089	6 001	1 088	NAP	NAP	65 436	NAP
Slovakia	535 414	111 489	222 348	115 467	106 881	NAP	106 881	NAP	NA	10 764	190 813
Slovenia	800 360	57 277	533 591	205 756	327 835	266 056	61 779	NAP	NAP	4 804	204 688
Spain	2 230 166	1 085 451	973 915	973 915	NAP	NAP	NAP	NAP	NAP	170 800	NAP
Sweden	189 467	60 313	21 489	21 489	NAP	NAP	NAP	NAP	NAP	101 889	5 776
<b>Average</b>	<b>1 094 417</b>	<b>418 311</b>	<b>741 880</b>	<b>457 291</b>	<b>485 896</b>	<b>539 747</b>	<b>156 283</b>	<b>3 797</b>	<b>5 932</b>	<b>69 453</b>	<b>220 327</b>
<b>Median</b>	<b>800 360</b>	<b>149 539</b>	<b>463 573</b>	<b>208 895</b>	<b>240 044</b>	<b>266 056</b>	<b>114 299</b>	<b>3 797</b>	<b>3 062</b>	<b>22 577</b>	<b>98 424</b>
<b>Minimum</b>	<b>6 991</b>	<b>4 555</b>	<b>21 489</b>	<b>19 224</b>	<b>7 089</b>	<b>6 001</b>	<b>1 088</b>	<b>3 797</b>	<b>2 039</b>	<b>75</b>	<b>1 299</b>
<b>Maximum</b>	<b>3 483 179</b>	<b>1 740 302</b>	<b>2 684 699</b>	<b>1 938 087</b>	<b>2 073 918</b>	<b>2 061 209</b>	<b>459 210</b>	<b>3 797</b>	<b>12 694</b>	<b>657 108</b>	<b>1 203 321</b>
<b>Nb of values</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>
<b>% of NA</b>	<b>19%</b>	<b>8%</b>	<b>27%</b>	<b>23%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>27%</b>	<b>0%</b>	<b>12%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>8%</b>	<b>46%</b>	<b>62%</b>	<b>50%</b>	<b>85%</b>	<b>62%</b>	<b>12%</b>	<b>46%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Belgium:** The pending cases of commercial courts, first instance (civil, youth, family) and justice of the peace are not included. Included in pending cases are: labor courts, police courts, courts of appeal.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

**Table 3.1.1.3(2015): First instance courts, number of other than criminal law cases in 2015 - Resolved cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	3 293 774	92 903	2 693 376	1 737 005	956 371	678 073	278 298	NAP	NAP	NAP	507 495
Belgium	NA	759 712	NA	NA	240 044	NAP	240 044	NAP	NA	26 377	NAP
Bulgaria	341 715	NA	NA	NA	NAP	NAP	NAP	NAP	NA	26 196	NA
Croatia	917 569	171 980	732 299	162 888	569 411	447 160	122 251	NAP	NAP	13 290	NAP
Cyprus	26 751	NA	NA	NA	NA	NA	NA	NA	NA	2 030	NA
Czech Republic	1 161 795	427 241	704 714	527 754	175 198	NAP	175 198	NAP	1 762	8 425	21 415
Denmark	2 592 317	42 867	2 418 335	344 907	2 073 428	2 061 886	11 542	NAP	NAP	NAP	131 115
Estonia	329 909	15 504	310 882	46 104	264 778	163 565	101 213	NAP	NAP	3 523	NAP
Finland	436 443	10 463	388 228	388 228	NAP	NAP	NAP	NAP	NAP	27 595	10 157
France	2 237 067	1 700 279	348 005	348 005	NAP	NAP	NAP	NAP	NAP	188 783	NAP
Germany	NA	1 451 589	NA	NA	NA	NA	NA	NA	NA	674 226	1 224 780
Greece	NA	233 954	NA	NA	NA	NA	NA	NA	NA	99 763	NA
Hungary	914 672	174 573	681 609	206 746	471 796	NAP	467 816	3 980	3 067	19 107	39 383
Ireland	187 987	87 505	99 183	99 183	NAP	NAP	NAP	NAP	NAP	NAP	1 299
Italy	3 890 953	1 855 663	2 035 290	2 035 290	NAP	NAP	NAP	NAP	NAP	87 594	NAP
Latvia	312 004	42 910	266 729	30 719	236 010	236 010	NAP	NAP	NAP	2 365	NAP
Lithuania	323 062	105 347	103 505	90 959	NAP	NAP	NAP	NAP	12 546	16 875	97 335
Luxembourg	NA	4 800	NA	1 104	NAP	NAP	NAP	NAP	NA	1 146	NAP
Malta	7 727	7 419	NAP	NAP	NAP	NAP	NAP	NAP	NAP	308	NAP
Netherlands	1 261 182	162 533	995 325	995 325	NAP	NAP	NAP	NAP	NAP	103 324	NAP
Poland	-	-	-	-	-	-	-	-	-	-	-
Portugal	NA	367 725	NA	NA	NAP	NAP	NAP	NAP	NAP	27 810	NAP
Romania	1 531 225	1 417 087	27 919	20 550	7 369	6 763	606	NAP	NAP	86 825	NAP
Slovakia	562 478	148 107	221 995	116 136	105 859	NAP	105 859	NAP	NA	13 361	179 015
Slovenia	859 760	60 082	585 504	256 504	329 000	266 990	62 010	NAP	NAP	4 853	209 321
Spain	2 222 912	1 028 225	994 312	994 312	NAP	NAP	NAP	NAP	NAP	200 375	NAP
Sweden	196 006	62 668	21 811	21 811	NAP	NAP	NAP	NAP	NAP	105 625	5 902
<b>Average</b>	<b>1 124 158</b>	<b>434 631</b>	<b>757 168</b>	<b>443 344</b>	<b>493 569</b>	<b>551 492</b>	<b>156 484</b>	<b>3 980</b>	<b>5 792</b>	<b>75 642</b>	<b>220 656</b>
<b>Median</b>	<b>859 760</b>	<b>155 320</b>	<b>486 866</b>	<b>206 746</b>	<b>264 778</b>	<b>266 990</b>	<b>114 055</b>	<b>3 980</b>	<b>3 067</b>	<b>26 196</b>	<b>97 335</b>
<b>Minimum</b>	<b>7 727</b>	<b>4 800</b>	<b>21 811</b>	<b>1 104</b>	<b>7 369</b>	<b>6 763</b>	<b>606</b>	<b>3 980</b>	<b>1 762</b>	<b>308</b>	<b>1 299</b>
<b>Maximum</b>	<b>3 890 953</b>	<b>1 855 663</b>	<b>2 693 376</b>	<b>2 035 290</b>	<b>2 073 428</b>	<b>2 061 886</b>	<b>467 816</b>	<b>3 980</b>	<b>12 546</b>	<b>674 226</b>	<b>1 224 780</b>
<b>Nb of values</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>
<b>% of NA</b>	<b>19%</b>	<b>8%</b>	<b>27%</b>	<b>23%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>12%</b>	<b>27%</b>	<b>0%</b>	<b>12%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>4%</b>	<b>46%</b>	<b>62%</b>	<b>50%</b>	<b>85%</b>	<b>62%</b>	<b>12%</b>	<b>46%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Belgium:** The pending cases of commercial courts, first instance (civil, youth, family) and justice of the peace are not included. Included in pending cases are: labor courts, police courts, courts of appeal.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.



**Table 3.1.1.4(2015): First instance courts, number of other than criminal law cases in 2015 - Pending cases on 31 Dec. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	476 152	33 222	389 117	356 361	32 756	28 491	4 265	NAP	NAP	NAP	53 813
Belgium	NA	180 480	NA	NA	NA	NAP	NAP	NAP	NA	32 080	NAP
Bulgaria	73 477	NA	NA	NA	NAP	NAP	NAP	NAP	NA	8 736	NA
Croatia	331 744	184 289	132 430	97 339	35 091	32 551	2 540	NAP	NAP	15 025	NAP
Cyprus	61 484	NA	NA	NA	NA	NA	NA	NA	NA	7 738	NA
Czech Republic	521 200	186 115	207 015	191 646	13 794	NAP	13 794	NAP	1 575	10 092	117 978
Denmark	119 689	20 458	71 458	64 876	6 582	939	5 643	NAP	NAP	NAP	27 773
Estonia	35 228	5 767	28 333	7 724	20 609	17 628	2 981	NAP	NAP	1 128	NAP
Finland	132 586	9 528	97 116	97 116	NAP	NAP	NAP	NAP	NAP	20 475	5 467
France	1 862 379	1 611 461	88 926	88 926	NAP	NAP	NAP	NAP	NAP	161 992	NAP
Germany	NA	754 864	NA	NA	NA	NA	NA	NA	NA	644 891	1 728 710
Greece	NA	242 209	NA	NA	NA	NA	NA	NA	NA	263 473	NA
Hungary	146 650	76 124	31 726	30 442	893	NAP	NA	893	391	5 776	33 024
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	4 184 883	2 677 336	1 265 682	1 265 682	NAP	NAP	NAP	NAP	NAP	241 865	NAP
Latvia	32 312	28 001	3 018	3 018	NAP	NAP	NAP	NAP	NAP	1 293	NAP
Lithuania	44 147	27 595	870	410	NAP	NAP	NAP	NAP	460	10 893	4 789
Luxembourg	NA	1 137	NA	NAP	NAP	NAP	NAP	NAP	NA	NA	NAP
Malta	9 459	9 041	NAP	NAP	NAP	NAP	NAP	NAP	NAP	418	NAP
Netherlands	299 580	51 211	200 799	200 799	NAP	NAP	NAP	NAP	NAP	47 570	NAP
Poland	-	-	-	-	-	-	-	-	-	-	-
Portugal	NA	317 525	NA	NA	NAP	NAP	NAP	NAP	NAP	75 372	NAP
Romania	646 007	597 721	11 750	3 049	8 701	4 788	3 913	NAP	NAP	40 449	NAP
Slovakia	369 184	162 585	72 049	64 397	7 652	NAP	7 652	NAP	NA	13 674	120 876
Slovenia	192 153	45 579	118 497	113 655	4 842	4 440	402	NAP	NAP	1 619	26 458
Spain	1 452 434	914 273	364 330	364 330	NAP	NAP	NAP	NAP	NAP	173 831	NAP
Sweden	67 868	26 183	8 422	8 422	NAP	NAP	NAP	NAP	NAP	30 264	2 999
<b>Average</b>	<b>552 931</b>	<b>354 900</b>	<b>181 855</b>	<b>174 011</b>	<b>14 547</b>	<b>14 806</b>	<b>5 149</b>	<b>893</b>	<b>809</b>	<b>82 212</b>	<b>212 189</b>
<b>Median</b>	<b>169 402</b>	<b>76 124</b>	<b>88 926</b>	<b>88 926</b>	<b>8 701</b>	<b>11 208</b>	<b>4 089</b>	<b>893</b>	<b>460</b>	<b>17 750</b>	<b>30 399</b>
<b>Minimum</b>	<b>9 459</b>	<b>1 137</b>	<b>870</b>	<b>410</b>	<b>893</b>	<b>939</b>	<b>402</b>	<b>893</b>	<b>391</b>	<b>418</b>	<b>2 999</b>
<b>Maximum</b>	<b>4 184 883</b>	<b>2 677 336</b>	<b>1 265 682</b>	<b>1 265 682</b>	<b>35 091</b>	<b>32 551</b>	<b>13 794</b>	<b>893</b>	<b>1 575</b>	<b>644 891</b>	<b>1 728 710</b>
<b>Nb of values</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>
<b>% of NA</b>	<b>23%</b>	<b>12%</b>	<b>31%</b>	<b>27%</b>	<b>15%</b>	<b>12%</b>	<b>15%</b>	<b>12%</b>	<b>27%</b>	<b>4%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>8%</b>	<b>50%</b>	<b>65%</b>	<b>54%</b>	<b>85%</b>	<b>62%</b>	<b>12%</b>	<b>46%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Belgium:** The pending cases of commercial courts, first instance (civil, youth, family) and justice of the peace are not included. Included in pending cases are: labor courts, police courts, courts of appeal.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

**Table 3.1.1.1(2014): First instance courts, number of other than criminal law cases in 2014 - Pending cases on 1st Jan. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	NA	37 885	NA	381 808	NA	23 356	3 223	NA	NA	NAP	48 324
Belgium	NA	NA	NA	NA	NA	NAP	NA	NAP	NA	32 255	NAP
Bulgaria	76 155	NA	NA	NA	NAP	NAP	NAP	NAP	NA	8 642	NA
Croatia	391 722	217 927	161 792	115 879	45 913	42 811	3 102	NAP	NAP	12 003	NAP
Cyprus	49 655	NA	NA	NA	NA	NA	NA	NA	NA	8 130	NA
Czech Republic	375 783	248 246	42 997	32 194	7 923	NAP	7 923	NAP	2 880	8 543	75 997
Denmark	114 483	21 282	64 939	57 523	7 416	1 680	5 736	NAP	NAP	NAP	28 262
Estonia	24 107	6 803	16 282	11 323	4 959	3 843	1 116	NAP	NAP	1 022	NAP
Finland	137 261	9 321	102 233	102 233	NAP	NAP	NAP	NAP	NAP	20 233	5 474
France	1 692 658	1 473 097	69 629	69 629	NAP	NAP	NAP	NAP	NAP	149 932	NAP
Germany	NA	785 606	NA	NA	NA	NA	NA	NA	NA	664 067	1 851 995
Greece	NA	278 913	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	162 126	82 107	28 503	27 373	962	NAP	NA	962	168	5 320	46 196
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	4 885 347	3 063 946	1 518 708	1 518 708	NAP	NAP	NAP	NAP	NAP	302 693	NAP
Latvia	35 793	30 395	4 213	4 213	NAP	NAP	NAP	NAP	NAP	2 510	NAP
Lithuania	41 985	27 197	1 941	1 765	NA	NA	NA	NA	176	9 332	3 515
Luxembourg	NA	1 218	NA	NAP	NAP	NAP	NAP	NAP	NA	NA	NAP
Malta	10 845	10 092	NAP	NAP	NAP	NAP	NAP	NAP	NAP	753	NAP
Netherlands	305 520	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	49 800	NAP
Poland	1 721 758	667 984	910 148	667 530	242 618	203 662	38 956	NA	NA	20 070	115 556
Portugal	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NA	NAP
Romania	918 286	793 683	14 940	6 418	8 522	5 601	2 921	NAP	NAP	109 663	NAP
Slovakia	407 586	186 707	74 501	66 370	8 131	NAP	8 131	NAP	NA	18 656	127 722
Slovenia	285 279	53 815	187 198	177 648	9 550	8 593	957	NAP	NAP	1 841	42 425
Spain	1 470 400	836 967	407 160	407 160	NAP	NAP	NAP	NAP	NAP	226 273	NAP
Sweden	80 562	31 035	9 128	9 128	NAP	NAP	NAP	NAP	NAP	37 003	3 396
<b>Average</b>	<b>659 366</b>	<b>422 106</b>	<b>225 895</b>	<b>215 112</b>	<b>37 333</b>	<b>41 364</b>	<b>8 007</b>	<b>962</b>	<b>1 075</b>	<b>80 416</b>	<b>213 533</b>
<b>Median</b>	<b>223 703</b>	<b>82 107</b>	<b>67 284</b>	<b>66 370</b>	<b>8 131</b>	<b>8 593</b>	<b>3 223</b>	<b>962</b>	<b>176</b>	<b>18 656</b>	<b>46 196</b>
<b>Minimum</b>	<b>10 845</b>	<b>1 218</b>	<b>1 941</b>	<b>1 765</b>	<b>962</b>	<b>1 680</b>	<b>957</b>	<b>962</b>	<b>168</b>	<b>753</b>	<b>3 396</b>
<b>Maximum</b>	<b>4 885 347</b>	<b>3 063 946</b>	<b>1 518 708</b>	<b>1 518 708</b>	<b>242 618</b>	<b>203 662</b>	<b>38 956</b>	<b>962</b>	<b>2 880</b>	<b>664 067</b>	<b>1 851 995</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>26%</b>	<b>22%</b>	<b>37%</b>	<b>30%</b>	<b>22%</b>	<b>15%</b>	<b>22%</b>	<b>22%</b>	<b>33%</b>	<b>11%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>7%</b>	<b>44%</b>	<b>59%</b>	<b>44%</b>	<b>74%</b>	<b>56%</b>	<b>11%</b>	<b>44%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Germany:** for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

**Italy:** Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.1.1.2(2014): First instance courts, number of other than criminal law cases in 2014 - Incoming cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	NA	95 412	NA	1 741 644	NA	648 601	285 996	NA	NA	NAP	513 877
Belgium	NA	752 769	NA	NA	NA	NAP	NA	NAP	NA	25 092	NAP
Bulgaria	319 414	NA	NA	NA	NAP	NAP	NAP	NAP	NA	24 757	NA
Croatia	938 711	165 741	759 028	197 352	561 676	438 089	123 587	NAP	NAP	13 942	NAP
Cyprus	23 939	NA	NA	NA	NA	NA	NA	NA	NA	1 604	NA
Czech Republic	958 450	480 999	433 561	150 192	238 876	NAP	238 876	NAP	44 493	9 055	34 835
Denmark	2 288 883	41 717	2 115 501	359 920	1 755 581	1 744 916	10 665	NAP	NAP	NAP	131 665
Estonia	237 929	16 775	217 368	46 864	170 504	97 704	72 800	NAP	NAP	3 786	NAP
Finland	440 553	10 677	391 260	391 260	NAP	NAP	NAP	NAP	NAP	28 254	10 362
France	2 285 876	1 747 989	342 262	342 262	NAP	NAP	NAP	NAP	NAP	195 625	NAP
Germany	NA	1 439 072	NA	2 365 351	NA	5 490 219	117 251	NA	NA	655 687	1 622 446
Greece	NA	241 418	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	848 998	180 382	613 158	180 459	430 096	NAP	427 114	2 982	2 603	18 008	37 450
Ireland	250 402	143 993	105 215	105 215	NAP	NAP	NAP	NAP	NAP	NAP	1 194
Italy	3 999 586	1 585 740	2 350 123	2 350 123	NAP	NAP	NAP	NAP	NAP	63 723	NAP
Latvia	71 939	45 127	28 691	28 691	NAP	NAP	NAP	NAP	NAP	2 387	NAP
Lithuania	312 570	115 932	91 549	82 707	NA	NA	NA	NA	8 842	14 276	90 813
Luxembourg	NA	5 074	NA	NAP	NAP	NAP	NAP	NAP	NA	1 372	NAP
Malta	6 762	6 643	NAP	NAP	NAP	NAP	NAP	NAP	NAP	119	NAP
Netherlands	1 260 111	168 127	982 142	NA	NAP	NAP	NAP	NAP	NAP	109 842	NAP
Poland	9 991 816	1 226 470	8 395 454	4 408 257	3 987 197	3 245 962	741 235	NA	NA	84 161	285 731
Portugal	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NA	NAP
Romania	1 632 597	1 526 483	27 733	19 973	7 760	6 821	939	NAP	NAP	78 381	NAP
Slovakia	614 273	151 315	225 116	119 088	106 028	NAP	106 028	NAP	NA	11 612	226 230
Slovenia	871 916	59 996	587 442	228 724	358 718	295 833	62 885	NAP	NAP	5 345	219 133
Spain	2 154 560	1 004 976	966 903	966 903	NAP	NAP	NAP	NAP	NAP	182 681	NAP
Sweden	197 953	63 902	22 382	22 382	NAP	NAP	NAP	NAP	NAP	106 085	5 584
<b>Average</b>	<b>1 414 630</b>	<b>469 864</b>	<b>1 036 383</b>	<b>742 493</b>	<b>846 271</b>	<b>1 496 018</b>	<b>198 852</b>	<b>2 982</b>	<b>18 646</b>	<b>74 354</b>	<b>264 943</b>
<b>Median</b>	<b>848 998</b>	<b>158 528</b>	<b>412 411</b>	<b>197 352</b>	<b>358 718</b>	<b>543 345</b>	<b>117 251</b>	<b>2 982</b>	<b>8 842</b>	<b>21 383</b>	<b>111 239</b>
<b>Minimum</b>	<b>6 762</b>	<b>5 074</b>	<b>22 382</b>	<b>19 973</b>	<b>7 760</b>	<b>6 821</b>	<b>939</b>	<b>2 982</b>	<b>2 603</b>	<b>119</b>	<b>1 194</b>
<b>Maximum</b>	<b>9 991 816</b>	<b>1 747 989</b>	<b>8 395 454</b>	<b>4 408 257</b>	<b>3 987 197</b>	<b>5 490 219</b>	<b>741 235</b>	<b>2 982</b>	<b>44 493</b>	<b>655 687</b>	<b>1 622 446</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>22%</b>	<b>11%</b>	<b>30%</b>	<b>22%</b>	<b>22%</b>	<b>11%</b>	<b>15%</b>	<b>22%</b>	<b>33%</b>	<b>7%</b>	<b>11%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>7%</b>	<b>44%</b>	<b>59%</b>	<b>44%</b>	<b>74%</b>	<b>56%</b>	<b>11%</b>	<b>44%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Germany:** for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

**Italy:** Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.1.1.3(2014): First instance courts, number of other than criminal law cases in 2014 - Resolved cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	NA	98 229	NA	1 751 110	NA	626 850	285 594	NA	NA	NAP	512 284
Belgium	NA	736 693	NA	NA	NA	NAP	NA	NAP	NA	22 139	NAP
Bulgaria	325 754	NA	NA	NA	NAP	NAP	NAP	NAP	NA	24 955	NA
Croatia	968 422	187 950	768 503	210 569	557 934	434 210	123 724	NAP	NAP	11 969	NAP
Cyprus	21 182	NA	NA	NA	NA	NA	NA	NA	NA	1 660	NA
Czech Republic	932 818	503 666	405 363	126 708	234 227	NAP	234 227	NAP	44 428	8 233	15 556
Denmark	2 288 504	42 638	2 114 440	357 102	1 757 338	1 745 063	12 275	NAP	NAP	NAP	131 426
Estonia	233 577	17 486	212 669	42 969	169 700	97 769	71 931	NAP	NAP	3 422	NAP
Finland	450 486	11 164	401 590	401 590	NAP	NAP	NAP	NAP	NAP	27 429	10 303
France	2 169 237	1 649 648	331 294	331 294	NAP	NAP	NAP	NAP	NAP	188 295	NAP
Germany	NA	1 441 714	NA	NA	NA	NA	88 326	NA	NA	657 745	1 418 949
Greece	NA	273 048	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	872 260	188 199	626 526	182 894	441 257	NAP	438 389	2 868	2 375	16 594	40 941
Ireland	182 409	80 027	101 188	101 188	NAP	NAP	NAP	NAP	NAP	NAP	1 194
Italy	4 373 441	1 891 595	2 382 677	2 382 677	NAP	NAP	NAP	NAP	NAP	99 169	NAP
Latvia	72 254	44 438	28 718	28 718	NAP	NAP	NAP	NAP	NAP	3 436	NAP
Lithuania	308 820	112 980	92 449	83 743	NA	NA	NA	NA	8 706	12 763	90 628
Luxembourg	NA	4 910	NA	1 044	NAP	NAP	NAP	NAP	NA	1 283	NAP
Malta	6 909	6 732	NAP	NAP	NAP	NAP	NAP	NAP	NAP	177	NAP
Netherlands	1 248 701	166 639	973 447	NA	NAP	NAP	NAP	NAP	NAP	108 615	NAP
Poland	10 177 708	1 217 579	8 598 250	4 620 175	3 987 075	3 248 343	729 732	NA	NA	81 240	280 639
Portugal	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NA	NAP
Romania	1 814 070	1 658 547	29 317	22 016	7 301	6 872	429	NAP	NAP	126 206	NAP
Slovakia	626 110	138 819	227 921	120 392	107 529	NAP	107 529	NAP	NA	14 496	244 874
Slovenia	904 958	65 432	603 557	241 289	362 268	299 060	63 208	NAP	NAP	5 504	230 465
Spain	2 178 205	984 896	987 761	987 761	NAP	NAP	NAP	NAP	NAP	205 548	NAP
Sweden	204 109	66 421	22 726	22 726	NAP	NAP	NAP	NAP	NAP	109 102	5 860
<b>Average</b>	<b>1 445 711</b>	<b>482 894</b>	<b>1 050 466</b>	<b>632 419</b>	<b>847 181</b>	<b>922 595</b>	<b>195 942</b>	<b>2 868</b>	<b>18 503</b>	<b>78 635</b>	<b>248 593</b>
<b>Median</b>	<b>872 260</b>	<b>152 729</b>	<b>403 477</b>	<b>182 894</b>	<b>362 268</b>	<b>434 210</b>	<b>107 529</b>	<b>2 868</b>	<b>8 706</b>	<b>19 367</b>	<b>111 027</b>
<b>Minimum</b>	<b>6 909</b>	<b>4 910</b>	<b>22 726</b>	<b>1 044</b>	<b>7 301</b>	<b>6 872</b>	<b>429</b>	<b>2 868</b>	<b>2 375</b>	<b>177</b>	<b>1 194</b>
<b>Maximum</b>	<b>10 177 708</b>	<b>1 891 595</b>	<b>8 598 250</b>	<b>4 620 175</b>	<b>3 987 075</b>	<b>3 248 343</b>	<b>729 732</b>	<b>2 868</b>	<b>44 428</b>	<b>657 745</b>	<b>1 418 949</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>22%</b>	<b>11%</b>	<b>30%</b>	<b>26%</b>	<b>22%</b>	<b>15%</b>	<b>15%</b>	<b>22%</b>	<b>33%</b>	<b>7%</b>	<b>11%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>4%</b>	<b>44%</b>	<b>59%</b>	<b>44%</b>	<b>74%</b>	<b>56%</b>	<b>11%</b>	<b>44%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Germany:** for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

**Italy:** Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.



**Table 3.1.1.4(2014): First instance courts, number of other than criminal law cases in 2014 - Pending cases on 31 Dec. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	NA	35 068	NA	372 342	NA	21 827	3 625	NA	NA	NAP	49 917
Belgium	NA	NA	NA	NA	NA	NAP	NA	NAP	NA	37 880	NAP
Bulgaria	69 815	NA	NA	NA	NAP	NAP	NAP	NAP	NA	8 444	NA
Croatia	354 707	195 718	145 013	102 786	42 227	39 262	2 965	NAP	NAP	13 976	NAP
Cyprus	52 412	NA	NA	NA	NA	NA	NA	NA	NA	8 074	NA
Czech Republic	401 415	225 579	71 195	55 678	12 572	NAP	12 572	NAP	2 945	9 365	95 276
Denmark	118 484	20 705	69 113	62 626	6 487	1 533	4 954	NAP	NAP	NAP	28 666
Estonia	21 252	5 991	13 935	9 147	4 788	3 758	1 030	NAP	NAP	1 326	NAP
Finland	127 328	8 834	91 903	91 903	NAP	NAP	NAP	NAP	NAP	21 058	5 533
France	1 809 297	1 571 438	80 597	80 597	NAP	NAP	NAP	NAP	NAP	157 262	NAP
Germany	NA	782 964	NA	NA	NA	NA	NA	NA	NA	662 009	1 838 550
Greece	NA	246 839	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	150 089	74 290	26 410	24 938	1 076	NAP	NA	1 076	396	6 734	42 655
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	4 511 492	2 758 091	1 486 154	1 486 154	NAP	NAP	NAP	NAP	NAP	267 247	NAP
Latvia	35 478	31 084	4 186	4 186	NAP	NAP	NAP	NAP	NAP	1 461	NAP
Lithuania	45 735	30 149	1 041	729	NA	NA	NA	NA	312	10 845	3 700
Luxembourg	NA	1 382	NA	NAP	NAP	NAP	NAP	NAP	NA	NA	3 700
Malta	10 568	9 885	NAP	NAP	NAP	NAP	NAP	NAP	NAP	683	NAP
Netherlands	310 170	60 160	198 990	NA	NAP	NAP	NAP	NAP	NAP	51 020	NAP
Poland	1 533 930	676 875	707 352	455 612	251 740	201 281	50 459	NA	NA	30 991	118 712
Portugal	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NA	NAP
Romania	736 813	661 619	13 356	4 375	8 981	5 550	3 431	NAP	NAP	61 838	NAP
Slovakia	395 749	199 203	71 696	65 066	6 630	NAP	6 630	NAP	NA	15 772	109 078
Slovenia	251 814	48 389	170 653	164 581	6 072	5 438	634	NAP	NAP	1 682	31 090
Spain	1 446 755	857 047	384 727	384 727	NAP	NAP	NAP	NAP	NAP	203 406	NAP
Sweden	74 406	28 516	8 784	8 784	NAP	NAP	NAP	NAP	NAP	33 986	3 120
<b>Average</b>	<b>622 885</b>	<b>387 719</b>	<b>208 536</b>	<b>198 484</b>	<b>37 841</b>	<b>39 807</b>	<b>9 589</b>	<b>1 076</b>	<b>1 218</b>	<b>76 431</b>	<b>194 166</b>
<b>Median</b>	<b>200 952</b>	<b>67 225</b>	<b>71 696</b>	<b>65 066</b>	<b>6 630</b>	<b>5 550</b>	<b>3 625</b>	<b>1 076</b>	<b>396</b>	<b>15 772</b>	<b>36 873</b>
<b>Minimum</b>	<b>10 568</b>	<b>1 382</b>	<b>1 041</b>	<b>729</b>	<b>1 076</b>	<b>1 533</b>	<b>634</b>	<b>1 076</b>	<b>312</b>	<b>683</b>	<b>3 120</b>
<b>Maximum</b>	<b>4 511 492</b>	<b>2 758 091</b>	<b>1 486 154</b>	<b>1 486 154</b>	<b>251 740</b>	<b>201 281</b>	<b>50 459</b>	<b>1 076</b>	<b>2 945</b>	<b>662 009</b>	<b>1 838 550</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>26%</b>	<b>19%</b>	<b>33%</b>	<b>30%</b>	<b>22%</b>	<b>15%</b>	<b>22%</b>	<b>22%</b>	<b>33%</b>	<b>11%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>4%</b>	<b>7%</b>	<b>44%</b>	<b>59%</b>	<b>44%</b>	<b>74%</b>	<b>56%</b>	<b>11%</b>	<b>41%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Germany:** for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

**Italy:** Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.1.1.1(2013): First instance courts, number of other than criminal law cases in 2013 - Pending cases on 1st Jan. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
	1+2+3+4+5+6+7	1	2	3	4	5	6	7
Austria	517 264	38 918	386 305	248 783	41 484	0	NAP	50 557
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	79 157	NA	NA	NA	NA	NA	10 909	68 248
Croatia	415 939	220 356	131 065	105 713	54 928	2 515	7 075	NAP
Cyprus	NA	44 285	NA	NA	NA	NA	5 395	NA
Czech Republic	296 269	171 113	97 177	65 722	NAP	NAP	NAP	27 979
Denmark	117 611	23 845	56 974	54 292	2 460	6 841	NAP	27 491
Estonia	NA	8 412	11 553	NA	3 033	2 777	891	NAP
Finland	137 004	9 600	103 192	367	NAP	NAP	18 849	5 363
France	1 643 188	1 428 811	64 473	55 126	NAP	NAP	149 904	NAP
Germany	NA	736 340	NA	NA	NA	NA	643 094	1 851 995
Greece	NA	478 241	NA	NA	NA	NA	383 402	NA
Hungary	NA	78 381	27 684	23 157	NAP	NA	6 019	57 094
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NA
Italy	4 781 009	3 445 954	1 335 055	562 138	NAP	NAP	347 728	NAP
Latvia	41 425	33 818	3 185	NAP	NAP	NAP	4 422	NAP
Lithuania	33 908	26 005	1 079	210	NA	NA	3 128	3 696
Luxembourg	NA	5 007	NA	NA	NA	NAP	NA	NAP
Malta	9 789	9 238	NAP	NAP	NAP	NAP	551	NAP
Netherlands	287 474	NA	NA	NAP	NAP	NAP	50 084	NAP
Poland	-	-	-	-	-	-	-	-
Portugal	NA	362 099	NAP	1 259 450	NAP	NAP	NA	NAP
Romania	777 991	578 043	62 572	58 971	1 366	2 526	133 484	NAP
Slovakia	339 930	150 579	71 944	1 626	NAP	6 510	17 815	93 082
Slovenia	303 220	55 486	188 531	171 284	14 705	477	1 936	42 085
Spain	-	-	-	-	-	-	-	-
Sweden	81 916	31 686	9 337	NAP	NAP	NAP	37 724	3 169
<b>Average</b>	<b>616 443</b>	<b>377 915</b>	<b>170 008</b>	<b>200 526</b>	<b>19 663</b>	<b>3 092</b>	<b>101 245</b>	<b>202 796</b>
<b>Median</b>	<b>291 872</b>	<b>55 486</b>	<b>64 473</b>	<b>58 971</b>	<b>8 869</b>	<b>2 526</b>	<b>14 362</b>	<b>42 085</b>
<b>Minimum</b>	<b>9 789</b>	<b>5 007</b>	<b>1 079</b>	<b>210</b>	<b>1 366</b>	<b>0</b>	<b>551</b>	<b>3 169</b>
<b>Maximum</b>	<b>4 781 009</b>	<b>3 445 954</b>	<b>1 335 055</b>	<b>1 259 450</b>	<b>54 928</b>	<b>6 841</b>	<b>643 094</b>	<b>1 851 995</b>
<b>Nb of values</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>
<b>% of NA</b>	<b>36%</b>	<b>16%</b>	<b>28%</b>	<b>32%</b>	<b>28%</b>	<b>24%</b>	<b>12%</b>	<b>12%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>12%</b>	<b>16%</b>	<b>48%</b>	<b>48%</b>	<b>16%</b>	<b>44%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

Germany: With regard to the number of incoming non-litigious enforcement cases, the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

**Table 3.1.1.2(2013): First instance courts, number of other than criminal law cases in 2013 - Incoming cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
	1+2+3+4+5+6+7	1	2	3	4	5	6	7
Austria	3 386 071	101 157	1 777 887	1 015 082	643 064	307 976	NAP	555 987
Belgium	NA	745 883	NAP	NA	NA	NAP	NA	NAP
Bulgaria	353 415	NA	NA	NA	NA	NA	26 441	326 974
Croatia	1 086 228	203 831	269 321	146 309	472 363	126 900	13 813	NAP
Cyprus	NA	38 473	NA	NA	NA	NA	6 653	NA
Czech Republic	1 734 290	469 054	894 145	787 405	NAP	NAP	NAP	371 091
Denmark	2 316 568	43 878	370 649	365 515	1 762 764	13 341	NAP	125 936
Estonia	NA	17 745	51 112	NA	92 832	90 012	2 957	NAP
Finland	519 154	10 644	470 137	1 232	NAP	NAP	28 214	10 159
France	2 288 177	1 789 902	322 513	230 062	NAP	NAP	175 762	NAP
Germany	NA	1 424 016	NA	2 365 351	5 490 219	NA	661 706	1 622 446
Greece	NA	688 859	NA	NA	NA	NA	71 568	NA
Hungary	1 164 682	180 813	201 578	134 734	NAP	726 545	16 189	39 557
Ireland	NA	195 299	NA	NA	NAP	NAP	NAP	NA
Italy	4 173 702	1 605 399	2 568 303	565 444	NAP	NAP	54 902	NAP
Latvia	76 869	40 747	33 257	NAP	NAP	NAP	2 865	NAP
Lithuania	296 795	106 890	84 829	6 569	NA	NA	17 932	87 144
Luxembourg	NA	4 643	948	NA	NA	NAP	1 372	NAP
Malta	4 272	3 935	NAP	NAP	NAP	NAP	337	NAP
Netherlands	1 237 427	NA	NA	NAP	NAP	NAP	110 273	NAP
Poland	-	-	-	-	-	-	-	-
Portugal	NA	322 689	NAP	249 466	NAP	NAP	NA	NAP
Romania	1 599 815	829 193	571 575	547 351	1 999	869	196 179	NAP
Slovakia	690 648	163 200	124 144	680	NAP	111 931	11 296	280 077
Slovenia	921 342	63 636	250 918	220 233	284 854	58 288	5 234	258 412
Spain	-	-	-	-	-	-	-	-
Sweden	200 644	65 467	23 217	NAP	NAP	NAP	106 094	5 866
<b>Average</b>	<b>1 297 065</b>	<b>396 320</b>	<b>500 908</b>	<b>473 960</b>	<b>1 249 728</b>	<b>179 483</b>	<b>79 462</b>	<b>334 877</b>
<b>Median</b>	<b>1 086 228</b>	<b>163 200</b>	<b>260 120</b>	<b>239 764</b>	<b>472 363</b>	<b>100 972</b>	<b>17 932</b>	<b>258 412</b>
<b>Minimum</b>	<b>4 272</b>	<b>3 935</b>	<b>948</b>	<b>680</b>	<b>1 999</b>	<b>869</b>	<b>337</b>	<b>5 866</b>
<b>Maximum</b>	<b>4 173 702</b>	<b>1 789 902</b>	<b>2 568 303</b>	<b>2 365 351</b>	<b>5 490 219</b>	<b>726 545</b>	<b>661 706</b>	<b>1 622 446</b>
<b>Nb of values</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>
<b>% of NA</b>	<b>32%</b>	<b>8%</b>	<b>24%</b>	<b>28%</b>	<b>24%</b>	<b>20%</b>	<b>8%</b>	<b>12%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>12%</b>	<b>16%</b>	<b>48%</b>	<b>48%</b>	<b>16%</b>	<b>44%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** With regard to the number of incoming non-litigious enforcement cases, the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

**Table 3.1.1.3(2013): First instance courts, number of other than criminal law cases in 2013 - Resolved cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
	1+2+3+4+5+6+7	1	2	3	4	5	6	7
Austria	3 411 960	102 190	1 782 384	1 009 751	661 192	307 976	NAP	558 218
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	356 677	NA	NA	NA	NA	NA	28 727	327 950
Croatia	1 110 269	206 291	284 153	158 940	484 480	126 460	8 885	NAP
Cyprus	NA	30 125	NA	NA	NA	NA	3 828	NA
Czech Republic	1 679 459	423 105	915 562	809 561	NAP	NAP	NAP	340 792
Denmark	2 323 265	47 009	372 421	367 645	1 763 487	15 048	NAP	125 300
Estonia	NA	19 096	50 946	NA	92 066	91 099	2 687	NAP
Finland	518 725	11 319	470 722	1 180	NAP	NAP	26 745	9 939
France	2 246 155	1 745 616	317 357	225 812	NAP	NAP	183 182	NAP
Germany	NA	1 415 623	NA	NA	NA	NA	659 613	1 418 949
Greece	NA	551 755	NA	NA	NA	NA	109 771	NA
Hungary	1 135 973	177 087	200 004	133 738	NAP	691 613	16 888	50 381
Ireland	NA	NA	120 010	21 754	NAP	NAP	NAP	35
Italy	4 450 604	1 895 576	2 555 028	567 126	NAP	NAP	104 409	NAP
Latvia	81 225	44 500	32 046	NAP	NAP	NAP	4 679	NAP
Lithuania	288 718	105 698	83 967	6 603	NA	NA	11 728	87 325
Luxembourg	NA	8 432	948	NA	NA	NAP	1 283	NAP
Malta	4 447	4 312	NAP	NAP	NAP	NAP	135	NAP
Netherlands	1 219 381	158 722	950 102	NAP	NAP	NAP	110 557	NAP
Poland	-	-	-	-	-	-	-	-
Portugal	NA	332 948	NAP	399 691	NAP	NAP	NA	NAP
Romania	1 760 885	929 973	572 830	549 584	2 199	474	255 409	NAP
Slovakia	626 660	131 609	128 210	797	NAP	110 331	9 560	246 950
Slovenia	938 955	65 194	261 450	229 615	290 939	57 993	5 329	258 050
Spain	-	-	-	-	-	-	-	-
Sweden	201 996	66 112	23 416	NAP	NAP	NAP	106 832	5 636
<b>Average</b>	<b>1 315 021</b>	<b>385 104</b>	<b>506 753</b>	<b>320 128</b>	<b>549 061</b>	<b>175 124</b>	<b>86 855</b>	<b>285 794</b>
<b>Median</b>	<b>1 110 269</b>	<b>118 654</b>	<b>272 802</b>	<b>227 714</b>	<b>387 710</b>	<b>100 715</b>	<b>16 888</b>	<b>186 125</b>
<b>Minimum</b>	<b>4 447</b>	<b>4 312</b>	<b>948</b>	<b>797</b>	<b>2 199</b>	<b>474</b>	<b>135</b>	<b>35</b>
<b>Maximum</b>	<b>4 450 604</b>	<b>1 895 576</b>	<b>2 555 028</b>	<b>1 009 751</b>	<b>1 763 487</b>	<b>691 613</b>	<b>659 613</b>	<b>1 418 949</b>
<b>Nb of values</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>
<b>% of NA</b>	<b>32%</b>	<b>12%</b>	<b>16%</b>	<b>28%</b>	<b>28%</b>	<b>20%</b>	<b>8%</b>	<b>8%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>12%</b>	<b>16%</b>	<b>48%</b>	<b>48%</b>	<b>16%</b>	<b>44%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** With regard to the number of incoming non-litigious enforcement cases, the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.



Table 3.1.1.4(2013): First instance courts, number of other than criminal law cases in 2013 - Pending cases on 31 Dec. (Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
	1+2+3+4+5+6+7		1	2	3	4		
Austria	491 375	37 885	381 808	254 114	23 356	0	NAP	48 326
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	75 895	NA	NA	NA	NA	NA	8 623	67 272
Croatia	391 898	217 896	116 233	93 082	42 811	2 955	12 003	NAP
Cyprus	NA	52 633	NA	NA	NA	NA	8 130	NA
Czech Republic	351 100	217 062	75 760	43 566	NAP	NAP	NAP	58 278
Denmark	114 531	21 120	57 559	54 499	1 737	5 751	NAP	28 364
Estonia	NA	6 812	11 765	NA	3 799	1 634	1 026	NAP
Finland	137 433	8 925	102 607	419	NAP	NAP	20 318	5 583
France	1 685 210	1 473 097	69 629	59 376	NAP	NAP	142 484	NAP
Germany	NA	744 510	NA	NA	NA	NA	645 014	1 838 550
Greece	NA	615 345	NA	NA	NA	NA	345 199	NA
Hungary	NA	82 107	29 258	24 153	NAP	NA	5 320	46 270
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NA
Italy	4 504 107	3 155 777	1 348 330	560 456	NAP	NAP	298 221	NAP
Latvia	37 069	30 065	4 396	NAP	NAP	NAP	2 608	NAP
Lithuania	41 985	27 197	1 941	176	NA	NA	9 332	3 515
Luxembourg	NA	1 218	0	NA	NA	NAP	NA	NAP
Malta	9 614	8 861	NAP	NAP	NAP	NAP	753	NAP
Netherlands	305 520	NA	NA	NAP	NAP	NAP	49 800	NAP
Poland	-	-	-	-	-	-	-	-
Portugal	NA	351 840	NAP	1 109 225	NAP	NAP	NA	NAP
Romania	616 921	477 263	61 317	56 738	1 166	2 921	74 254	NAP
Slovakia	403 918	182 170	67 878	1 509	NAP	8 110	19 551	126 209
Slovenia	285 117	53 813	177 392	161 295	8 615	1 011	1 841	42 445
Spain	-	-	-	-	-	-	-	-
Sweden	80 564	31 041	9 138	NAP	NAP	NAP	36 986	3 399
<b>Average</b>	<b>595 766</b>	<b>371 268</b>	<b>157 188</b>	<b>186 047</b>	<b>13 581</b>	<b>3 197</b>	<b>93 415</b>	<b>206 201</b>
<b>Median</b>	<b>295 319</b>	<b>53 813</b>	<b>64 598</b>	<b>56 738</b>	<b>6 207</b>	<b>2 921</b>	<b>15 777</b>	<b>46 270</b>
<b>Minimum</b>	<b>9 614</b>	<b>1 218</b>	<b>0</b>	<b>176</b>	<b>1 166</b>	<b>0</b>	<b>753</b>	<b>3 399</b>
<b>Maximum</b>	<b>4 504 107</b>	<b>3 155 777</b>	<b>1 348 330</b>	<b>1 109 225</b>	<b>42 811</b>	<b>8 110</b>	<b>645 014</b>	<b>1 838 550</b>
<b>Nb of values</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>
<b>% of NA</b>	<b>36%</b>	<b>16%</b>	<b>24%</b>	<b>32%</b>	<b>28%</b>	<b>24%</b>	<b>12%</b>	<b>12%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>12%</b>	<b>16%</b>	<b>48%</b>	<b>48%</b>	<b>16%</b>	<b>44%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

Germany: With regard to the number of incoming non-litigious enforcement cases, the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

**Table 3.1.1.1(2012): First instance courts, number of other than criminal law cases in 2012 - Pending cases on 1st Jan. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
	1+2+3+4+5+6+7		1	2	3	4		
Austria	504 481	39 530	397 948	263 862	17 205	NA	NAP	49 798
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	74 505	NA	NA	NA	NA	NA	8 622	65 883
Croatia	430 500	208 520	160 545	125 949	57 484	NA	NA	3 951
Cyprus	42 179	NA	NA	NA	NA	NA	4 851	NA
Czech Republic	522 186	166 919	43 819	12 482	NAP	NAP	NAP	311 448
Denmark	143 328	26 505	76 701	73 920	1 333	7 136	NAP	28 748
Estonia	66 242	10 418	13 554	NA	3 782	37 335	1 153	NAP
Finland	109 588	9 829	75 446	347	NAP	NAP	19 203	5 110
France	1 654 187	1 415 720	69 108	58 279	NAP	NAP	169 359	NAP
Germany	4 966 112	798 265	NA	NA	NA	NA	689 031	1 957 181
Greece	616 391	205 198	NA	NA	NA	NA	411 193	NA
Hungary	NA	142 113	51 785	39 522	NAP	NA	6 483	56 882
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	4 986 193	3 796 202	1 189 991	547 447	NAP	NAP	441 243	NAP
Latvia	48 647	42 051	3 438	NAP	NAP	NAP	5 496	NAP
Lithuania	35 363	26 545	1 461	176	NA	NA	2 974	4 383
Luxembourg	NA	5 072	NA	NA	NA	NAP	NA	NAP
Malta	9 805	9 457	NAP	NAP	NAP	NAP	348	NAP
Netherlands	279 460	NA	NA	NAP	NAP	NAP	48 010	NAP
Poland	1 431 356	382 664	718 309	140 844	204 376	20 595	21 837	83 575
Portugal	1 595 259	355 821	NA	1 239 438	NAP	NAP	NA	NA
Romania	698 506	566 796	44 812	40 578	1 454	2 281	83 163	NAP
Slovakia	289 064	128 073	69 073	1 520	NAP	6 224	7 883	77 811
Slovenia	356 071	56 651	200 131	181 791	44 990	839	2 430	51 030
Spain	NA	1 299 099	59 995	NA	NAP	NAP	335 512	NAP
Sweden	85 228	30 917	8 505	NAP	NAP	NAP	42 654	3 152
<b>Average</b>	<b>861 121</b>	<b>441 926</b>	<b>187 331</b>	<b>194 725</b>	<b>47 232</b>	<b>12 402</b>	<b>121 129</b>	<b>207 612</b>
<b>Median</b>	<b>322 568</b>	<b>135 093</b>	<b>69 073</b>	<b>66 100</b>	<b>17 205</b>	<b>6 680</b>	<b>19 203</b>	<b>51 030</b>
<b>Minimum</b>	<b>9 805</b>	<b>5 072</b>	<b>1 461</b>	<b>176</b>	<b>1 333</b>	<b>839</b>	<b>348</b>	<b>3 152</b>
<b>Maximum</b>	<b>4 986 193</b>	<b>3 796 202</b>	<b>1 189 991</b>	<b>1 239 438</b>	<b>204 376</b>	<b>37 335</b>	<b>689 031</b>	<b>1 957 181</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>19%</b>	<b>19%</b>	<b>30%</b>	<b>30%</b>	<b>26%</b>	<b>30%</b>	<b>15%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>19%</b>	<b>48%</b>	<b>48%</b>	<b>15%</b>	<b>37%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** With regard to the number of incoming non-litigious enforcement cases, the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

**Table 3.1.1.2(2012): First instance courts, number of other than criminal law cases in 2012 - Incoming cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
	1+2+3+4+5+6+7	1	2	3	4	5	6	7
Austria	3 489 286	104 365	1 775 035	1 018 450	689 005	335 857	NAP	585 024
Belgium	NA	762 164	NAP	NA	NA	NAP	NA	NAP
Bulgaria	392 320	NA	NA	NA	NA	NA	28 726	363 594
Croatia	1 097 909	182 693	423 669	191 514	476 543	NA	12 011	2 993
Cyprus	36 868	NA	NA	NA	NA	NA	2 094	NA
Czech Republic	1 046 760	363 080	290 715	185 663	NAP	NAP	NAP	392 965
Denmark	2 628 863	46 213	371 900	367 464	2 071 492	14 694	NAP	124 021
Estonia	265 301	16 336	44 136	NA	91 218	110 756	2 855	NAP
Finland	524 352	10 320	476 764	1 157	NAP	NAP	27 579	9 689
France	2 185 753	1 688 929	318 333	226 398	NAP	NAP	178 491	NAP
Germany	NA	1 573 220	NA	3 193 022	5 604 653	118 560	686 985	1 518 404
Greece	709 644	645 339	NA	NA	NA	NA	64 305	NA
Hungary	1 129 126	432 443	246 856	177 075	NAP	385 241	12 595	51 991
Ireland	NA	180 287	NA	NAP	NAP	NAP	NAP	NA
Italy	4 010 588	1 559 779	2 450 809	521 237	NAP	NAP	51 366	NAP
Latvia	72 547	44 106	29 068	NAP	NAP	NAP	3 989	NAP
Lithuania	280 708	107 559	77 669	4 307	NA	NA	8 068	87 412
Luxembourg	NA	4 718	937	NA	NA	NAP	1 615	NAP
Malta	4 507	4 161	NAP	NAP	NAP	NAP	346	NAP
Netherlands	1 258 187	NA	NA	NAP	NAP	NAP	114 930	NAP
Poland	10 045 154	1 066 935	4 800 084	900 397	3 194 947	610 397	72 160	300 631
Portugal	718 369	369 178	NA	349 191	NAP	NAP	NA	NA
Romania	1 837 799	1 102 677	502 594	479 214	2 099	810	229 619	NAP
Slovakia	638 571	161 645	139 784	659	NAP	96 186	18 797	222 159
Slovenia	929 328	62 761	250 169	218 582	306 951	50 144	4 930	254 373
Spain	NA	1 761 051	183 225	NA	NAP	NAP	196 995	NAP
Sweden	197 441	65 418	22 800	NAP	NAP	NAP	103 745	5 478
<b>Average</b>	<b>1 522 699</b>	<b>513 141</b>	<b>689 142</b>	<b>522 289</b>	<b>1 554 614</b>	<b>191 405</b>	<b>86 771</b>	<b>301 441</b>
<b>Median</b>	<b>823 849</b>	<b>181 490</b>	<b>270 442</b>	<b>226 398</b>	<b>582 774</b>	<b>110 756</b>	<b>27 579</b>	<b>222 159</b>
<b>Minimum</b>	<b>4 507</b>	<b>4 161</b>	<b>937</b>	<b>659</b>	<b>2 099</b>	<b>810</b>	<b>346</b>	<b>2 993</b>
<b>Maximum</b>	<b>10 045 154</b>	<b>1 761 051</b>	<b>4 800 084</b>	<b>3 193 022</b>	<b>5 604 653</b>	<b>610 397</b>	<b>686 985</b>	<b>1 518 404</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>19%</b>	<b>11%</b>	<b>26%</b>	<b>26%</b>	<b>22%</b>	<b>19%</b>	<b>7%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>19%</b>	<b>48%</b>	<b>48%</b>	<b>15%</b>	<b>37%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** With regard to the number of incoming non-litigious enforcement cases, the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

**Table 3.1.1.3(2012): First instance courts, number of other than criminal law cases in 2012 - Resolved cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
	1+2+3+4+5+6+7		1	2	3	4		
Austria	3 476 472	104 977	1 786 647	1 033 529	664 726	335 857	NAP	584 265
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	387 832	NA	NA	NA	NA	NA	26 462	361 370
Croatia	1 119 696	173 631	458 860	211 643	479 099	NA	4 936	4 170
Cyprus	32 092	NA	NA	NA	NA	NA	1 550	NA
Czech Republic	1 190 182	358 886	298 084	193 150	NAP	NAP	NAP	533 212
Denmark	2 656 912	50 361	394 750	390 159	2 070 365	15 366	NAP	125 486
Estonia	295 674	18 370	46 041	NA	92 043	136 207	3 013	NAP
Finland	497 063	10 653	449 101	1 140	NAP	NAP	27 852	9 457
France	2 189 186	1 675 838	322 968	229 551	NAP	NAP	190 380	NAP
Germany	3 888 915	1 578 891	NA	NA	NA	NA	698 569	1 519 898
Greece	464 392	372 296	NA	NA	NA	NA	92 096	NA
Hungary	1 176 429	454 369	262 314	192 368	NAP	394 348	13 599	51 799
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	4 346 215	2 047 289	2 298 926	511 229	NAP	NAP	143 713	NAP
Latvia	81 520	51 930	29 483	NAP	NAP	NAP	5 205	NAP
Lithuania	282 163	108 099	78 051	4 273	NA	NA	7 914	88 099
Luxembourg	NA	8 155	937	NA	NA	NAP	1 127	NAP
Malta	4 875	4 736	NAP	NAP	NAP	NAP	139	NAP
Netherlands	1 243 457	159 165	972 185	NAP	NAP	NAP	112 107	NAP
Poland	10 100 564	944 559	4 944 396	890 032	3 240 327	603 887	71 865	295 530
Portugal	689 351	360 694	NA	328 657	NAP	NAP	NA	NA
Romania	1 758 314	1 091 430	484 834	460 821	2 187	565	179 298	NAP
Slovakia	580 653	131 856	137 139	779	NAP	95 900	8 865	206 893
Slovenia	981 418	63 689	261 325	228 645	337 182	50 506	5 424	263 292
Spain	NA	1 754 816	184 107	NA	NAP	NAP	243 718	NAP
Sweden	200 774	64 651	21 937	NAP	NAP	NAP	108 724	5 462
<b>Average</b>	<b>1 636 702</b>	<b>503 884</b>	<b>706 952</b>	<b>333 998</b>	<b>983 704</b>	<b>204 080</b>	<b>92 693</b>	<b>311 456</b>
<b>Median</b>	<b>981 418</b>	<b>159 165</b>	<b>298 084</b>	<b>229 098</b>	<b>479 099</b>	<b>116 054</b>	<b>26 462</b>	<b>206 893</b>
<b>Minimum</b>	<b>4 875</b>	<b>4 736</b>	<b>937</b>	<b>779</b>	<b>2 187</b>	<b>565</b>	<b>139</b>	<b>4 170</b>
<b>Maximum</b>	<b>10 100 564</b>	<b>2 047 289</b>	<b>4 944 396</b>	<b>1 033 529</b>	<b>3 240 327</b>	<b>603 887</b>	<b>698 569</b>	<b>1 519 898</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>15%</b>	<b>15%</b>	<b>22%</b>	<b>30%</b>	<b>26%</b>	<b>22%</b>	<b>7%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>19%</b>	<b>48%</b>	<b>48%</b>	<b>15%</b>	<b>37%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** With regard to the number of incoming non-litigious enforcement cases, the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

**Table 3.1.1.4(2012): First instance courts, number of other than criminal law cases in 2012 - Pending cases on 31 Dec. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
	1+2+3+4+5+6+7		2	3	4	5		
Austria	517 295	38 918	386 336	248 783	41 484	NA	NAP	50 557
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	78 993	NA	NA	NA	NA	NA	10 886	68 107
Croatia	408 713	217 582	126 354	105 820	54 928	NA	7 075	2 774
Cyprus	46 955	NA	NA	NA	NA	NA	5 395	NA
Czech Republic	378 764	171 113	36 450	4 995	NAP	NAP	NAP	171 201
Denmark	120 108	22 804	57 548	54 886	2 460	6 852	NAP	27 580
Estonia	35 558	8 393	11 434	NA	2 957	11 884	890	NAP
Finland	136 877	9 496	103 109	364	NAP	NAP	18 930	5 342
France	1 650 754	1 428 811	64 473	55 126	NAP	NAP	157 470	NAP
Germany	NA	792 594	NA	NA	NA	NA	677 447	1 955 687
Greece	861 643	478 241	NA	NA	NA	NA	383 402	NA
Hungary	NA	120 187	36 327	24 229	NAP	NA	5 479	57 074
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	4 650 566	3 308 692	1 341 874	557 455	NAP	NAP	348 896	NAP
Latvia	41 530	34 227	3 023	NAP	NAP	NAP	4 280	NAP
Lithuania	33 908	26 005	1 079	210	NA	NA	3 128	3 696
Luxembourg	NA	1 635	0	NA	NA	NAP	NA	NAP
Malta	9 437	8 882	NAP	NAP	NAP	NAP	555	NAP
Netherlands	285 340	NA	NA	NAP	NAP	NAP	50 010	NAP
Poland	1 375 396	505 040	573 450	151 229	158 992	27 106	22 132	88 676
Portugal	1 624 277	364 305	NA	1 259 972	NAP	NAP	NA	NA
Romania	777 991	578 043	62 572	58 971	1 366	2 526	133 484	NAP
Slovakia	346 982	157 862	71 718	1 400	NAP	6 510	17 815	93 077
Slovenia	303 220	55 486	188 531	171 284	14 705	477	1 936	42 085
Spain	NA	1 270 383	57 993	NA	NAP	NAP	285 005	NAP
Sweden	81 895	31 684	9 368	NAP	NAP	NAP	37 675	3 168
<b>Average</b>	<b>655 533</b>	<b>437 745</b>	<b>173 980</b>	<b>192 480</b>	<b>39 556</b>	<b>9 226</b>	<b>108 595</b>	<b>197 617</b>
<b>Median</b>	<b>303 220</b>	<b>139 025</b>	<b>60 283</b>	<b>57 049</b>	<b>14 705</b>	<b>6 681</b>	<b>18 373</b>	<b>50 557</b>
<b>Minimum</b>	<b>9 437</b>	<b>1 635</b>	<b>0</b>	<b>210</b>	<b>1 366</b>	<b>477</b>	<b>555</b>	<b>2 774</b>
<b>Maximum</b>	<b>4 650 566</b>	<b>3 308 692</b>	<b>1 341 874</b>	<b>1 259 972</b>	<b>158 992</b>	<b>27 106</b>	<b>677 447</b>	<b>1 955 687</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>22%</b>	<b>19%</b>	<b>26%</b>	<b>30%</b>	<b>26%</b>	<b>30%</b>	<b>11%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>19%</b>	<b>48%</b>	<b>48%</b>	<b>15%</b>	<b>37%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** With regard to the number of incoming non-litigious enforcement cases, the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.



**Table 3.1.1.1(2010): First instance courts, number of other than criminal law cases in 2010 - Pending cases on 1st Jan. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
	1+2+3+4+5+6+7	1	2	3	4	5	6	7
Austria	544 991	39 860	420 452	259 897	16 235	NA	NAP	48 835
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	67 929	NA	NA	NA	NA	NA	7 671	60 258
Croatia	457 432	191 738	133 072	115 020	95 148	NA	36 449	1 025
Cyprus	33 631	26 999	NA	NA	NA	NA	4 788	1 844
Czech Republic	395 271	181 074	45 766	13 636	NAP	NA	NA	168 431
Denmark	250 702	33 566	113 742	110 859	66 296	7 175	NA	29 923
Estonia	36 716	12 046	23 436	NA	3 584	NA	1 174	NAP
Finland	107 120	6 431	76 302	350	NAP	NAP	19 863	4 524
France	1 566 570	1 318 782	62 871	53 194	NAP	NAP	184 917	NAP
Germany	NA	803 757	NA	NA	NA	NA	658 466	1 785 920
Greece	567 685	159 031	NA	NA	NA	NA	408 654	NA
Hungary	207 740	92 979	57 747	NA	NA	NA	6 951	49 175
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	5 284 253	4 263 961	1 020 292	509 972	NAP	NAP	631 692	NAP
Latvia	42 345	31 177	5 606	NAP	NAP	NAP	5 562	NAP
Lithuania	40 239	34 894	NA	NA	NA	NA	1 536	3 809
Luxembourg	NA	2 012	NA	NA	NAP	NAP	112	NAP
Malta	10 022	9 729	NAP	NAP	216	NAP	91	NAP
Netherlands	287 690	NA	NA	NAP	NAP	NAP	60 920	NAP
Poland	1 228 163	344 160	312 759	123 709	449 546	24 557	17 588	79 553
Portugal	1 493 108	372 085	NA	1 121 023	NAP	NAP	NA	NA
Romania	533 633	462 023	47 003	42 412	1 786	NA	22 821	NAP
Slovakia	337 441	120 032	76 466	3 938	NAP	34 430	8 733	97 770
Slovenia	392 907	56 180	237 755	220 394	44 806	394	3 092	50 680
Spain	1 775 082	787 193	655 431	NAP	NAP	NAP	322 961	NAP
Sweden	79 621	30 539	9 303	NAP	NAP	NAP	37 146	2 633
<b>Average</b>	<b>684 360</b>	<b>407 837</b>	<b>206 125</b>	<b>214 534</b>	<b>84 702</b>	<b>16 639</b>	<b>116 247</b>	<b>170 313</b>
<b>Median</b>	<b>337 441</b>	<b>92 979</b>	<b>76 384</b>	<b>112 940</b>	<b>30 521</b>	<b>15 866</b>	<b>17 588</b>	<b>49 005</b>
<b>Minimum</b>	<b>10 022</b>	<b>2 012</b>	<b>5 606</b>	<b>350</b>	<b>216</b>	<b>394</b>	<b>91</b>	<b>1 025</b>
<b>Maximum</b>	<b>5 284 253</b>	<b>4 263 961</b>	<b>1 020 292</b>	<b>1 121 023</b>	<b>449 546</b>	<b>34 430</b>	<b>658 466</b>	<b>1 785 920</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>15%</b>	<b>15%</b>	<b>33%</b>	<b>33%</b>	<b>26%</b>	<b>41%</b>	<b>15%</b>	<b>11%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>22%</b>	<b>44%</b>	<b>44%</b>	<b>7%</b>	<b>37%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.1.1.2(2010): First instance courts, number of other than criminal law cases in 2010 - Incoming cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
	1+2+3+4+5+6+7	1	2	3	4	5	6	7
Austria	3 600 472	112 772	1 873 908	1 092 105	682 554	265 326	NAP	605 186
Belgium	NA	687 056	NAP	NA	NA	NAP	NA	NAP
Bulgaria	394 840	NA	NA	NA	NA	NA	27 265	367 575
Croatia	1 103 864	146 607	461 190	198 718	480 096	NA	14 470	1 501
Cyprus	30 612	26 455	NA	NA	NA	NA	1 940	2 217
Czech Republic	1 588 953	459 508	400 654	293 637	NAP	NA	NA	728 791
Denmark	2 623 428	63 428	430 095	425 647	2 118 153	11 312	NA	124 834
Estonia	75 865	21 622	50 687	NA	83 742	NA	3 556	NAP
Finland	389 479	10 845	338 180	1 055	NAP	NAP	31 397	9 057
France	2 294 650	1 793 299	325 974	225 111	NAP	NAP	175 377	NAP
Germany	NA	1 551 762	NA	3 183 807	5 832 858	580 501	693 913	1 587 688
Greece	551 700	455 831	NA	NA	NA	NA	95 869	NA
Hungary	682 727	200 922	400 514	NA	NA	333 205	14 360	63 534
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	4 169 012	2 399 530	1 769 482	510 915	NAP	NAP	56 716	NAP
Latvia	128 372	51 466	72 538	NAP	NAP	NAP	4 368	NAP
Lithuania	297 765	201 585	NA	NA	NA	NA	7 681	88 499
Luxembourg	NA	2 103	NA	NA	NAP	NAP	293	NAP
Malta	5 090	4 994	NAP	NAP	33	NAP	63	NAP
Netherlands	1 451 879	NA	NA	NAP	NAP	NAP	114 638	NAP
Poland	9 320 293	819 861	4 427 036	1 422 749	3 135 852	564 172	67 830	305 542
Portugal	589 286	314 317	NA	274 969	NAP	NAP	NA	NA
Romania	1 751 088	1 073 669	574 469	544 734	2 287	NA	100 663	NAP
Slovakia	606 454	126 087	128 625	409	NAP	91 567	42 220	217 955
Slovenia	892 470	66 607	245 897	213 815	271 314	44 971	5 333	258 348
Spain	2 454 497	1 039 483	1 011 285	NAP	NAP	NAP	249 520	NAP
Sweden	196 544	63 428	22 373	NAP	NAP	NAP	107 654	3 089
<b>Average</b>	<b>1 530 406</b>	<b>487 218</b>	<b>783 307</b>	<b>645 205</b>	<b>1 400 765</b>	<b>270 151</b>	<b>86 435</b>	<b>311 701</b>
<b>Median</b>	<b>682 727</b>	<b>173 765</b>	<b>400 584</b>	<b>293 637</b>	<b>480 096</b>	<b>265 326</b>	<b>31 397</b>	<b>171 395</b>
<b>Minimum</b>	<b>5 090</b>	<b>2 103</b>	<b>22 373</b>	<b>409</b>	<b>33</b>	<b>11 312</b>	<b>63</b>	<b>1 501</b>
<b>Maximum</b>	<b>9 320 293</b>	<b>2 399 530</b>	<b>4 427 036</b>	<b>3 183 807</b>	<b>5 832 858</b>	<b>580 501</b>	<b>693 913</b>	<b>1 587 688</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>15%</b>	<b>11%</b>	<b>33%</b>	<b>30%</b>	<b>22%</b>	<b>30%</b>	<b>15%</b>	<b>11%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>22%</b>	<b>44%</b>	<b>44%</b>	<b>7%</b>	<b>37%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.1.1.3(2010): First instance courts, number of other than criminal law cases in 2010 - Resolved cases (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
	1+2+3+4+5+6+7	1	2	3	4	5	6	7
Austria	3 607 341	112 870	1 883 227	1 085 046	680 712	NA	NAP	604 261
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	390 965	NA	NA	NA	NA	NA	26 675	364 290
Croatia	1 230 937	149 290	439 764	186 644	506 113	118 853	15 616	1 301
Cyprus	25 763	22 210	NA	NA	NA	NA	1 440	2 113
Czech Republic	1 508 639	474 591	401 592	293 623	NAP	NA	NA	632 456
Denmark	2 799 017	64 657	440 518	435 624	2 157 581	10 724	NA	125 171
Estonia	84 136	21 107	58 786	NA	83 670	NA	3 243	NAP
Finland	391 908	10 112	342 028	1 055	NAP	NAP	31 043	8 725
France	2 269 210	1 764 255	317 907	217 298	NAP	NAP	187 048	NAP
Germany	NA	1 586 654	NA	NA	NA	NA	668 664	1 489 900
Greece	436 484	359 607	NA	NA	NA	NA	76 877	NA
Hungary	732 325	204 275	461 650	NA	NA	354 237	13 727	59 395
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	4 539 492	2 834 879	1 704 613	478 933	NAP	NAP	179 162	NAP
Latvia	123 275	44 372	74 396	NAP	NAP	NAP	4 507	NAP
Lithuania	317 205	205 423	68 252	16 846	NA	NA	6 411	88 525
Luxembourg	NA	2 913	NA	NA	NAP	NAP	273	NAP
Malta	4 485	4 428	NAP	NAP	39	NAP	18	NAP
Netherlands	1 461 153	NA	NA	NAP	NAP	NAP	122 273	NAP
Poland	9 311 414	778 641	4 309 743	1 383 667	3 299 519	567 840	64 121	291 550
Portugal	520 085	320 267	NA	199 818	NAP	NAP	NA	NA
Romania	1 600 580	963 742	563 249	533 679	2 479	NA	71 110	NAP
Slovakia	643 917	123 203	136 676	1 733	NAP	115 742	43 115	225 181
Slovenia	903 841	65 917	269 839	238 716	265 964	44 797	6 105	251 219
Spain	2 332 344	962 995	1 117 009	NAP	NAP	NAP	252 340	NAP
Sweden	183 343	62 095	22 704	NAP	NAP	NAP	95 262	3 282
<b>Average</b>	<b>1 539 907</b>	<b>484 283</b>	<b>741 880</b>	<b>390 206</b>	<b>874 510</b>	<b>202 032</b>	<b>89 001</b>	<b>296 241</b>
<b>Median</b>	<b>732 325</b>	<b>149 290</b>	<b>401 592</b>	<b>238 716</b>	<b>386 039</b>	<b>117 298</b>	<b>31 043</b>	<b>175 176</b>
<b>Minimum</b>	<b>4 485</b>	<b>2 913</b>	<b>22 704</b>	<b>1 055</b>	<b>39</b>	<b>10 724</b>	<b>18</b>	<b>1 301</b>
<b>Maximum</b>	<b>9 311 414</b>	<b>2 834 879</b>	<b>4 309 743</b>	<b>1 383 667</b>	<b>3 299 519</b>	<b>567 840</b>	<b>668 664</b>	<b>1 489 900</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>15%</b>	<b>15%</b>	<b>30%</b>	<b>30%</b>	<b>26%</b>	<b>33%</b>	<b>15%</b>	<b>11%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>22%</b>	<b>44%</b>	<b>44%</b>	<b>7%</b>	<b>37%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.



**Table 3.1.1.4(2010): First instance courts, number of other than criminal law cases in 2010 - Pending cases on 31 Dec. (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
	1+2+3+4+5+6+7	1	2	3	4	5	6	7
Austria	538 122	39 762	411 133	266 956	18 077	NA	NAP	49 760
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	71 804	NA	NA	NA	NA	NA	8 261	63 543
Croatia	449 212	189 055	154 498	127 094	69 131	NA	35 303	1 225
Cyprus	38 480	31 244	NA	NA	NA	NA	5 288	1 948
Czech Republic	475 585	165 991	44 828	13 650	NAP	NA	NA	264 766
Denmark	205 969	32 292	108 945	105 215	26 868	7 817	NA	30 047
Estonia	27 675	12 425	13 949	NA	3 660	NA	1 301	NAP
Finland	104 691	7 164	72 454	350	NAP	NAP	20 217	4 856
France	1 592 010	1 347 826	70 938	61 007	NAP	NAP	173 246	NAP
Germany	NA	798 702	NA	NA	NA	NA	683 432	1 915 183
Greece	609 306	187 360	NA	NA	NA	NA	421 946	NA
Hungary	158 142	89 626	6 611	NA	NA	NA	7 584	53 314
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	4 913 773	3 828 612	1 085 161	541 954	NAP	NAP	509 246	NAP
Latvia	47 442	38 271	3 748	NAP	AP	NAP	5 423	NAP
Lithuania	37 645	31 056	NA	NA	NA	NA	2 806	3 783
Luxembourg	NA	1 595	NA	NA	NAP	NAP	129	NAP
Malta	10 641	10 295	NAP	NAP	210	NAP	136	NAP
Netherlands	274 170	NA	NA	NAP	NAP	NAP	53 410	NAP
Poland	1 238 599	385 035	430 401	162 791	287 462	20 889	21 267	93 545
Portugal	1 562 309	366 135	NA	1 196 174	NAP	NAP	NA	NA
Romania	684 141	571 950	58 223	53 467	1 594	NA	52 374	NAP
Slovakia	299 978	122 916	68 415	2 614	NAP	10 255	7 838	90 554
Slovenia	380 614	56 863	212 956	194 636	50 165	566	2 320	57 744
Spain	1 857 032	828 019	702 065	NAP	NAP	NAP	326 948	NAP
Sweden	92 822	31 872	8 972	NAP	NAP	NAP	49 538	2 440
<b>Average</b>	<b>681 311</b>	<b>398 872</b>	<b>215 831</b>	<b>227 159</b>	<b>57 146</b>	<b>9 882</b>	<b>113 715</b>	<b>188 051</b>
<b>Median</b>	<b>299 978</b>	<b>89 626</b>	<b>71 696</b>	<b>116 155</b>	<b>22 473</b>	<b>9 036</b>	<b>20 217</b>	<b>51 537</b>
<b>Minimum</b>	<b>10 641</b>	<b>1 595</b>	<b>3 748</b>	<b>350</b>	<b>210</b>	<b>566</b>	<b>129</b>	<b>1 225</b>
<b>Maximum</b>	<b>4 913 773</b>	<b>3 828 612</b>	<b>1 085 161</b>	<b>1 196 174</b>	<b>287 462</b>	<b>20 889</b>	<b>683 432</b>	<b>1 915 183</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>15%</b>	<b>15%</b>	<b>33%</b>	<b>33%</b>	<b>26%</b>	<b>41%</b>	<b>15%</b>	<b>11%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>22%</b>	<b>41%</b>	<b>44%</b>	<b>7%</b>	<b>37%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.2.1.1(2018): First instance courts, clearance rate in different types of other than criminal law cases in 2018 (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	100,2%	100,8%	100,6%	100,4%	101,0%	100,2%	102,5%	NAP	NAP	89,7%	99,7%
Belgium	108,4%	112,5%	100,0%	NAP	100,0%	NAP	100,0%	NAP	NAP	118,8%	NA
Bulgaria	97,6%	NA	NA	NA	NAP	NAP	NAP	NAP	NA	99,7%	NA
Croatia	104,5%	112,5%	103,1%	119,1%	100,1%	100,0%	100,2%	NAP	NAP	115,9%	NAP
Cyprus	124,9%	NA	NA	NA	NA	NA	NA	NA	NA	219,2%	NA
Czech Republic	102,3%	101,6%	101,7%	101,4%	102,2%	NAP	102,2%	NAP	133,3%	88,0%	134,3%
Denmark	99,6%	95,0%	99,7%	100,1%	99,6%	100,1%	70,5%	NAP	94,8%	NAP	99,2%
Estonia	100,5%	100,6%	100,5%	95,6%	101,5%	101,1%	102,0%	NAP	NAP	100,0%	NAP
Finland	106,0%	102,2%	105,9%	105,9%	NAP	NAP	NAP	NAP	NAP	112,3%	95,9%
France	96,3%	95,8%	98,8%	98,8%	NAP	NAP	NAP	NAP	NAP	98,4%	NAP
Germany	NA	97,2%	NA	NA	NA	NA	69,3%	NA	NA	97,1%	101,6%
Greece	NA	86,3%	NA	NA	NA	NA	NA	NA	NA	163,5%	NA
Hungary	106,0%	116,3%	102,7%	101,2%	103,6%	NAP	103,6%	96,6%	111,4%	101,7%	131,5%
Ireland	78,6%	63,1%	100,5%	100,5%	NAP	NAP	NAP	NAP	NAP	NAP	100,0%
Italy	102,9%	102,9%	102,0%	102,0%	NAP	NAP	NAP	NAP	NAP	136,3%	NAP
Latvia	100,2%	103,4%	99,9%	99,3%	100,0%	100,0%	NAP	NAP	NAP	105,2%	NAP
Lithuania	101,0%	103,6%	100,8%	100,9%	NA	NA	NA	NA	100,0%	87,6%	99,4%
Luxembourg	98,9%	101,0%	99,9%	100,0%	NAP	NAP	NAP	NAP	99,9%	86,0%	NAP
Malta	97,1%	93,4%	107,9%	107,9%	NAP	NAP	NAP	NAP	NAP	91,2%	NAP
Netherlands	100,7%	101,2%	101,2%	101,2%	NAP	NAP	NAP	NAP	NAP	95,2%	NAP
Poland	99,0%	92,1%	100,4%	102,6%	98,1%	96,8%	103,1%	NAP	NAP	105,1%	86,9%
Portugal	NA	109,2%	NA	NA	NAP	NAP	NAP	NAP	NAP	111,0%	NAP
Romania	103,5%	102,7%	99,6%	99,2%	101,2%	94,5%	144,7%	NAP	NAP	118,0%	NAP
Slovakia	111,4%	130,6%	100,8%	98,0%	101,5%	NAP	101,5%	100,0%	103,1%	96,1%	114,7%
Slovenia	102,0%	109,8%	102,7%	107,4%	99,9%	99,8%	100,2%	NAP	NAP	91,3%	98,4%
Spain	91,7%	86,7%	97,6%	97,6%	NAP	NAP	NAP	NAP	NAP	99,6%	NAP
Sweden	97,1%	97,5%	99,8%	99,8%	NAP	NAP	NAP	NAP	NAP	96,8%	91,8%
<b>Average</b>	101,3%	100,7%	101,2%	101,9%	100,7%	99,1%	100,0%	98,3%	107,1%	108,9%	104,4%
<b>Median</b>	100,6%	101,2%	100,6%	100,5%	100,5%	100,0%	101,7%	98,3%	101,5%	99,7%	99,5%
<b>Minimum</b>	78,6%	63,1%	97,6%	95,6%	98,1%	94,5%	69,3%	96,6%	94,8%	86,0%	86,9%
<b>Maximum</b>	124,9%	130,6%	107,9%	119,1%	103,6%	101,1%	144,7%	100,0%	133,3%	219,2%	134,3%
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	11%	7%	19%	19%	15%	15%	11%	15%	15%	0%	15%
<b>% of NAP</b>	0%	0%	0%	4%	41%	56%	44%	78%	63%	7%	41%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Ireland: The low CR is a result of a specificity of the system where the cases resolved out of court are not obliged to report back to courts

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.2.1.2(2018): First instance courts, disposition time (in days) in different types of other than criminal law cases in 2018 (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
Austria	57	138	49	69	13	9	20	NAP	NAP	449	39
Belgium	NA	NA	NA	NAP	NA	NAP	NA	NAP	NAP	370	NA
Bulgaria	91	NA	NA	NA	NAP	NAP	NAP	NAP	NA	112	NA
Croatia	102	374	54	167	28	34	6	NAP	NAP	197	NAP
Cyprus	737	NA	NA	NA	NA	NA	NA	NA	NA	487	NA
Czech Republic	162	149	99	120	16	NAP	16	NAP	240	412	1 252
Denmark	24	207	17	85	2	0	200	NAP	200	NAP	70
Estonia	30	143	23	90	9	12	7	NAP	NAP	119	NAP
Finland	86	273	71	71	NAP	NAP	NAP	NAP	NAP	235	214
France	381	420	162	162	NAP	NAP	NAP	NAP	NAP	285	NAP
Germany	NA	220	NA	NA	NA	NA	7 356	NA	NA	435	169
Greece	NA	559	NA	NA	NA	NA	NA	NA	NA	601	NA
Hungary	63	151	28	32	26	NAP	24	134	40	109	273
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	373	527	231	231	NAP	NAP	NAP	NAP	NAP	889	NAP
Latvia	28	236	6	42	0	0	NAP	NAP	NAP	248	NAP
Lithuania	53	84	6	4	NAP	NAP	NAP	NAP	18	129	24
Luxembourg	NA	94	90	NAP	NAP	NAP	NAP	NAP	112	NA	NAP
Malta	322	440	3	3	NAP	NAP	NAP	NAP	NAP	1 057	NAP
Netherlands	80	110	65	65	NAP	NAP	NAP	NAP	NAP	200	NAP
Poland	82	273	54	51	57	60	46	NAP	NAP	118	168
Portugal	NA	229	NA	NA	NAP	NAP	NAP	NAP	NAP	928	NAP
Romania	154	157	133	24	520	317	1 391	NAP	NAP	117	NAP
Slovakia	111	157	114	131	25	NAP	25	0	223	401	66
Slovenia	61	283	40	92	7	8	3	NAP	NAP	406	52
Spain	276	362	153	153	NAP	NAP	NAP	NAP	NAP	331	NAP
Sweden	152	166	149	149	NAP	NAP	NAP	NAP	NAP	146	200
<b>Average</b>	<b>163</b>	<b>250</b>	<b>77</b>	<b>91</b>	<b>64</b>	<b>55</b>	<b>827</b>	<b>67</b>	<b>139</b>	<b>366</b>	<b>230</b>
<b>Median</b>	<b>91</b>	<b>220</b>	<b>59</b>	<b>85</b>	<b>16</b>	<b>10</b>	<b>24</b>	<b>67</b>	<b>156</b>	<b>308</b>	<b>168</b>
<b>Minimum</b>	<b>24</b>	<b>84</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>18</b>	<b>109</b>	<b>24</b>
<b>Maximum</b>	<b>737</b>	<b>559</b>	<b>231</b>	<b>231</b>	<b>520</b>	<b>317</b>	<b>7 356</b>	<b>134</b>	<b>240</b>	<b>1 057</b>	<b>1 252</b>
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	22%	15%	26%	22%	15%	11%	11%	11%	15%	4%	19%
<b>% of NAP</b>	0%	0%	0%	7%	44%	59%	48%	81%	63%	7%	41%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.2.1.1(2017): First instance courts, clearance rate in different types of other than criminal law cases in 2017 (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	100,6%	98,9%	101,4%	102,3%	99,7%	100,3%	98,4%	NAP	NAP	79,5%	100,0%
Belgium	NA	112,3%	100,0%	NAP	100,0%	NAP	100,0%	NAP	NAP	100,8%	NA
Bulgaria	97,4%	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	94,7%	NA
Croatia	101,7%	108,7%	100,2%	103,2%	99,4%	99,3%	99,9%	NAP	NAP	126,5%	NAP
Cyprus	113,2%	NA	NA	NA	NA	NA	NA	NA	NA	73,6%	103,3%
Czech Republic	101,0%	101,4%	99,6%	100,2%	97,3%	NAP	97,3%	NAP	103,9%	91,7%	139,2%
Denmark	99,7%	102,4%	99,7%	99,3%	99,8%	99,9%	88,7%	NAP	105,0%	NAP	99,3%
Estonia	104,0%	99,3%	104,4%	100,0%	104,7%	98,9%	110,9%	NAP	NAP	99,4%	NAP
Finland	96,4%	110,8%	95,3%	95,3%	NAP	NAP	NAP	NAP	NAP	107,4%	101,7%
France	103,7%	102,5%	111,4%	111,4%	NAP	NAP	NAP	NAP	NAP	102,1%	NAP
Germany	NA	101,3%	NA	NA	NA	NA	71,0%	NA	NA	84,0%	102,4%
Greece	NA	96,0%	NA	NA	NA	NA	NA	NA	NA	166,0%	NA
Hungary	99,2%	96,4%	99,5%	102,4%	98,1%	NAP	98,3%	82,9%	99,5%	102,1%	109,2%
Ireland	81,6%	72,8%	93,4%	93,4%	NAP	NAP	NAP	NAP	NAP	NAP	100,0%
Italy	102,9%	106,4%	98,8%	98,8%	NAP	NAP	NAP	NAP	NAP	156,2%	NAP
Latvia	101,1%	119,4%	99,3%	96,4%	99,8%	99,8%	NAP	NAP	NAP	99,7%	NAP
Lithuania	102,0%	102,1%	100,1%	99,5%	NA	NA	NA	NA	102,0%	113,0%	104,2%
Luxembourg	98,7%	96,3%	102,0%	100,0%	NAP	NAP	NAP	NAP	102,5%	94,3%	NAP
Malta	95,8%	97,0%	91,7%	91,7%	NAP	NAP	NAP	NAP	NAP	146,9%	NAP
Netherlands	99,6%	99,1%	99,1%	99,1%	NAP	NAP	NAP	NAP	NAP	105,1%	NAP
Poland	100,6%	93,8%	101,3%	105,0%	97,5%	97,8%	96,8%	NAP	NAP	107,1%	105,5%
Portugal	NA	113,0%	NA	NA	NAP	NAP	NAP	NAP	NAP	105,0%	NAP
Romania	99,4%	99,2%	97,8%	101,7%	84,8%	97,6%	40,5%	NAP	NAP	102,2%	NAP
Slovakia	108,6%	129,2%	98,5%	98,1%	99,8%	NAP	99,8%	NAP	96,6%	118,1%	105,5%
Slovenia	103,9%	108,0%	104,7%	112,1%	100,3%	100,5%	99,9%	NAP	NAP	67,5%	101,4%
Spain	93,8%	87,9%	100,5%	100,5%	NAP	NAP	NAP	NAP	NAP	104,5%	NAP
Sweden	93,4%	99,7%	98,5%	98,5%	NAP	NAP	NAP	NAP	NAP	89,8%	105,3%
<b>Average</b>	99,9%	102,2%	99,9%	100,4%	98,4%	99,3%	91,8%	82,9%	101,6%	105,5%	105,9%
<b>Median</b>	100,6%	101,3%	99,6%	100,0%	99,8%	99,6%	98,3%	82,9%	102,2%	102,1%	103,3%
<b>Minimum</b>	81,6%	72,8%	91,7%	91,7%	84,8%	97,6%	40,5%	82,9%	96,6%	67,5%	99,3%
<b>Maximum</b>	113,2%	129,2%	111,4%	112,1%	104,7%	100,5%	110,9%	82,9%	105,0%	166,0%	139,2%
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	15%	7%	19%	19%	15%	15%	11%	15%	11%	0%	11%
<b>% of NAP</b>	0%	0%	0%	4%	41%	56%	44%	81%	67%	7%	41%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Ireland: The low CR is a result of a specificity of the system where the cases resolved out of court are not obliged to report back to courts

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.



**Table 3.2.1.2(2017): First instance courts, disposition time (in days) in different types of other than criminal law cases in 2017 (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
Austria	59	141	51	70	17	10	32	NAP	NAP	446	38
Belgium	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP	497	NA
Bulgaria	83	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	116	NA
Croatia	114	387	63	195	27	33	6	NAP	NAP	258	NAP
Cyprus	1 118	NA	NA	NA	NA	NA	NA	NA	NA	2 162	296
Czech Republic	163	157	100	121	21	NAP	21	NAP	370	408	1 377
Denmark	22	172	16	80	2	1	131	NAP	179	NAP	76
Estonia	24	140	16	51	14	14	14	NAP	NAP	108	NAP
Finland	118	258	103	103	NAP	NAP	NAP	NAP	NAP	255	195
France	300	341	86	86	NAP	NAP	NAP	NAP	NAP	290	NAP
Germany	NA	204	NA	NA	NA	NA	7 236	NA	NA	421	162
Greece	NA	479	NA	NA	NA	NA	NA	NA	NA	735	NA
Hungary	63	181	17	36	8	NAP	NA	147	57	116	289
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	399	548	254	254	NAP	NAP	NAP	NAP	NAP	887	NAP
Latvia	29	208	6	40	NAP	NAP	NAP	NAP	NAP	249	NAP
Lithuania	44	85	6	6	NA	NA	NA	NA	5	76	16
Luxembourg	NA	108	97	NAP	NAP	NAP	NAP	NAP	120	NA	NAP
Malta	331	435	33	33	NAP	NAP	NAP	NAP	NAP	1 147	NAP
Netherlands	83	124	68	68	NAP	NAP	NAP	NAP	NAP	165	NAP
Poland	73	232	51	54	48	48	48	NAP	NAP	121	120
Portugal	NA	250	NA	NA	NAP	NAP	NAP	NAP	NAP	988	NAP
Romania	161	167	134	21	583	300	2 937	NAP	NAP	114	NAP
Slovakia	107	171	119	176	26	NAP	26	NAP	231	317	57
Slovenia	65	292	47	108	6	6	3	NAP	NAP	448	45
Spain	258	329	150	150	NAP	NAP	NAP	NAP	NAP	322	NAP
Sweden	151	159	149	149	NAP	NAP	NAP	NAP	NAP	147	171
<b>Average</b>	<b>179</b>	<b>242</b>	<b>78</b>	<b>95</b>	<b>75</b>	<b>59</b>	<b>1 046</b>	<b>147</b>	<b>161</b>	<b>450</b>	<b>237</b>
<b>Median</b>	<b>107</b>	<b>204</b>	<b>65</b>	<b>80</b>	<b>19</b>	<b>14</b>	<b>29</b>	<b>147</b>	<b>150</b>	<b>303</b>	<b>141</b>
<b>Minimum</b>	<b>22</b>	<b>85</b>	<b>6</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>147</b>	<b>5</b>	<b>76</b>	<b>16</b>
<b>Maximum</b>	<b>1 118</b>	<b>548</b>	<b>254</b>	<b>254</b>	<b>583</b>	<b>300</b>	<b>7 236</b>	<b>147</b>	<b>370</b>	<b>2 162</b>	<b>1 377</b>
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	22%	15%	22%	22%	15%	15%	15%	15%	11%	4%	15%
<b>% of NAP</b>	0%	0%	4%	7%	48%	59%	48%	81%	67%	7%	41%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.2.1.1(2016): First instance courts, clearance rate in different types of other than criminal law cases in 2016 (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	100,4%	102,0%	100,6%	100,3%	101,0%	101,4%	100,1%	NAP	NAP	90,8%	100,3%
Belgium	102,2%	102,5%	100,0%	NAP	100,0%	NAP	100,0%	NAP	NAP	120,9%	NAP
Bulgaria	98,8%	NA	NA	NA	NAP	NAP	NAP	NAP	NA	104,2%	NA
Croatia	101,8%	118,1%	98,9%	101,0%	98,3%	97,8%	100,2%	NAP	NAP	109,3%	NAP
Cyprus	106,2%	NA	NA	NA	NA	NA	NA	NA	NA	112,8%	NA
Czech Republic	105,2%	110,0%	104,8%	105,5%	103,0%	NAP	103,0%	NAP	79,3%	80,2%	74,3%
Denmark	99,6%	101,2%	99,6%	97,9%	100,0%	100,0%	100,5%	NAP	NAP	NAP	99,7%
Estonia	97,7%	97,6%	97,7%	100,7%	97,1%	99,3%	95,6%	NAP	NAP	105,6%	NAP
Finland	98,1%	124,8%	99,1%	99,1%	NAP	NAP	NAP	NAP	NAP	79,4%	104,5%
France	98,5%	99,0%	95,5%	95,5%	NAP	NAP	NAP	NAP	NAP	99,1%	NAP
Germany	NA	102,7%	NA	NA	NA	NA	71,9%	NA	NA	92,3%	100,5%
Greece	NA	99,1%	NA	NA	NA	NA	NA	NA	NA	148,1%	NA
Hungary	102,1%	98,4%	102,2%	102,8%	102,0%	NAP	101,9%	104,3%	97,3%	99,7%	126,0%
Ireland	76,1%	59,2%	96,3%	96,3%	NAP	NAP	NAP	NAP	NAP	NAP	100,0%
Italy	104,5%	113,2%	96,6%	96,6%	NAP	NAP	NAP	NAP	NAP	153,5%	NAP
Latvia	101,0%	107,4%	100,2%	100,2%	100,2%	100,2%	NAP	NAP	NAP	95,3%	NAP
Lithuania	101,7%	98,4%	99,1%	99,4%	NA	NA	NA	NA	98,0%	144,4%	102,3%
Luxembourg	101,6%	100,0%	104,0%	100,0%	NAP	NAP	NAP	NAP	105,0%	97,7%	NAP
Malta	107,4%	107,3%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	114,4%	NAP
Netherlands	100,2%	100,7%	100,7%	100,7%	NAP	NAP	NAP	NAP	NAP	95,3%	NAP
Poland	92,9%	98,8%	91,7%	86,3%	97,6%	97,5%	98,2%	NAP	NA	103,0%	105,7%
Portugal	NA	112,3%	NA	NA	NAP	NAP	NAP	NAP	NAP	111,5%	NAP
Romania	101,3%	102,0%	106,5%	107,0%	105,2%	110,1%	67,7%	NAP	NAP	91,8%	NAP
Slovakia	106,2%	132,0%	96,1%	93,1%	98,7%	NAP	98,7%	NAP	94,7%	112,0%	100,3%
Slovenia	106,1%	106,4%	107,4%	119,8%	99,7%	99,7%	100,0%	NAP	NAP	87,1%	102,7%
Spain	104,6%	103,1%	104,9%	104,9%	NAP	NAP	NAP	NAP	NAP	111,6%	NAP
Sweden	95,9%	99,3%	100,0%	100,0%	NAP	NAP	NAP	NAP	NAP	93,9%	95,2%
<b>Average</b>	100,4%	103,8%	100,1%	100,4%	100,2%	100,7%	94,8%	104,3%	94,9%	106,2%	101,0%
<b>Median</b>	101,5%	102,0%	100,0%	100,1%	100,0%	99,8%	100,0%	104,3%	97,3%	103,0%	100,4%
<b>Minimum</b>	76,1%	59,2%	91,7%	86,3%	97,1%	97,5%	67,7%	104,3%	79,3%	79,4%	74,3%
<b>Maximum</b>	107,4%	132,0%	107,4%	119,8%	105,2%	110,1%	103,0%	104,3%	105,0%	153,5%	126,0%
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	11%	7%	19%	19%	15%	15%	11%	15%	19%	0%	11%
<b>% of NAP</b>	0%	0%	4%	7%	41%	56%	44%	81%	63%	7%	44%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: Any deviations from the 2015 figures are due to a new way of collecting statistics.

Ireland: The low CR is a result of a specifics of the system where the cases resolved out of court are not obliged to report back to courts

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.2.1.2(2016): First instance courts, disposition time (in days) in different types of other than criminal law cases in 2016 (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
Austria	57	133	51	76	8	10	5	NAP	NAP	380	38
Belgium	NA	NA	NA	NAP	NA	NAP	NA	NAP	NAP	429	NAP
Bulgaria	84	NA	NA	NA	NAP	NAP	NAP	NAP	NA	108	NA
Croatia	117	364	64	189	26	32	6	NAP	NAP	319	NAP
Cyprus	862	NA	NA	NA	NA	NA	NA	NA	NA	1 582	NA
Czech Republic	155	153	92	116	16	NAP	16	NAP	439	421	1 782
Denmark	21	176	14	79	1	0	106	NAP	NAP	NAP	78
Estonia	40	139	34	61	30	13	42	NAP	NAP	108	NAP
Finland	113	252	94	94	NAP	NAP	NAP	NAP	NAP	279	184
France	312	353	111	111	NAP	NAP	NAP	NAP	NAP	314	NAP
Germany	NA	196	NA	NA	NA	NA	7 030	NA	NA	375	394
Greece	NA	610	NA	NA	NA	NA	NA	NA	NA	1 086	NA
Hungary	57	159	14	47	1	NAP	NA	56	49	109	277
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	387	514	250	250	NAP	NAP	NAP	NAP	NAP	925	NAP
Latvia	33	217	4	36	NAP	NAP	NAP	NAP	NAP	228	NAP
Lithuania	41	88	6	4	NA	NA	NA	NA	14	72	12
Luxembourg	NA	91	97	NAP	NAP	NAP	NAP	NAP	123	NA	NAP
Malta	446	432	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1 464	NAP
Netherlands	83	121	66	66	NAP	NAP	NAP	NAP	NAP	178	NAP
Poland	85	225	64	91	39	41	31	NAP	NA	143	130
Portugal	NA	289	NA	NA	NAP	NAP	NAP	NAP	NAP	911	NAP
Romania	154	153	138	33	434	235	2 900	NAP	NAP	170	NAP
Slovakia	98	130	121	184	27	NAP	27	NAP	212	203	66
Slovenia	72	280	58	127	7	8	3	NAP	NAP	282	45
Spain	227	282	143	143	NAP	NAP	NAP	NAP	NAP	312	NAP
Sweden	133	164	144	144	NAP	NAP	NAP	NAP	NAP	115	185
<b>Average</b>	170	240	82	103	59	48	1 016	56	167	438	290
<b>Median</b>	98	196	66	92	21	13	29	56	123	297	130
<b>Minimum</b>	21	88	4	4	1	0	3	56	14	72	12
<b>Maximum</b>	862	610	250	250	434	235	7 030	56	439	1 582	1 782
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	22%	15%	26%	22%	19%	15%	19%	15%	19%	4%	15%
<b>% of NAP</b>	0%	0%	4%	11%	44%	59%	44%	81%	63%	7%	44%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: Any deviations from the 2015 figures are due to a new way of collecting statistics.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

Table 3.2.1.1(2015): First instance courts, clearance rate in different types of other than criminal law cases in 2015 (Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	100,2%	102,0%	100,3%	100,9%	99,2%	99,0%	99,8%	NAP	NAP	NAP	99,2%
Belgium	NA	98,9%	NA	NA	100,0%	NAP	100,0%	NAP	NA	116,8%	NAP
Bulgaria	99,0%	NA	NA	NA	NAP	NAP	NAP	NAP	NA	99,0%	NA
Croatia	101,6%	107,1%	100,5%	103,4%	99,7%	99,5%	100,4%	NAP	NAP	92,7%	NAP
Cyprus	90,2%	NA	NA	NA	NA	NA	NA	NA	NA	119,8%	NA
Czech Republic	102,3%	107,3%	102,0%	103,8%	97,3%	NAP	97,3%	NAP	86,4%	92,1%	56,4%
Denmark	100,0%	101,9%	99,9%	99,5%	100,0%	100,0%	90,8%	NAP	NAP	NAP	100,8%
Estonia	139,7%	102,1%	142,8%	103,8%	152,8%	224,7%	100,7%	NAP	NAP	104,5%	NAP
Finland	98,8%	94,2%	98,6%	98,6%	NAP	NAP	NAP	NAP	NAP	101,8%	101,1%
France	97,7%	97,7%	97,7%	97,7%	NAP	NAP	NAP	NAP	NAP	98,3%	NAP
Germany	NA	102,0%	NA	NA	NA	NA	NA	NA	NA	102,6%	101,8%
Greece	NA	101,7%	NA	NA	NA	NA	NA	NA	NA	183,4%	NA
Hungary	101,4%	99,0%	100,5%	97,5%	101,9%	NAP	101,9%	104,8%	100,2%	105,3%	132,4%
Ireland	76,6%	63,2%	93,9%	93,9%	NAP	NAP	NAP	NAP	NAP	NAP	100,0%
Italy	111,7%	120,1%	105,0%	105,0%	NAP	NAP	NAP	NAP	NAP	141,9%	NAP
Latvia	101,0%	108,6%	99,8%	105,7%	99,1%	99,1%	NAP	NAP	NAP	106,0%	NAP
Lithuania	100,5%	102,5%	100,2%	100,4%	NAP	NAP	NAP	NAP	98,8%	99,7%	98,9%
Luxembourg	NA	105,4%	NA	NAP	NAP	NAP	NAP	NAP	NA	90,7%	NAP
Malta	110,5%	107,3%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	410,7%	NAP
Netherlands	100,6%	100,4%	100,4%	100,4%	NAP	NAP	NAP	NAP	NAP	103,0%	NAP
Poland	-	-	-	-	-	-	-	-	-	-	-
Portugal	NA	116,3%	NA	NA	NAP	NAP	NAP	NAP	NAP	79,8%	NAP
Romania	106,1%	104,7%	106,1%	106,9%	103,9%	112,7%	55,7%	NAP	NAP	132,7%	NAP
Slovakia	105,1%	132,8%	99,8%	100,6%	99,0%	NAP	99,0%	NAP	NA	124,1%	93,8%
Slovenia	107,4%	104,9%	109,7%	124,7%	100,4%	100,4%	100,4%	NAP	NAP	101,0%	102,3%
Spain	99,7%	94,7%	102,1%	102,1%	NAP	NAP	NAP	NAP	NAP	117,3%	NAP
Sweden	103,5%	103,9%	101,5%	101,5%	NAP	NAP	NAP	NAP	NAP	103,7%	102,2%
Average	102,5%	103,3%	103,4%	102,6%	104,9%	119,3%	94,6%	104,8%	95,1%	122,9%	99,0%
Median	101,0%	102,3%	100,4%	101,2%	100,0%	100,0%	99,9%	104,8%	98,8%	103,7%	100,8%
Minimum	76,6%	63,2%	93,9%	93,9%	97,3%	99,0%	55,7%	104,8%	86,4%	79,8%	56,4%
Maximum	139,7%	132,8%	142,8%	124,7%	152,8%	224,7%	101,9%	104,8%	100,2%	410,7%	132,4%
Nb of values	26	26	26	26	26	26	26	26	26	26	26
% of NA	19%	8%	27%	23%	12%	12%	12%	12%	27%	0%	12%
% of NAP	0%	0%	4%	8%	46%	62%	50%	85%	62%	12%	46%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Belgium: The pending cases of commercial courts, first instance (civil, youth, family) and justice of the peace are not included. Included in pending cases are: labor courts, police courts, courts of appeal.

Germany: for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

Greece: Any deviations from the 2015 figures are due to a new way of collecting statistics.



**Table 3.2.1.2(2015): First instance courts, disposition time (in days) in different types of other than criminal law cases in 2015 (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
Austria	53	131	53	75	13	15	6	NAP	NAP	NAP	39
Belgium	NA	87	NA	NA	NA	NAP	NAP	NAP	NA	444	NAP
Bulgaria	78	NA	NA	NA	NAP	NAP	NAP	NAP	NA	122	NA
Croatia	132	391	66	218	22	27	8	NAP	NAP	413	NAP
Cyprus	839	NA	NA	NA	NA	NA	NA	NA	NA	1 391	NA
Czech Republic	164	159	107	133	29	NAP	29	NAP	326	437	2 011
Denmark	17	174	11	69	1	0	178	NAP	NAP	NAP	77
Estonia	39	136	33	61	28	39	11	NAP	NAP	117	NAP
Finland	111	332	91	91	NAP	NAP	NAP	NAP	NAP	271	196
France	304	346	93	93	NAP	NAP	NAP	NAP	NAP	313	NAP
Germany	NA	190	NA	NA	NA	NA	NA	NA	NA	349	515
Greece	NA	378	NA	NA	NA	NA	NA	NA	NA	964	NA
Hungary	59	159	17	54	1	NAP	NA	82	47	110	306
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	393	527	227	227	NAP	NAP	NAP	NAP	NAP	1 008	NAP
Latvia	38	238	4	36	NAP	NAP	NAP	NAP	NAP	200	NAP
Lithuania	50	96	3	2	NAP	NAP	NAP	NAP	13	236	18
Luxembourg	NA	86	NA	NAP	NAP	NAP	NAP	NAP	NA	NA	NAP
Malta	447	445	NAP	NAP	NAP	NAP	NAP	NAP	NAP	495	NAP
Netherlands	87	115	74	74	NAP	NAP	NAP	NAP	NAP	168	NAP
Poland	-	-	-	-	-	-	-	-	-	-	-
Portugal	NA	315	NA	NA	NAP	NAP	NAP	NAP	NAP	989	NAP
Romania	154	154	154	54	431	258	2 357	NAP	NAP	170	NAP
Slovakia	240	401	118	202	26	NAP	26	NAP	NA	374	246
Slovenia	82	277	74	162	5	6	2	NAP	NAP	122	46
Spain	238	325	134	134	NAP	NAP	NAP	NAP	NAP	317	NAP
Sweden	126	152	141	141	NAP	NAP	NAP	NAP	NAP	105	185
<b>Average</b>	182	244	82	107	62	58	327	82	129	414	364
<b>Median</b>	119	190	74	91	22	21	19	82	47	315	191
<b>Minimum</b>	17	86	3	2	1	0	2	82	13	105	18
<b>Maximum</b>	839	527	227	227	431	258	2 357	82	326	1 391	2 011
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	22%	11%	30%	26%	15%	11%	15%	11%	26%	4%	15%
<b>% of NAP</b>	0%	0%	4%	7%	48%	63%	52%	81%	59%	11%	44%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Belgium:** The pending cases of commercial courts, first instance (civil, youth, family) and justice of the peace are not included. Included in pending cases are: labor courts, police courts, courts of appeal.

**Germany:** for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

**Greece:** Any deviations from the 2015 figures are due to a new way of collecting statistics.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

Table 3.2.1.1 (2014): First instance courts, clearance rate in different types of other than criminal law cases in 2014 (Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	NA	103,0%	NA	100,5%	NA	96,6%	99,9%	NA	NA	NAP	99,7%
Belgium	NA	97,9%	NA	NA	NA	NAP	NA	NAP	NA	88,2%	NAP
Bulgaria	102,0%	NA	NA	NA	NAP	NAP	NAP	NAP	NA	100,8%	NA
Croatia	103,2%	113,4%	101,2%	106,7%	99,3%	99,1%	100,1%	NAP	NAP	85,8%	NAP
Cyprus	88,5%	NA	NA	NA	NA	NA	NA	NA	NA	103,5%	NA
Czech Republic	97,3%	104,7%	93,5%	84,4%	98,1%	NAP	98,1%	NAP	99,9%	90,9%	44,7%
Denmark	100,0%	102,2%	99,9%	99,2%	100,1%	100,0%	115,1%	NAP	NAP	NAP	99,8%
Estonia	98,2%	104,2%	97,8%	91,7%	99,5%	100,1%	98,8%	NAP	NAP	90,4%	NAP
Finland	102,3%	104,6%	102,6%	102,6%	NAP	NAP	NAP	NAP	NAP	97,1%	99,4%
France	94,9%	94,4%	96,8%	96,8%	NAP	NAP	NAP	NAP	NAP	96,3%	NAP
Germany	NA	100,2%	NA	NA	NA	NA	75,3%	NA	NA	100,3%	87,5%
Greece	NA	113,1%	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	102,7%	104,3%	102,2%	101,3%	102,6%	NAP	102,6%	96,2%	91,2%	92,1%	109,3%
Ireland	72,8%	55,6%	96,2%	96,2%	NAP	NAP	NAP	NAP	NAP	NAP	100,0%
Italy	109,3%	119,3%	101,4%	101,4%	NAP	NAP	NAP	NAP	NAP	155,6%	NAP
Latvia	100,4%	98,5%	100,1%	100,1%	NAP	NAP	NAP	NAP	NAP	143,9%	NAP
Lithuania	98,8%	97,5%	101,0%	101,3%	NA	NA	NA	NA	98,5%	89,4%	99,8%
Luxembourg	NA	96,8%	NA	NAP	NAP	NAP	NAP	NAP	NA	93,5%	NAP
Malta	102,2%	101,3%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	148,7%	NAP
Netherlands	99,1%	99,1%	99,1%	NA	NAP	NAP	NAP	NAP	NAP	98,9%	NAP
Poland	101,9%	99,3%	102,4%	104,8%	100,0%	100,1%	98,4%	NA	NA	96,5%	98,2%
Portugal	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NA	NAP
Romania	111,1%	108,7%	105,7%	110,2%	94,1%	100,7%	45,7%	NAP	NAP	161,0%	NAP
Slovakia	101,9%	91,7%	101,2%	101,1%	101,4%	NAP	101,4%	NAP	NA	124,8%	108,2%
Slovenia	103,8%	109,1%	102,7%	105,5%	101,0%	101,1%	100,5%	NAP	NAP	103,0%	105,2%
Spain	101,1%	98,0%	102,2%	102,2%	NAP	NAP	NAP	NAP	NAP	112,5%	NAP
Sweden	103,1%	103,9%	101,5%	101,5%	NAP	NAP	NAP	NAP	NAP	102,8%	104,9%
Average	99,7%	100,9%	100,4%	100,4%	99,6%	99,7%	94,2%	96,2%	96,5%	108,0%	96,4%
Median	101,9%	101,8%	101,2%	101,3%	100,0%	100,1%	99,9%	96,2%	98,5%	99,6%	99,8%
Minimum	72,8%	55,6%	93,5%	84,4%	94,1%	96,6%	45,7%	96,2%	91,2%	85,8%	44,7%
Maximum	111,1%	119,3%	105,7%	110,2%	102,6%	101,1%	115,1%	96,2%	99,9%	161,0%	109,3%
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	22%	11%	30%	26%	22%	15%	15%	22%	33%	7%	11%
% of NAP	0%	0%	4%	7%	44%	59%	44%	74%	56%	11%	44%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Germany: for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

Italy: Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

Ireland: The low CR is a result of a specifics of the system where the cases resolved out of court are not obliged to report back to courts

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.2.1.2 (2014): First instance courts, disposition time (in days) in different types of other than criminal law cases in 2014 (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
Austria	NA	130	NA	78	NA	13	5	NA	NA	NAP	36
Belgium	NA	NA	NA	NA	NA	NAP	NA	NAP	NA	625	NAP
Bulgaria	78	NA	NA	NA	NAP	NAP	NAP	NAP	NA	124	NA
Croatia	134	380	69	178	28	33	9	NAP	NAP	426	NAP
Cyprus	903	NA	NA	NA	NA	NA	NA	NA	NA	1 775	NA
Czech Republic	157	163	64	160	20	NAP	20	NAP	24	415	2 236
Denmark	19	177	12	64	1	0	147	NAP	NAP	NAP	80
Estonia	33	125	24	78	10	14	5	NAP	NAP	141	NAP
Finland	103	289	84	84	NAP	NAP	NAP	NAP	NAP	280	196
France	304	348	89	89	NAP	NAP	NAP	NAP	NAP	305	NAP
Germany	NA	198	NA	NA	NA	NA	NA	NA	NA	367	473
Greece	NA	330	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	63	144	15	50	1	NAP	NA	137	61	148	380
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	377	532	228	228	NAP	NAP	NAP	NAP	NAP	984	NAP
Latvia	179	255	53	53	NAP	NAP	NAP	NAP	NAP	155	NAP
Lithuania	54	97	4	3	NA	NA	NA	NA	13	310	15
Luxembourg	NA	103	NA	NAP	NAP	NAP	NAP	NAP	NA	NA	NAP
Malta	558	536	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1 408	NAP
Netherlands	91	132	75	NA	NAP	NAP	NAP	NAP	NAP	171	NAP
Poland	55	203	30	36	23	23	25	NA	NA	139	154
Portugal	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NA	NAP
Romania	148	146	166	73	449	295	2 919	NAP	NAP	179	NAP
Slovakia	231	524	115	197	23	NAP	23	NAP	NA	397	163
Slovenia	102	270	103	249	6	7	4	NAP	NAP	112	49
Spain	242	318	142	142	NAP	NAP	NAP	NAP	NAP	361	NAP
Sweden	133	157	141	141	NAP	NAP	NAP	NAP	NAP	114	194
<b>Average</b>	198	253	83	112	62	55	351	137	33	426	361
<b>Median</b>	133	201	75	84	20	14	20	137	24	305	163
<b>Minimum</b>	19	97	4	3	1	0	4	137	13	112	15
<b>Maximum</b>	903	536	228	249	449	295	2 919	137	61	1 775	2 236
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	26%	19%	33%	30%	22%	15%	22%	22%	33%	11%	15%
<b>% of NAP</b>	0%	0%	4%	7%	44%	59%	44%	74%	56%	11%	44%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Germany: for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

Italy: Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

Ireland: The low CR is a result of a specifics of the system where the cases resolved out of court are not obliged to report back to courts

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.2.1.1(2013): First instance courts, clearance rate in different types of other than criminal law cases in 2013 (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
Austria	100,8%	101,0%	100,3%	99,5%	102,8%	100,0%	NAP	100,4%
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	100,9%	NA	NA	NA	NA	NA	108,6%	100,3%
Croatia	102,2%	101,2%	105,5%	108,6%	102,6%	99,7%	64,3%	NAP
Cyprus	NA	78,3%	NA	NA	NA	NA	57,5%	NA
Czech Republic	96,8%	90,2%	102,4%	102,8%	NAP	NAP	NAP	91,8%
Denmark	100,3%	107,1%	100,5%	100,6%	100,0%	112,8%	NAP	99,5%
Estonia	NA	107,6%	99,7%	NA	99,2%	101,2%	90,9%	NAP
Finland	99,9%	106,3%	100,1%	95,8%	NAP	NAP	94,8%	97,8%
France	98,2%	97,5%	98,4%	98,2%	NAP	NAP	104,2%	NAP
Germany	NA	99,4%	NA	NA	NA	NA	99,7%	87,5%
Greece	NA	80,1%	NA	NA	NA	NA	153,4%	NA
Hungary	97,5%	97,9%	99,2%	99,3%	NAP	95,2%	104,3%	127,4%
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NA
Italy	106,6%	118,1%	99,5%	100,3%	NAP	NAP	190,2%	NAP
Latvia	105,7%	109,2%	96,4%	NAP	NAP	NAP	163,3%	NAP
Lithuania	97,3%	98,9%	99,0%	100,5%	NA	NA	65,4%	100,2%
Luxembourg	NA	181,6%	100,0%	NA	NA	NAP	93,5%	NAP
Malta	104,1%	109,6%	NAP	NAP	NAP	NAP	40,1%	NAP
Netherlands	98,5%	NA	NA	NAP	NAP	NAP	100,3%	NAP
Poland	-	-	-	-	-	-	-	-
Portugal	NA	103,2%	NAP	160,2%	NAP	NAP	NA	NAP
Romania	110,1%	112,2%	100,2%	100,4%	110,0%	54,5%	130,2%	NAP
Slovakia	90,7%	80,6%	103,3%	117,2%	NAP	98,6%	84,6%	88,2%
Slovenia	101,9%	102,4%	104,2%	104,3%	102,1%	99,5%	101,8%	99,9%
Spain	-	-	-	-	-	-	-	-
Sweden	100,7%	101,0%	100,9%	NAP	NAP	NAP	100,7%	96,1%
<b>Average</b>	100,7%	104,0%	100,6%	106,7%	102,8%	95,2%	102,5%	99,0%
<b>Median</b>	100,7%	101,2%	100,2%	100,5%	102,4%	99,6%	100,3%	99,5%
<b>Minimum</b>	90,7%	78,3%	96,4%	95,8%	99,2%	54,5%	40,1%	87,5%
<b>Maximum</b>	110,1%	181,6%	105,5%	160,2%	110,0%	112,8%	190,2%	127,4%
<b>Nb of values</b>	25	25	25	25	25	25	25	25
<b>% of NA</b>	32%	16%	24%	32%	28%	20%	8%	12%
<b>% of NAP</b>	0%	0%	12%	16%	48%	48%	16%	44%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Germany: With regard to the number of incoming non-litigious enforcement cases, the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

Table 3.2.1.2(2013): First instance courts, disposition time (in days) in different types of other than criminal law cases in 2013 (Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
Austria	53	135	78	92	13	0	NAP	32
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	78	NA	NA	NA	NA	NA	110	75
Croatia	129	386	149	214	32	9	493	NAP
Cyprus	NA	638	NA	NA	NA	NA	775	NA
Czech Republic	76	187	30	20	NAP	NAP	NAP	62
Denmark	18	164	56	54	0	139	NAP	83
Estonia	NA	130	84	NA	15	7	139	NAP
Finland	97	288	80	130	NAP	NAP	277	205
France	274	308	80	96	NAP	NAP	284	NAP
Germany	NA	192	NA	NA	NA	NA	357	473
Greece	NA	407	NA	NA	NA	NA	1 148	NA
Hungary	NA	169	53	66	NAP	NA	115	335
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NA
Italy	369	608	193	361	NAP	NAP	1 043	NAP
Latvia	167	247	50	NAP	NAP	NAP	203	NAP
Lithuania	53	94	8	10	NA	NA	290	15
Luxembourg	NA	53	0	NA	NA	NAP	NA	NAP
Malta	789	750	NAP	NAP	NAP	NAP	2 036	NAP
Netherlands	91	NA	NA	NAP	NAP	NAP	164	NAP
Poland	-	-	-	-	-	-	-	-
Portugal	NA	386	NAP	1 013	NAP	NAP	NA	NAP
Romania	128	187	39	38	194	2 249	106	NAP
Slovakia	235	505	193	691	NAP	27	746	187
Slovenia	111	301	248	256	11	6	126	60
Spain	-	-	-	-	-	-	-	-
Sweden	146	171	142	NAP	NAP	NAP	126	220
Average	176	300	93	234	44	348	474	159
Median	119	247	79	96	14	9	281	83
Minimum	18	53	0	10	0,4	0	106	15
Maximum	789	750	248	1 013	194	2 249	2 036	473
Nb of values	25	25	25	25	25	25	25	25
% of NA	36%	16%	24%	32%	28%	24%	12%	12%
% of NAP	0%	0%	12%	16%	48%	48%	16%	44%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Germany: With regard to the number of incoming non-litigious enforcement cases, the number of Länder taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.



Table 3.2.1.1(2012): First instance courts, clearance rate in different types of other than criminal law cases in 2012 (Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
Austria	99,6%	100,6%	100,7%	101,5%	96,5%	100,0%	NAP	99,9%
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	98,9%	NA	NA	NA	NA	NA	92,1%	99,4%
Croatia	102,0%	95,0%	108,3%	110,5%	100,5%	NA	41,1%	139,3%
Cyprus	87,0%	NA	NA	NA	NA	NA	74,0%	NA
Czech Republic	113,7%	98,8%	102,5%	104,0%	NAP	NAP	NAP	135,7%
Denmark	101,1%	109,0%	106,1%	106,2%	99,9%	104,6%	NAP	101,2%
Estonia	111,4%	112,5%	104,3%	NA	100,9%	123,0%	105,5%	NAP
Finland	94,8%	103,2%	94,2%	98,5%	NAP	NAP	101,0%	97,6%
France	100,2%	99,2%	101,5%	101,4%	NAP	NAP	106,7%	NAP
Germany	NA	100,4%	NA	NA	NA	NA	101,7%	100,1%
Greece	65,4%	57,7%	NA	NA	NA	NA	143,2%	NA
Hungary	104,2%	105,1%	106,3%	108,6%	NAP	102,4%	108,0%	99,6%
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	108,4%	131,3%	93,8%	98,1%	NAP	NAP	279,8%	NAP
Latvia	112,4%	117,7%	101,4%	NAP	NAP	NAP	130,5%	NAP
Lithuania	100,5%	100,5%	100,5%	99,2%	NA	NA	98,1%	100,8%
Luxembourg	NA	172,8%	100,0%	NA	NA	NAP	69,8%	NAP
Malta	108,2%	113,8%	NAP	NAP	NAP	NAP	40,2%	NAP
Netherlands	98,8%	NA	NA	NAP	NAP	NAP	97,5%	NAP
Poland	100,6%	88,5%	103,0%	98,8%	101,4%	98,9%	99,6%	98,3%
Portugal	96,0%	97,7%	NA	94,1%	NAP	NAP	NA	NA
Romania	95,7%	99,0%	96,5%	96,2%	104,2%	69,8%	78,1%	NAP
Slovakia	90,9%	81,6%	98,1%	118,2%	NAP	99,7%	47,2%	93,1%
Slovenia	105,6%	101,5%	104,5%	104,6%	109,8%	100,7%	110,0%	103,5%
Spain	NA	99,6%	100,5%	NA	NAP	NAP	123,7%	NAP
Sweden	101,7%	98,8%	96,2%	NAP	NAP	NAP	104,8%	99,7%
Average	99,9%	103,8%	101,0%	102,9%	101,9%	99,9%	102,5%	105,2%
Median	100,5%	100,4%	101,0%	101,4%	100,9%	100,4%	101,0%	99,9%
Minimum	65,4%	57,7%	93,8%	94,1%	96,5%	69,8%	40,2%	93,1%
Maximum	113,7%	172,8%	108,3%	118,2%	109,8%	123,0%	279,8%	139,3%
Nb of values	27	27	27	27	27	27	27	27
% of NA	19%	19%	26%	30%	26%	22%	7%	15%
% of NAP	0%	0%	7%	19%	48%	48%	15%	37%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Germany: With regard to the number of incoming non-litigious enforcement cases, the number of Länder taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.2.1.2(2012): First instance courts, disposition time (in days) in different types of other than criminal law cases in 2012 (Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
Austria	54	135	79	88	23	NA	NAP	32
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	74	NA	NA	NA	NA	NA	150	69
Croatia	133	457	101	182	42	NA	523	243
Cyprus	534	NA	NA	NA	NA	NA	1 270	NA
Czech Republic	116	174	45	9	NAP	NAP	NAP	117
Denmark	17	165	53	51	0	163	NAP	80
Estonia	44	167	91	NA	12	32	108	NAP
Finland	101	325	84	117	NAP	NAP	248	206
France	275	311	73	88	NAP	NAP	302	NAP
Germany	NA	183	NA	NA	NA	NA	354	470
Greece	677	469	NA	NA	NA	NA	1 520	NA
Hungary	NA	97	51	46	NAP	NA	147	402
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	391	590	213	398	NAP	NAP	886	NAP
Latvia	186	241	37	NAP	NAP	NAP	300	NAP
Lithuania	44	88	5	18	NA	NA	144	15
Luxembourg	NA	73	0	NA	NA	NAP	NA	NAP
Malta	707	685	NAP	NAP	NAP	NAP	1 457	NAP
Netherlands	84	NA	NA	NAP	NAP	NAP	163	NAP
Poland	50	195	42	62	18	16	112	110
Portugal	860	369	NA	1 399	NAP	NAP	NA	NA
Romania	161	193	47	47	228	1 632	272	NAP
Slovakia	218	437	191	656	NAP	25	733	164
Slovenia	113	318	263	273	16	3	130	58
Spain	NA	264	115	NA	NAP	NAP	427	NAP
Sweden	149	179	156	NAP	NAP	NAP	126	212
<b>Average</b>	237	278	91	245	48	312	469	168
<b>Median</b>	133	218	76	88	18	28	286	117
<b>Minimum</b>	17	73	0	9	0	3	108	15
<b>Maximum</b>	860	685	263	1 399	228	1 632	1 520	470
<b>Nb of values</b>	27	27	27	27	27	27	27	27
<b>% of NA</b>	22%	19%	26%	30%	26%	30%	11%	15%
<b>% of NAP</b>	0%	0%	7%	19%	48%	48%	15%	37%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Germany:** With regard to the number of incoming non-litigious enforcement cases, the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

Table 3.2.1.1(2010): First instance courts, clearance rate in different types of other than criminal law cases in 2010 (Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
Austria	100,2%	100,1%	100,5%	99,4%	99,7%	NA	NAP	99,8%
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	99,0%	NA	NA	NA	NA	NA	97,8%	99,1%
Croatia	111,5%	101,8%	95,4%	93,9%	105,4%	NA	107,9%	86,7%
Cyprus	84,2%	84,0%	NA	NA	NA	NA	74,2%	95,3%
Czech Republic	94,9%	103,3%	100,2%	100,0%	NAP	NA	NA	86,8%
Denmark	106,7%	101,9%	102,4%	102,3%	101,9%	94,8%	NA	100,3%
Estonia	110,9%	97,6%	116,0%	NA	99,9%	NA	91,2%	NAP
Finland	100,6%	93,2%	101,1%	100,0%	NAP	NAP	98,9%	96,3%
France	98,9%	98,4%	97,5%	96,5%	NAP	NAP	106,7%	NAP
Germany	NA	102,2%	NA	NA	NA	NA	96,4%	93,8%
Greece	79,1%	78,9%	NA	NA	NA	NA	80,2%	NA
Hungary	107,3%	101,7%	115,3%	NA	NA	106,3%	95,6%	93,5%
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	108,9%	118,1%	96,3%	93,7%	NAP	NAP	315,9%	NAP
Latvia	96,0%	86,2%	102,6%	NAP	NAP	NAP	103,2%	NAP
Lithuania	106,5%	101,9%	NA	NA	NA	NA	83,5%	100,0%
Luxembourg	NA	138,5%	NA	NA	NAP	NAP	93,2%	NAP
Malta	88,1%	88,7%	NAP	NAP	118,2%	NAP	28,6%	NAP
Netherlands	100,6%	NA	NA	NAP	NAP	NAP	106,7%	NAP
Poland	99,9%	95,0%	97,4%	97,3%	105,2%	100,7%	94,5%	95,4%
Portugal	88,3%	101,9%	NA	72,7%	NAP	NAP	NA	NA
Romania	91,4%	89,8%	98,0%	98,0%	108,4%	NA	70,6%	NAP
Slovakia	106,2%	97,7%	106,3%	423,7%	NAP	126,4%	102,1%	103,3%
Slovenia	101,3%	99,0%	109,7%	111,6%	98,0%	99,6%	114,5%	97,2%
Spain	95,0%	92,6%	110,5%	NAP	NAP	NAP	101,1%	NAP
Sweden	93,3%	97,9%	101,5%	NAP	NAP	NAP	88,5%	106,2%
<b>Average</b>	98,6%	98,7%	103,2%	124,1%	104,6%	105,6%	102,4%	96,7%
<b>Median</b>	99,9%	98,4%	101,3%	98,7%	103,5%	100,7%	96,4%	96,8%
<b>Minimum</b>	79,1%	78,9%	95,4%	72,7%	98,0%	94,8%	28,6%	86,7%
<b>Maximum</b>	111,5%	138,5%	116,0%	423,7%	118,2%	126,4%	315,9%	106,2%
<b>Nb of values</b>	27	27	27	27	27	27	27	27
<b>% of NA</b>	15%	15%	33%	33%	26%	37%	15%	11%
<b>% of NAP</b>	0%	0%	7%	22%	44%	44%	7%	37%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.



Table 3.2.1.2(2010): First instance courts, disposition time (in days) in different types of other than criminal law cases in 2010 (Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
Austria	54	129	80	90	10	NA	NAP	30
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	67	NA	NA	NA	NA	NA	113	64
Croatia	133	462	128	249	50	NA	825	344
Cyprus	545	513	NA	NA	NA	NA	1 340	336
Czech Republic	115	128	41	17	NAP	NA	NA	153
Denmark	27	182	90	88	5	266	NA	88
Estonia	120	215	87	NA	16	NA	146	NAP
Finland	98	259	77	121	NAP	NAP	238	203
France	256	279	81	102	NAP	NAP	338	NAP
Germany	NA	184	NA	NA	NA	NA	373	469
Greece	510	190	NA	NA	NA	NA	2 003	NA
Hungary	79	160	5	NA	NA	NA	202	328
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	395	493	232	413	NAP	NAP	1 037	NAP
Latvia	140	315	18	NAP	NAP	NAP	439	NAP
Lithuania	43	55	NA	NA	NA	NA	160	16
Luxembourg	NA	200	NA	NA	NAP	NAP	172	NAP
Malta	866	849	NAP	NAP	1 965	NAP	2 758	NAP
Netherlands	68	NA	NA	NAP	NAP	NAP	159	NAP
Poland	49	180	36	43	32	13	121	117
Portugal	1 096	417	NA	2 185	NAP	NAP	NA	NA
Romania	156	217	38	37	235	NA	269	NAP
Slovakia	170	364	183	551	NAP	32	66	147
Slovenia	154	315	288	298	69	5	139	84
Spain	291	314	229	NAP	NAP	NAP	473	NAP
Sweden	185	187	144	NAP	NAP	NAP	190	271
Average	244	287	110	349	298	79	551	189
Median	140	217	84	112	41	23	238	150
Minimum	27	55	5	17	5	5	66	16
Maximum	1 096	849	288	2 185	1 965	266	2 758	469
Nb of values	27	27	27	27	27	27	27	27
% of NA	15%	15%	33%	33%	26%	41%	15%	11%
% of NAP	0%	0%	7%	22%	44%	44%	7%	37%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

Table 3.2.2.1: First instance courts, change of clearance rate (in points) in different types of other than criminal law cases between 2017 and 2018 (Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	-0,4	+1,9	-0,8	-1,9	+1,2	-0,1	+4,1	NAP	NAP	+10,2	-0,3
Belgium	NA	+0,1	0	NAP	0	NAP	0	NAP	NAP	+18,1	NA
Bulgaria	+0,3	NA	NA	NA	NAP	NAP	NAP	NAP	NA	+5,0	NA
Croatia	+2,8	+3,8	+2,9	+15,9	+0,6	+0,7	+0,3	NAP	NAP	-10,5	NAP
Cyprus	+11,6	NA	NA	NA	NA	NA	NA	NA	NA	+145,6	NA
Czech Republic	+1,3	+0,1	+2,1	+1,3	+4,9	NAP	+4,9	NAP	+29,3	-3,6	-4,9
Denmark	-0,2	-7,4	-0,0	+0,8	-0,2	+0,1	-18,2	NAP	-10,2	NAP	-0,1
Estonia	-3,5	+1,3	-3,9	-4,4	-3,1	+2,2	-8,9	NAP	NAP	+0,6	NAP
Finland	+9,6	-8,6	+10,6	+10,6	NAP	NAP	NAP	NAP	NAP	+4,9	-5,8
France	-7,3	-6,8	-12,6	-12,6	NAP	NAP	NAP	NAP	NAP	-3,7	NAP
Germany	NA	-4,0	NA	NA	NA	NA	-1,6	NA	NA	+13,1	-0,8
Greece	NA	-9,8	NA	NA	NA	NA	NA	NA	NA	-2,5	NA
Hungary	+6,7	+19,8	+3,2	-1,1	+5,5	NAP	+5,4	+13,8	+11,9	-0,5	+22,3
Ireland	-3,0	-9,7	+7,1	+7,1	NAP	NAP	NAP	NAP	NAP	NAP	0
Italy	-0,0	-3,5	+3,1	+3,1	NAP	NAP	NAP	NAP	NAP	-19,9	NAP
Latvia	-0,8	-16,0	+0,6	+2,9	+0,2	+0,2	NAP	NAP	NAP	+5,5	NAP
Lithuania	-1,0	+1,5	+0,7	+1,5	NA	NA	NA	NA	-2,0	-25,4	-4,8
Luxembourg	+0,1	+4,7	-2,1	0	NAP	NAP	NAP	NAP	-2,6	-8,4	NAP
Malta	+1,2	-3,6	+16,1	+16,1	NAP	NAP	NAP	NAP	NAP	-55,8	NAP
Netherlands	+1,1	+2,1	+2,1	+2,1	NAP	NAP	NAP	NAP	NAP	-9,9	NAP
Poland	-1,6	-1,7	-0,9	-2,3	+0,6	-1,0	+6,3	NAP	NAP	-2,0	-18,5
Portugal	NA	-3,9	NA	NA	NAP	NAP	NAP	NAP	NAP	+6,0	NAP
Romania	+4,1	+3,5	+1,8	-2,6	+16,4	-3,1	+104,3	NAP	NAP	+15,8	NAP
Slovakia	+2,8	+1,4	+2,3	-0,1	+1,7	NAP	+1,7	NAP	+6,5	-22,0	+9,2
Slovenia	-1,9	+1,8	-2,0	-4,7	-0,5	-0,7	+0,3	NAP	NAP	+23,9	-3,0
Spain	-2,1	-1,2	-2,9	-2,9	NAP	NAP	NAP	NAP	NAP	-4,8	NAP
Sweden	+3,7	-2,2	+1,3	+1,3	NAP	NAP	NAP	NAP	NAP	+7,0	-13,5
Average	+1,0	-1,5	+1,3	+1,4	+2,3	-0,2	+8,2	+13,8	+5,5	+3,5	-1,7
Median	+0,1	-1,2	+1,0	+0,8	+0,6	-0,0	+1,0	+13,8	+2,2	-0,5	-1,9
Minimum	-7,3	-16,0	-12,6	-12,6	-3,1	-3,1	-18,2	+13,8	-10,2	-55,8	-18,5
Maximum	+11,6	+19,8	+16,1	+16,1	+16,4	+2,2	+104,3	+13,8	+29,3	+145,6	+22,3
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	15%	7%	19%	19%	15%	15%	11%	15%	15%	0%	15%
% of NAP	0%	0%	0%	4%	41%	56%	44%	81%	63%	7%	41%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Italy: due to a change of methodology in the categorization of civil litigious and non litigious cases, 2018 data are not comparable with previous data

Ireland: The low CR is a result of a specifics of the system where the cases resolved out of court are not obliged to report back to courts

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

Table 3.2.2.3: First instance courts, variation of disposition time (in %) in different types of other than criminal law cases between 2017 and 2018 (Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	-2,3%	-2,3%	-4,8%	-1,9%	-22,4%	-4,9%	-36,8%	NAP	NAP	+0,7%	+1,3%
Belgium	NA	NA	NA	NAP	NA	NAP	NA	NAP	NAP	-25,5%	NA
Bulgaria	+9,5%	NA	NA	NA	NAP	NAP	NAP	NAP	NA	-3,2%	NA
Croatia	-10,5%	-3,3%	-14,5%	-14,4%	+2,8%	+3,5%	-10,9%	NAP	NAP	-23,5%	NAP
Cyprus	-34,1%	NA	NA	NA	NA	NA	NA	NA	NA	-77,5%	NA
Czech Republic	-1,0%	-5,6%	-1,0%	-0,5%	-23,6%	NAP	-23,6%	NAP	-35,1%	+1,1%	-9,1%
Denmark	+7,3%	+20,5%	+7,6%	+5,6%	+29,1%	-27,0%	+52,0%	NAP	+11,7%	NAP	-8,0%
Estonia	+21,5%	+1,9%	+39,1%	+77,5%	-34,3%	-17,8%	-49,9%	NAP	NAP	+9,8%	NAP
Finland	-27,3%	+5,9%	-31,0%	-31,0%	NAP	NAP	NAP	NAP	NAP	-8,0%	+9,5%
France	+26,8%	+23,3%	+89,8%	+89,8%	NAP	NAP	NAP	NAP	NAP	-1,5%	NAP
Germany	NA	+7,8%	NA	NA	NA	NA	+1,7%	NA	NA	+3,3%	+4,3%
Greece	NA	+16,7%	NA	NA	NA	NA	NA	NA	NA	-18,2%	NA
Hungary	-0,0%	-16,6%	+63,7%	-12,3%	+235,1%	NAP	NA	-8,5%	-30,6%	-6,0%	-5,6%
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	-6,5%	-3,7%	-9,1%	-9,1%	NAP	NAP	NAP	NAP	NAP	+0,2%	NAP
Latvia	-1,4%	+13,3%	+6,2%	+5,1%	NAP	NAP	NAP	NAP	NAP	-0,5%	NAP
Lithuania	+19,7%	-1,9%	+1,5%	-30,3%	NAP	NAP	NAP	NAP	+261,0%	+69,6%	+45,8%
Luxembourg	NA	-12,2%	-6,5%	NAP	NAP	NAP	NAP	NAP	-6,6%	NA	NAP
Malta	-2,7%	+1,1%	-92,2%	-92,2%	NAP	NAP	NAP	NAP	NAP	-7,9%	NAP
Netherlands	-2,6%	-11,8%	-4,2%	-4,2%	NAP	NAP	NAP	NAP	NAP	+20,9%	NAP
Poland	+12,6%	+17,5%	+5,8%	-5,5%	+19,4%	+26,2%	-5,0%	NAP	NAP	-2,7%	+40,0%
Portugal	NA	-8,2%	NA	NA	NAP	NAP	NAP	NAP	NAP	-6,1%	NAP
Romania	-4,5%	-6,0%	-0,9%	+14,5%	-10,8%	+5,9%	-52,6%	NAP	NAP	+2,5%	NAP
Slovakia	+3,8%	-7,9%	-4,7%	-25,7%	-3,2%	NAP	-3,2%	NAP	-3,6%	+26,7%	+15,5%
Slovenia	-5,2%	-2,9%	-14,1%	-15,5%	+14,9%	+18,5%	-16,3%	NAP	NAP	-9,4%	+17,4%
Spain	+7,1%	+9,8%	+1,5%	+1,5%	NAP	NAP	NAP	NAP	NAP	+2,9%	NAP
Sweden	+0,9%	+4,8%	+0,1%	+0,1%	NAP	NAP	NAP	NAP	NAP	-1,1%	+17,0%
<b>Average</b>	<b>+0,5%</b>	<b>+1,7%</b>	<b>+1,6%</b>	<b>-2,6%</b>	<b>+20,7%</b>	<b>+0,6%</b>	<b>-14,5%</b>	<b>-8,5%</b>	<b>+32,8%</b>	<b>-2,2%</b>	<b>+11,6%</b>
<b>Median</b>	<b>-1,0%</b>	<b>-1,9%</b>	<b>-0,9%</b>	<b>-4,2%</b>	<b>-0,2%</b>	<b>+3,5%</b>	<b>-13,6%</b>	<b>-8,5%</b>	<b>-5,1%</b>	<b>-1,3%</b>	<b>+9,5%</b>
<b>Minimum</b>	<b>-34,1%</b>	<b>-16,6%</b>	<b>-92,2%</b>	<b>-92,2%</b>	<b>-34,3%</b>	<b>-27,0%</b>	<b>-52,6%</b>	<b>-8,5%</b>	<b>-35,1%</b>	<b>-77,5%</b>	<b>-9,1%</b>
<b>Maximum</b>	<b>+26,8%</b>	<b>+23,3%</b>	<b>+89,8%</b>	<b>+89,8%</b>	<b>+235,1%</b>	<b>+26,2%</b>	<b>+52,0%</b>	<b>-8,5%</b>	<b>+261,0%</b>	<b>+69,6%</b>	<b>+45,8%</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>22%</b>	<b>15%</b>	<b>26%</b>	<b>22%</b>	<b>15%</b>	<b>11%</b>	<b>15%</b>	<b>11%</b>	<b>15%</b>	<b>4%</b>	<b>19%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>48%</b>	<b>63%</b>	<b>48%</b>	<b>85%</b>	<b>63%</b>	<b>7%</b>	<b>41%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Italy: due to a change of methodology in the categorization of civil litigious and non litigious cases, 2018 data are not comparable with previous data

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.3.1(2018): First instance courts, number of cases for specific case categories in 2018 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases				Employment dismissal cases				Insolvency cases			
	Pending cases on 1st Jan. 2018	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2018	Pending cases on 1st Jan. 2018	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2018	Pending cases on 1st Jan. 2018	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2018
Austria	2 700	5 497	5 686	2 511	NA	NA	NA	NA	9 922	24 910	24 799	10 033
Belgium	NA	13 483	14 926	NA	14 641	6 549	6 381	14 839	NA	53 796	NA	NA
Bulgaria	2 272	5 554	5 421	2 405	775	1 168	1 230	713	977	931	1 154	754
Croatia	1 756	2 798	2 826	1 728	1 459	1 119	1 441	1 137	10 624	9 213	11 179	8 660
Cyprus	3 322	6 695	6 724	3 293	2 196	364	715	1 845	NA	NA	NA	NA
Czech Republic	9 419	26 894	27 337	8 976	NA	NA	NA	NA	117 766	21 211	28 436	110 541
Denmark	1 534	3 911	3 905	1 540	NA	NA	NA	NA	8 593	9 381	7 438	10 536
Estonia	168	805	778	194	193	282	277	187	193	1 522	1 444	250
Finland	11 444	18 001	17 579	11 866	NA	NA	529	NA	1 745	2 801	2 654	1 892
France	NA	92 802	86 771	NA	NA	90 504	97 053	NA	NA	49 083	50 039	NA
Germany	NA	NA	167 836	NA	NA	NA	173 096	NA	NA	139 752	NA	280 659
Greece	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	13 123	24 452	26 150	11 425	1 306	1 552	1 949	909	12	64	63	13
Ireland	NA	3 888	3 252	NA	NA	18	31	NA	NA	1 526	1 549	NA
Italy	47 638	34 968	35 701	46 905	18 661	19 323	20 716	17 268	11 140	30 772	31 996	9 916
Latvia	1 178	1 569	1 648	1 099	276	355	427	204	4 718	1 990	2 666	4 042
Lithuania	765	7 787	7 843	709	53	195	178	70	4 936	3 609	4 614	3 931
Luxembourg	663	668	594	737	NA	1 434	1 698	NA	NAP	1 086	1 086	NAP
Malta	126	395	370	151	NAP	NAP	NAP	NAP	NA	20	15	47
Netherlands	NA	NA	4 539	NA	NA	NA	2 117	NA	NA	NA	NA	NA
Poland	49 485	89 156	85 568	53 202	4 124	5 479	5 513	4 090	4 660	16 309	15 420	5 549
Portugal	3 871	8 256	8 560	3 567	1 462	3 312	3 559	1 215	2 175	12 437	12 748	1 864
Romania	16 646	34 609	34 439	16 816	1 498	1 661	1 760	1 399	33 373	27 374	29 819	30 928
Slovakia	5 188	11 819	12 085	4 922	1 645	1 282	1 617	1 310	2 529	15 599	15 561	2 567
Slovenia	727	1 607	1 614	720	412	642	683	371	11 661	4 158	6 370	9 449
Spain	36 185	44 433	43 893	35 116	51 797	107 294	101 243	54 274	30 239	9 115	8 728	31 123
Sweden	5 536	9 457	9 329	5 664	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	10 178	18 729	23 668	10 169	6 700	13 474	20 105	6 655	15 015	18 985	12 275	27 513
<b>Median</b>	3 322	8 022	8 202	3 293	1 462	1 358	1 698	1 215	4 936	9 213	7 438	5 549
<b>Minimum</b>	126	395	370	151	53	18	31	70	12	20	15	13
<b>Maximum</b>	49 485	92 802	167 836	53 202	51 797	107 294	173 096	54 274	117 766	139 752	50 039	280 659
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	22%	11%	4%	22%	41%	30%	19%	41%	33%	15%	22%	26%
<b>% of NAP</b>	0%	0%	0%	0%	4%	4%	4%	4%	4%	0%	0%	4%

**Table 3.3.1(2017): First instance courts, number of cases for specific case categories in 2017 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases				Employment dismissal cases				Insolvency cases			
	Pending cases on 1st Jan. 2017	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2017	Pending cases on 1st Jan. 2017	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2017	Pending cases on 1st Jan. 2017	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2017
Austria	2 617	5 767	5 684	2 700	NA	NA	NA	NA	9 548	22 406	22 032	9 922
Belgium	NA	9 727	11 947	NA	14 984	6 769	7 100	14 653	NA	60 207	NA	NA
Bulgaria	2 346	5 393	5 343	2 396	737	1 202	1 281	658	1 087	1 135	1 251	971
Croatia	1 873	2 867	2 984	1 756	1 902	1 199	1 645	1 459	14 621	9 967	13 964	10 624
Cyprus	3 581	6 601	6 660	3 522	2 292	489	585	2 196	NA	NA	NA	NA
Czech Republic	10 313	28 033	28 934	9 412	NA	NA	NA	NA	119 923	16 895	25 782	111 036
Denmark	1 640	4 124	4 212	1 552	NA	NA	NA	NA	4 406	8 454	7 708	4 459
Estonia	163	829	823	169	222	356	364	192	226	1 314	1 281	236
Finland	11 255	17 648	17 458	11 445	NA	NA	557	NA	1 936	2 384	2 593	1 727
France	NA	94 560	82 562	NA	NA	94 099	122 120	NA	NA	49 626	54 768	NA
Germany	NA	NA	174 149	NA	NA	NA	180 886	NA	NA	149 526	NA	293 027
Greece	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	11 371	28 326	26 574	13 123	1 332	2 258	2 265	1 325	39	109	136	12
Ireland	NA	3 995	3 434	NA	NA	48	73	NA	NA	3 060	1 736	NA
Italy	46 446	37 702	35 369	48 779	23 281	23 416	25 812	20 885	12 461	34 324	35 407	11 378
Latvia	1 304	1 616	1 741	1 179	308	409	441	276	5 247	2 266	2 792	4 721
Lithuania	584	7 711	7 530	765	84	267	298	53	5 108	4 836	5 008	4 936
Luxembourg	631	617	586	663	NA	1 308	1 743	NA	NAP	988	988	NAP
Malta	121	334	329	126	NAP	NAP	NAP	NAP	NA	NA	NA	NA
Netherlands	NA	NA	5 018	NA	NA	NA	2 720	NA	NA	NA	NA	NA
Poland	47 334	88 361	86 405	49 290	5 087	6 082	7 045	4 124	3 563	14 468	13 371	4 660
Portugal	4 408	9 351	9 855	3 904	1 733	3 469	3 853	1 349	2 562	13 986	14 282	2 266
Romania	15 753	35 709	34 816	16 646	1 802	1 732	2 036	1 498	35 215	28 623	30 465	33 373
Slovakia	5 598	11 440	11 707	5 331	1 770	1 539	1 797	1 732	2 324	6 880	6 593	2 783
Slovenia	815	1 644	1 732	727	570	722	881	411	12 995	4 306	5 642	11 659
Spain	37 148	45 019	45 188	36 189	48 738	104 824	97 673	51 798	30 335	7 594	7 874	30 241
Sweden	5 435	9 402	9 304	5 533	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	10 035	19 032	23 859	10 248	6 989	13 899	21 961	6 841	15 388	20 152	12 684	29 891
<b>Median</b>	3 581	8 531	8 417	3 522	1 770	1 424	1 797	1 459	5 108	8 024	7 151	4 829
<b>Minimum</b>	121	334	329	126	84	48	73	53	39	109	136	12
<b>Maximum</b>	47 334	94 560	174 149	49 290	48 738	104 824	180 886	51 798	119 923	149 526	54 768	293 027
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	22%	11%	4%	22%	41%	30%	19%	41%	33%	19%	26%	30%
<b>% of NAP</b>	0%	0%	0%	0%	4%	4%	4%	4%	4%	0%	0%	4%

**Belgium:** The category "litigious divorce cases", the variations in the numbers of incoming and resolved cases are due to the fact that, unlike previous cycles (2014, 2015), the 2016 and 2017 data does not include divorces by mutual consent.

**Hungary:** Litigious divorce cases in 2017 and 2016 cannot be compared with the previous years as the statistical system has changed due to an amendment of the code of civil procedure these cases were included in a new statistical category.



**Table 3.3.1(2016): First instance courts, number of cases for specific case categories in 2016 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases				Employment dismissal cases				Insolvency cases			
	Pending cases on 1st Jan. 2016	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2016	Pending cases on 1st Jan. 2016	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2016	Pending cases on 1st Jan. 2016	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2016
Austria	2 765	5 782	5 930	2 617	NA	NA	NA	NA	10 150	23 556	24 158	9 548
Belgium	NA	14 332	15 111	NA	14 905	7 535	7 497	14 943	NA	68 681	NA	NA
Bulgaria	2 332	5 663	5 622	2 373	661	1 604	1 527	738	967	1 281	1 219	1 029
Croatia	3 104	2 566	3 797	1 873	2 403	1 517	2 018	1 902	19 087	19 021	23 510	14 621
Cyprus	3 389	6 663	6 471	3 581	2 105	1 014	827	2 292	NA	NA	NA	NA
Czech Republic	11 675	28 500	29 907	10 268	NA	NA	NA	NA	111 050	29 871	20 998	119 923
Denmark	1 557	4 375	4 314	1 618	NA	NA	NA	NA	4 182	8 499	7 248	4 377
Estonia	240	828	900	166	218	446	389	222	230	1 194	1 212	201
Finland	12 384	17 023	18 145	11 262	NA	NA	662	NA	2 050	2 725	2 852	1 923
France	NA	84 579	85 560	NA	NA	108 193	131 063	NA	NA	53 072	56 300	NA
Germany	NA	NA	184 025	NA	NA	NA	192 161	NA	NA	159 395	NA	293 924
Greece	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	10 682	27 677	26 988	11 371	1 762	2 452	2 882	1 332	54	120	130	44
Ireland	NA	4 179	3 277	NA	NA	121	105	NA	NA	2 909	1 989	NA
Italy	40 593	39 304	33 283	46 614	26 665	25 411	29 012	23 064	14 653	36 968	38 884	12 737
Latvia	1 426	1 805	1 927	1 304	397	462	551	308	5 812	2 323	2 888	5 247
Lithuania	784	7 457	7 657	584	84	264	264	84	4 775	5 058	4 725	5 108
Luxembourg	782	498	649	631	NA	1 455	1 735	NA	NAP	915	915	NAP
Malta	130	358	367	121	NAP	NAP	NAP	NAP	NA	NA	NA	NA
Netherlands	NA	NA	5 332	NA	NA	NA	3 752	NA	NA	NA	NA	NA
Poland	46 315	89 135	88 303	47 334	5 607	8 266	8 786	5 087	3 167	11 797	11 401	3 563
Portugal	5 294	9 131	9 966	4 459	2 493	3 663	4 598	1 558	3 482	14 746	15 625	2 603
Romania	15 912	36 041	36 200	15 753	2 257	2 030	2 485	1 802	41 701	29 883	36 369	35 215
Slovakia	3 063	12 335	9 800	5 598	1 965	1 632	1 827	1 770	1 926	2 134	1 736	2 324
Slovenia	896	1 748	1 829	815	551	887	868	570	11 999	5 517	4 519	12 997
Spain	37 354	46 830	45 469	37 148	55 514	94 877	101 480	48 738	30 928	7 040	7 709	30 335
Sweden	5 292	9 174	9 056	5 410	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	9 808	18 999	24 611	10 043	7 839	14 546	23 547	6 961	15 660	22 123	13 219	30 873
<b>Median</b>	3 104	8 294	8 357	3 581	2 105	1 618	2 018	1 770	4 775	7 770	5 987	5 178
<b>Minimum</b>	130	358	367	121	84	121	105	84	54	120	130	44
<b>Maximum</b>	46 315	89 135	184 025	47 334	55 514	108 193	192 161	48 738	111 050	159 395	56 300	293 924
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	22%	11%	4%	22%	41%	30%	19%	41%	33%	19%	26%	30%
<b>% of NAP</b>	0%	0%	0%	0%	4%	4%	4%	4%	4%	0%	0%	4%

**Belgium:** The category "litigious divorce cases", the variations in the numbers of incoming and resolved cases are due to the fact that, unlike previous cycles (2014, 2015), the 2016 and 2017 data does not include divorces by mutual consent.

**Hungary:** Litigious divorce cases in 2017 and 2016 cannot be compared with the previous years as the statistical system has changed due to an amendment of the code of civil procedure these cases were included in a new statistical category.

**Table 3.3.1(2015): First instance courts, number of cases for specific case categories in 2015 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases				Employment dismissal cases				Insolvency cases			
	Pending cases on 1st Jan. 2015	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2015	Pending cases on 1st Jan. 2015	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2015	Pending cases on 1st Jan. 2015	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2015
Austria	2 872	5 992	6 099	2 765	NA	NA	NA	NA	10 179	24 365	24 394	10 150
Belgium	NA	29 656	33 317	NA	15 039	7 756	8 052	14 743	74 483	10 881	12 021	76 381
Bulgaria	2 252	5 729	5 795	2 186	731	1 364	1 483	612	1 087	1 143	1 258	972
Croatia	2 946	4 384	4 233	3 105	2 773	1 603	1 980	2 396	5 014	20 217	6 151	19 080
Cyprus	3 282	6 605	6 498	3 389	2 219	637	751	2 105	NA	NA	NA	NA
Czech Republic	12 448	28 941	29 777	11 612	NA	NA	NA	NA	95 282	32 801	17 047	111 036
Denmark	1 816	4 005	4 286	1 546	NA	NA	NA	NA	4 226	5 815	6 399	4 176
Estonia	300	814	876	238	232	386	390	213	237	1 145	1 146	209
Finland	12 326	18 579	18 545	12 360	NA	NA	666	NA	2 326	2 882	3 168	2 040
France	NA	86 926	84 602	NA	NA	128 489	136 021	NA	NA	57 902	59 686	NA
Germany	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Greece	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	NA	27 446	16 764	10 682	2 198	3 231	3 667	1 762	37	77	78	36
Ireland	NA	4 314	3 291	NA	NA	135	102	NA	NA	2 368	1 805	NA
Italy	37 027	31 420	27 959	40 488	28 981	27 440	29 933	26 488	22 772	41 036	49 233	14 575
Latvia	1 565	1 815	1 954	1 426	570	442	615	397	6 643	2 557	3 388	5 812
Lithuania	560	8 164	7 940	784	85	273	274	84	4 960	4 114	4 299	4 775
Luxembourg	NA	NA	794	NA	NA	1 670	1 826	NA	NAP	912	NAP	NAP
Malta	162	299	331	130	NAP	NAP	NAP	NAP	NA	NA	NA	NA
Netherlands	NA	NA	5 827	NA	NA	NA	3 289	NA	NA	NA	NA	NA
Poland	-	-	-	-	-	-	-	-	-	-	-	-
Portugal	7 801	9 167	11 387	5 581	3 533	4 498	5 529	2 502	4 527	17 325	18 206	3 556
Romania	16 814	36 435	37 337	15 912	3 212	2 413	3 372	2 253	50 739	34 981	45 121	40 599
Slovakia	7 338	12 562	12 583	7 317	2 331	1 725	1 415	2 641	740	1 977	1 705	1 012
Slovenia	1 033	1 709	1 842	900	598	905	952	551	9 169	6 224	3 398	11 995
Spain	39 093	49 941	48 799	40 235	78 820	104 457	110 098	55 514	32 356	6 288	7 155	31 489
Sweden	5 411	8 939	9 070	5 280	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	8 614	17 447	15 829	8 733	10 094	16 907	16 338	8 019	19 105	13 751	13 982	19 876
<b>Median</b>	3 114	8 552	7 219	3 389	2 275	1 670	1 826	2 179	5 014	6 020	6 151	5 812
<b>Minimum</b>	162	299	331	130	85	135	102	84	37	77	78	36
<b>Maximum</b>	39 093	86 926	84 602	40 488	78 820	128 489	136 021	55 514	95 282	57 902	59 686	111 036
<b>Nb of values</b>	26	26	26	26	26	26	26	26	26	26	26	26
<b>% of NA</b>	31%	15%	8%	27%	42%	31%	23%	42%	31%	23%	23%	31%
<b>% of NAP</b>	0%	0%	0%	0%	4%	4%	4%	4%	4%	0%	4%	4%

**Hungary:** Litigious divorce cases in 2015 cannot be compared with the previous years as the statistical system has changed due to an amendment of the code of civil procedure these cases were included in a new statistical category.

**Slovakia:** In evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.3.1(2014): First instance courts, number of cases for specific case categories in 2014 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases				Employment dismissal cases				Insolvency cases			
	Pending cases on 1st Jan. 2014	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2014	Pending cases on 1st Jan. 2014	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2014	Pending cases on 1st Jan. 2014	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2014
Austria	3 004	6 214	6 346	2 872	NA	NA	NA	NA	10 841	23 944	24 606	10 179
Belgium	NA	33 396	32 173	NA	15 744	7 762	8 523	14 983	82 398	15 023	10 530	86 891
Bulgaria	2 280	5 822	5 848	2 254	871	1 551	1 693	729	1 227	1 146	1 294	1 079
Croatia	6 276	7 283	8 964	4 595	2 591	2 378	2 196	2 773	5 664	2 378	4 538	5 014
Cyprus	3 335	6 686	6 737	3 284	2 173	984	938	2 219	NA	NA	NA	NA
Czech Republic	13 636	29 474	30 719	12 391	NA	NA	NA	NA	75 256	34 835	15 556	95 276
Denmark	1 892	4 852	4 946	1 817	NA	NA	NA	NA	4 952	5 808	7 283	4 223
Estonia	280	912	873	319	277	375	382	228	235	1 331	1 290	258
Finland	12 127	18 542	18 325	12 344	NA	NA	658	NA	2 439	3 372	3 489	2 322
France	NA	91 882	88 220	NA	NA	134 837	130 574	NA	NA	56 820	51 577	NA
Germany	NA	NA	167 014	NA	40 175	152 391	152 919	39 647	NA	143 662	NA	303 654
Greece	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	12 878	28 512	28 641	12 749	2 492	3 872	4 166	2 198	85	100	148	37
Ireland	NA	3 831	2 638	NA	NA	69	89	NA	NA	1 615	1 055	NA
Italy	36 304	26 639	26 037	36 906	29 014	22 216	22 512	28 718	22 427	42 967	45 092	20 302
Latvia	1 454	2 035	1 968	1 521	599	557	622	534	6 328	2 832	2 364	6 796
Lithuania	698	8 034	8 172	560	132	308	355	85	4 615	4 656	4 311	4 960
Luxembourg	NA	NA	589	NA	NA	1 726	1 901	NA	NAP	NAP	869	NAP
Malta	142	285	265	162	NAP	NAP	NAP	NAP	NA	NA	NA	NA
Netherlands	NA	NA	5 757	NA	NA	NA	3 897	NA	NA	NA	NA	NA
Poland	47 162	89 791	88 752	48 539	7 201	9 727	11 024	5 904	1 166	4 469	4 546	1 089
Portugal	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Romania	16 334	34 125	33 645	16 814	3 277	3 075	3 140	3 212	60 239	45 896	55 396	50 739
Slovakia	7 403	13 529	13 594	7 338	NA	1 600	1 254	NA	544	1 819	1 623	740
Slovenia	1 048	1 839	1 851	1 036	743	932	1 075	600	5 288	6 596	2 717	9 167
Spain	36 349	50 604	47 860	39 093	78 832	118 213	118 225	78 820	30 530	8 132	6 306	32 356
Sweden	5 738	9 254	9 601	5 391	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	10 965	21 525	25 581	11 052	13 152	25 699	23 307	12 904	18 484	20 370	12 230	35 282
<b>Median</b>	5 738	8 644	8 964	4 595	2 542	2 052	2 049	2 496	5 288	5 232	4 425	5 905
<b>Minimum</b>	142	285	265	162	132	69	89	85	85	100	148	37
<b>Maximum</b>	47 162	91 882	167 014	48 539	78 832	152 391	152 919	78 820	82 398	143 662	55 396	303 654
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	30%	19%	7%	30%	44%	30%	22%	44%	33%	22%	26%	30%
<b>% of NAP</b>	0%	0%	0%	0%	4%	4%	4%	4%	4%	4%	0%	4%

**Slovakia:** In evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.



**Table 3.3.1(2013): First instance courts, number of cases for specific case categories in 2013 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases				Employment dismissal cases				Insolvency cases			
	Pending cases on 1st Jan. 2013	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2013	Pending cases on 1st Jan. 2013	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2013	Pending cases on 1st Jan. 2013	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2013
Austria	2 830	6 237	6 063	3 004	NA	NA	NA	NA	11 365	24 861	25 385	10 841
Belgium	NA	34 588	33 355	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bulgaria	2 463	6 032	6 210	2 285	1 032	1 741	1 908	865	1 173	1 523	1 520	1 176
Croatia	6 561	8 553	8 493	6 621	2 722	1 972	2 103	2 591	2 774	7 628	4 738	5 664
Cyprus	3 378	6 846	6 889	3 335	1 749	1 038	614	2 173	NA	NA	NA	NA
Czech Republic	12 965	32 804	32 559	13 210	NA	NA	NA	NA	52 032	37 637	14 920	74 749
Denmark	1 994	5 124	5 237	1 890	NAP	NAP	NAP	NAP	5 817	7 291	8 472	4 958
Estonia	172	691	585	275	306	451	432	277	267	1 306	1 286	242
Finland	12 203	18 185	18 262	12 126	509	638	601	546	2 251	3 553	3 379	2 425
France	NA	90 694	89 956	NA	NA	145 779	128 657	NA	NA	57 743	49 024	NA
Germany	NA	NA	167 014	NA	40 175	152 391	152 919	39 686	NA	143 662	NA	303 654
Greece	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	13 134	28 392	28 648	12 878	3 144	4 170	4 822	2 492	51	154	120	85
Ireland	NA	3 609	2 949	NA	NA	358	120	NA	NA	314	236	NA
Italy	34 738	20 580	18 936	36 382	NA	NA	NA	NA	86 501	14 792	13 261	88 032
Latvia	1 649	2 098	2 293	1 454	779	575	755	599	5 402	2 961	2 035	6 328
Lithuania	867	8 192	8 361	698	122	429	419	132	4 352	4 051	3 788	4 615
Luxembourg	NA	NA	434	NA	NA	NA	1 606	NA	NA	NA	1 058	NA
Malta	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NA	NA	NA	NA
Netherlands	NA	NA	6 200	NA	NA	NA	4 689	NA	NA	NA	NA	NA
Poland	-	-	-	-	-	-	-	-	-	-	-	-
Portugal	7 195	9 281	9 590	6 886	5 721	5 951	7 662	4 010	4 316	20 068	20 065	4 319
Romania	19 247	35 422	37 508	17 161	2 734	3 789	3 246	3 277	50 774	60 536	54 184	57 126
Slovakia	7 283	14 096	13 977	7 402	NA	1 684	1 127	NA	456	1 668	1 581	543
Slovenia	1 022	1 917	1 891	1 048	657	1 085	999	743	4 558	2 819	2 089	5 288
Spain	-	-	-	-	-	-	-	-	-	-	-	-
Sweden	5 677	9 503	9 444	5 736	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	7 846	17 142	22 385	7 788	4 971	21 470	18 393	4 783	15 473	21 809	11 508	35 628
<b>Median</b>	5 677	8 917	8 493	5 736	1 391	1 684	1 606	1 519	4 352	5 671	3 584	5 123
<b>Minimum</b>	172	691	434	275	122	358	120	132	51	154	120	85
<b>Maximum</b>	34 738	90 694	167 014	36 382	40 175	152 391	152 919	39 686	86 501	143 662	54 184	303 654
<b>Nb of values</b>	25	25	25	25	25	25	25	25	25	25	25	25
<b>% of NA</b>	32%	20%	8%	32%	44%	32%	24%	44%	40%	28%	28%	36%
<b>% of NAP</b>	0%	0%	0%	0%	8%	8%	8%	8%	0%	0%	0%	0%

**Slovakia:** In all evaluation cycles, In evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** With regard to the category "employment dismissal cases", the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

**Table 3.3.1(2012): First instance courts, number of cases for specific case categories in 2012 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases				Employment dismissal cases				Insolvency cases			
	Pending cases on 1st Jan. 2012	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2012	Pending cases on 1st Jan. 2012	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2012	Pending cases on 1st Jan. 2012	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2012
Austria	2 920	6 354	6 444	2 830	NA	NA	NA	NA	11 557	26 152	26 344	11 365
Belgium	NA	37 497	37 635	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bulgaria	2 378	6 239	6 151	2 466	936	2 331	2 242	1 025	887	1 583	1 311	1 159
Croatia	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Cyprus	3 450	7 195	7 267	3 378	1 382	1 005	638	1 749	NA	NA	NA	NA
Czech Republic	13 150	30 025	30 557	12 965	NA	NA	NA	NA	30 331	33 083	11 382	52 032
Denmark	2 257	5 219	5 497	2 000	NAP	NAP	NAP	NAP	6 300	8 199	9 024	5 820
Estonia	263	652	598	316	283	331	320	277	289	1 152	1 099	312
Finland	11 706	17 075	17 696	11 085	559	577	647	489	2 135	3 359	3 261	2 233
France	NA	92 864	92 659	NA	NA	124 434	130 478	NA	NA	55 561	47 942	NA
Germany	NA	NA	190 258	NA	26 968	101 369	144 293	25 360	NA	NA	NA	NA
Greece	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	16 416	27 394	30 676	13 134	3 389	5 119	5 364	3 144	62	124	135	51
Ireland	NA	3 482	2 892	NA	NA	NA	NA	NA	486	380	275	524
Italy	34 114	19 287	18 174	35 227	NA	NA	NA	NA	85 736	12 577	11 909	86 404
Latvia	1 905	2 389	2 645	1 649	994	549	764	779	4 825	2 626	2 049	5 402
Lithuania	946	8 196	8 275	867	146	453	477	122	4 253	3 717	3 618	4 352
Luxembourg	NA	NA	NA	NA	NA	2 343	1 824	NA	NA	NA	1 029	NA
Malta	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NA	NA	NA	NA
Netherlands	NA	NA	6 118	NA	NA	NA	4 676	NA	NA	NA	NA	NA
Poland	42 786	90 933	89 217	44 750	11 102	22 070	20 924	12 249	794	4 589	4 390	993
Portugal	7 627	9 638	9 975	7 290	6 448	7 897	8 659	5 686	3 568	20 776	19 969	4 375
Romania	20 926	42 582	44 261	19 247	3 041	3 274	3 581	2 734	48 643	57 956	55 825	50 774
Slovakia	7 181	13 749	13 647	7 283	NA	1 616	1 317	NA	341	1 505	1 395	451
Slovenia	1 068	1 954	2 000	1 022	622	1 038	1 003	657	3 667	2 669	1 778	4 558
Spain	37 586	49 330	47 572	37 472	38 417	147 404	108 570	64 705	20 306	10 290	4 763	25 647
Sweden	5 535	8 972	8 824	5 683	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	11 790	27 507	33 308	11 578	7 185	27 673	26 620	9 098	13 109	15 534	10 890	15 001
<b>Median</b>	6 358	11 694	11 811	6 483	1 382	2 343	2 912	1 749	3 568	4 589	3 618	4 352
<b>Minimum</b>	263	652	598	316	108	152	185	75	62	124	135	51
<b>Maximum</b>	42 786	124 449	190 258	44 750	38 417	147 404	144 293	64 705	85 736	57 956	55 825	86 404
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	26	27	26
<b>% of NA</b>	33%	22%	15%	33%	44%	33%	30%	44%	37%	31%	30%	35%
<b>% of NAP</b>	0%	0%	0%	0%	7%	7%	7%	7%	0%	0%	0%	0%

**Slovakia:** In evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** With regard to the category "employment dismissal cases", the number of Länder taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

**Table 3.3.1(2010): First instance courts, number of cases for specific case categories in 2010 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases				Employment dismissal cases				Insolvency cases			
	Pending cases on 1st Jan. 2010	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2010	Pending cases on 1st Jan. 2010	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2010	Pending cases on 1st Jan. 2010	Incoming cases	Resolved cases	Pending cases on 31 Dec. 2010
Austria	3 054	6 852	6 917	2 989	NA	NA	NA	NA				
Belgium	NA	40 229	40 153	NA	NA	NA	NA	NA				
Bulgaria	3 009	6 221	6 632	2 598	1 076	2 491	2 489	1 078				
Croatia	NA	NA	NA	NA	NA	NA	NA	NA				
Cyprus	3 687	6 607	6 697	3 597	1 067	657	649	1 075				
Czech Republic	14 551	34 166	34 515	14 543	NA	NA	NA	NA				
Denmark	2 472	5 116	5 376	2 241	NA	NA	NA	NA				
Estonia	245	530	498	273	559	682	714	485				
Finland	12057	17287	18302	11042	477	654	630	501				
France	NA	103 566	98 209	NA	NA	141 469	130 981	NA				
Germany	NA	NA	189 015	NA	NA	NA	172 015	NA				
Greece	NA	NA	NA	NA	NA	NA	NA	NA				
Hungary	14 506	33 608	34 043	14 143	2 974	5 146	4 849	3 271				
Ireland	NA	3381	3113	NA	NA	NA	NA	NA				
Italy	36176	25119	24531	36764	NA	NA	NA	NA				
Latvia	2847	5232	5482	2597	317	446	559	204				
Lithuania	1 107	7 817	8 017	907	380	637	752	265				
Luxembourg	NA	NA	256	NA	NA	2509	2372	NA				
Malta	NA	NA	NA	NA	NA	NA	NA	NA				
Netherlands	NA	NA	5945	NA	NA	22132	5033	NA				
Poland	49855	112152	112135	49872	9140	20578	20051	9667				
Portugal	9917	10640	11419	9138	7161	7754	7120	7795				
Romania	27003	56962	57793	26172	2167	4309	3464	3012				
Slovakia	7 675	14 972	15 437	7210	NA	NA	NA	NA				
Slovenia	1 104	1 903	1 937	1 070	818	987	1 147	658				
Spain	35539	48622	45019	37247	32206	111942	105293	29197				
Sweden	5045	8812	8214	5643	NA	NA	NA	NA				
<b>Average</b>	5 685	23 732	37 246	5 261	1 263	25 231	44 697	1 269				
<b>Median</b>	3 054	7 817	11 727	2 794	1 067	1 739	2 489	1 075				
<b>Minimum</b>	1 104	1 903	1 937	907	380	637	649	265				
<b>Maximum</b>	14 551	103 566	189 015	14 543	2 974	141 469	172 015	3 271				
<b>Nb of values</b>	27	27	27	27	27	27	27	27				
<b>% of NA</b>	33%	22%	11%	33%	56%	44%	41%	56%				
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%				

NOT COLLECTED

**Slovakia:** In evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.4.1(2018): First instance courts, clearance rate and disposition time (in days) in 2018 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases		Employment dismissal cases		Insolvency cases	
	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time
Austria	103,4%	161	NA	NA	99,6%	148
Belgium	110,7%	NA	97,4%	849	NA	NA
Bulgaria	97,6%	162	105,3%	212	124,0%	238
Croatia	101,0%	223	128,8%	288	121,3%	283
Cyprus	100,4%	179	196,4%	942	NA	NA
Czech Republic	101,6%	120	NA	NA	134,1%	1 419
Denmark	99,8%	144	NA	NA	79,3%	517
Estonia	96,6%	91	98,2%	246	94,9%	63
Finland	97,7%	246	NA	NA	94,8%	260
France	93,5%	NA	107,2%	NA	101,9%	NA
Germany	NA	NA	NA	NA	NA	NA
Greece	NA	NA	NA	NA	NA	NA
Hungary	106,9%	159	125,6%	170	98,4%	75
Ireland	83,6%	NA	172,2%	NA	101,5%	NA
Italy	102,1%	480	107,2%	304	104,0%	113
Latvia	105,0%	243	120,3%	174	134,0%	553
Lithuania	100,7%	33	91,3%	144	127,8%	311
Luxembourg	88,9%	453	118,4%	NA	100,0%	NAP
Malta	93,7%	149	NAP	NAP	75,0%	1 144
Netherlands	NA	NA	NA	NA	NA	NA
Poland	96,0%	227	100,6%	271	94,5%	131
Portugal	103,7%	152	107,5%	125	102,5%	53
Romania	99,5%	178	106,0%	290	108,9%	379
Slovakia	102,3%	149	126,1%	296	99,8%	60
Slovenia	100,4%	163	106,4%	198	153,2%	541
Spain	98,8%	292	94,4%	196	95,8%	1 302
Sweden	98,6%	222	NA	NA	NA	NA
<b>Average</b>	99,3%	201	117,2%	314	106,9%	422
<b>Median</b>	100,1%	163	107,2%	246	101,5%	271
<b>Minimum</b>	83,6%	33	91,3%	125	75,0%	53
<b>Maximum</b>	110,7%	480	196,4%	942	153,2%	1 419
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	11%	22%	30%	41%	22%	30%
<b>% of NAP</b>	0%	0%	4%	4%	0%	4%

**Slovakia:** Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.4.1(2017): First instance courts, clearance rate and disposition time (in days) in 2017 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases		Employment dismissal cases		Insolvency cases	
	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time
Austria	98,6%	173	NA	NA	98,3%	164
Belgium	122,8%	NA	104,9%	753	NA	NA
Bulgaria	99,1%	164	106,6%	187	110,2%	283
Croatia	104,1%	215	137,2%	324	140,1%	278
Cyprus	100,9%	193	119,6%	1 370	NA	NA
Czech Republic	103,2%	119	NA	NA	152,6%	1 572
Denmark	102,1%	134	NA	NA	91,2%	211
Estonia	99,3%	75	102,2%	193	97,5%	67
Finland	98,9%	239	NA	NA	108,8%	243
France	87,3%	NA	129,8%	NA	110,4%	NA
Germany	NA	NA	NA	NA	NA	NA
Greece	NA	NA	NA	NA	NA	NA
Hungary	93,8%	180	100,3%	214	124,8%	32
Ireland	86,0%	NA	152,1%	NA	56,7%	NA
Italy	93,8%	503	110,2%	295	103,2%	117
Latvia	107,7%	247	107,8%	228	123,2%	617
Lithuania	97,7%	37	111,6%	65	103,6%	360
Luxembourg	95,0%	413	133,3%	NA	100,0%	NAP
Malta	98,5%	140	NAP	NAP	NA	NA
Netherlands	NA	NA	NA	NA	NA	NA
Poland	97,8%	208	115,8%	214	92,4%	127
Portugal	105,4%	145	111,1%	128	102,1%	58
Romania	97,5%	175	117,6%	269	106,4%	400
Slovakia	102,3%	166	116,8%	352	95,8%	154
Slovenia	105,4%	153	122,0%	170	131,0%	754
Spain	100,4%	292	93,2%	194	103,7%	1 402
Sweden	99,0%	217	NA	NA	NA	NA
<b>Average</b>	99,9%	199	116,2%	330	107,6%	402
<b>Median</b>	99,0%	175	113,7%	214	103,6%	243
<b>Minimum</b>	86,0%	37	93,2%	65	56,7%	32
<b>Maximum</b>	122,8%	503	152,1%	1 370	152,6%	1 572
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	11%	22%	30%	41%	26%	33%
<b>% of NAP</b>	0%	0%	4%	4%	0%	4%

**Slovakia:** The new structure of judicial data introduced in 2016 might cause the discrepancies and incompatibility of the data with the previous cycles.

**Hungary:** Litigious divorce cases in 2017 and 2016 cannot be compared with the previous years as the statistical system has changed due to an amendment of the code of civil procedure these cases were included in a new statistical category.

**Table 3.4.1(2016): First instance courts, clearance rate and disposition time (in days) in 2016 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases		Employment dismissal cases		Insolvency cases	
	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time
Austria	102,6%	161	NA	NA	102,6%	144
Belgium	105,4%	NA	99,5%	728	NA	NA
Bulgaria	99,3%	154	95,2%	176	95,2%	308
Croatia	148,0%	180	133,0%	344	123,6%	227
Cyprus	97,1%	202	81,6%	1 012	NA	NA
Czech Republic	104,9%	125	NA	NA	70,3%	2 085
Denmark	98,6%	137	NA	NA	85,3%	220
Estonia	108,7%	67	87,2%	208	101,5%	61
Finland	106,6%	227	NA	NA	104,7%	246
France	101,2%	NA	121,1%	NA	106,1%	NA
Germany	NA	NA	NA	NA	NA	NA
Greece	NA	NA	NA	NA	NA	NA
Hungary	97,5%	154	117,5%	169	108,3%	124
Ireland	78,4%	NA	86,8%	NA	68,4%	NA
Italy	84,7%	511	114,2%	290	105,2%	120
Latvia	106,8%	247	119,3%	204	124,3%	663
Lithuania	102,7%	28	100,0%	116	93,4%	395
Luxembourg	130,3%	355	119,2%	NA	100,0%	NAP
Malta	102,5%	120	NAP	NAP	NA	NA
Netherlands	NA	NA	NA	NA	NA	NA
Poland	99,1%	196	106,3%	211	96,6%	114
Portugal	109,1%	163	125,5%	124	106,0%	61
Romania	100,4%	159	122,4%	265	121,7%	353
Slovakia	79,4%	208	111,9%	354	81,3%	489
Slovenia	104,6%	163	97,9%	240	81,9%	1 050
Spain	97,1%	298	107,0%	175	109,5%	1 436
Sweden	98,7%	218	NA	NA	NA	NA
<b>Average</b>	102,7%	194	108,1%	308	99,3%	476
<b>Median</b>	101,8%	163	109,5%	211	102,0%	246
<b>Minimum</b>	78,4%	28	81,6%	116	68,4%	61
<b>Maximum</b>	148,0%	511	133,0%	1 012	124,3%	2 085
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	11%	22%	30%	41%	26%	33%
<b>% of NAP</b>	0%	0%	4%	4%	0%	4%

**Slovakia:** The new structure of judicial data introduced in 2016 might cause the discrepancies and incompatibility of the data with the previous cycles.

**Hungary:** Litigious divorce cases in 2017 and 2016 cannot be compared with the previous years as the statistical system has changed due to an amendment of the code of civil procedure these cases were included in a new statistical category.



**Table 3.4.1(2015): First instance courts, clearance rate and disposition time (in days) in 2015 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases		Employment dismissal cases		Insolvency cases	
	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time
Austria	101,8%	165	NA	NA	100,1%	152
Belgium	112,3%	NA	103,8%	668	110,5%	2 319
Bulgaria	101,2%	138	108,7%	151	110,1%	282
Croatia	96,6%	268	123,5%	442	30,4%	1 132
Cyprus	98,4%	190	117,9%	1 023	NA	NA
Czech Republic	102,9%	142	NA	NA	52,0%	2 377
Denmark	107,0%	132	NA	NA	110,0%	238
Estonia	107,6%	99	101,0%	199	100,1%	67
Finland	99,8%	243	NA	NA	109,9%	235
France	97,3%	NA	105,9%	NA	103,1%	NA
Germany	NA	NA	NA	NA	NA	NA
Greece	NA	NA	NA	NA	NA	NA
Hungary	61,1%	233	113,5%	175	101,3%	168
Ireland	76,3%	NA	75,6%	NA	76,2%	NA
Italy	89,0%	529	109,1%	323	120,0%	108
Latvia	107,7%	266	139,1%	236	132,5%	626
Lithuania	97,3%	36	100,4%	112	104,5%	405
Luxembourg	NA	NA	109,3%	NA	NAP	NAP
Malta	110,7%	143	NAP	NAP	NA	NA
Netherlands	NA	NA	NA	NA	NA	NA
Poland	-	-	-	-	-	-
Portugal	124,2%	179	122,9%	165	105,1%	71
Romania	102,5%	156	139,7%	244	129,0%	328
Slovakia	100,2%	212	82,0%	681	86,2%	217
Slovenia	107,8%	178	105,2%	211	54,6%	1 288
Spain	97,7%	301	105,4%	184	113,8%	1 606
Sweden	101,5%	212	NA	NA	NA	NA
<b>Average</b>	100,0%	201	109,6%	344	97,3%	684
<b>Median</b>	101,3%	179	108,7%	223	104,5%	282
<b>Minimum</b>	61,1%	36	75,6%	112	30,4%	67
<b>Maximum</b>	124,2%	529	139,7%	1 023	132,5%	2 377
<b>Nb of values</b>	26	26	26	26	26	26
<b>% of NA</b>	15%	27%	31%	42%	23%	31%
<b>% of NAP</b>	0%	0%	4%	4%	4%	4%

**Croatia:** The increase of incoming insolvency cases is due to the new Act for shortened insolvency proceedings and more than 20.000 legal persons for which the preconditions were met initiated these proceedings. Consequently there is an increase of pending cases at the end of the period as well as decreased Clearance Rate.

**Slovakia:** In evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Hungary:** Litigious divorce cases since 2015 cannot be compared with the previous years as the statistical system has changed due to an amendment of the code of civil procedure these cases were included in a new statistical category.

**Table 3.4.1(2014): First instance courts, clearance rate and disposition time (in days) in 2014 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases		Employment dismissal cases		Insolvency cases	
	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time
Austria	102,1%	165	NA	NA	102,8%	151
Belgium	96,3%	NA	109,8%	642	70,1%	3 012
Bulgaria	100,4%	141	109,2%	157	112,9%	304
Croatia	123,1%	187	92,3%	461	190,8%	403
Cyprus	100,8%	178	95,3%	863	NA	NA
Czech Republic	104,2%	147	NA	NA	44,7%	2 236
Denmark	101,9%	134	NA	NA	125,4%	212
Estonia	95,7%	133	101,9%	218	96,9%	73
Finland	98,8%	246	NA	NA	103,5%	243
France	96,0%	NA	96,8%	NA	90,8%	NA
Germany	NA	NA	100,3%	95	NA	NA
Greece	NA	NA	NA	NA	NA	NA
Hungary	100,5%	162	107,6%	193	148,0%	91
Ireland	68,9%	NA	129,0%	NA	65,3%	NA
Italy	97,7%	517	101,3%	466	104,9%	164
Latvia	96,7%	282	111,7%	313	83,5%	1 049
Lithuania	101,7%	25	115,3%	87	92,6%	420
Luxembourg	NA	NA	110,1%	NA	NAP	NAP
Malta	93,0%	223	NAP	NAP	NA	NA
Netherlands	NA	NA	NA	NA	NA	NA
Poland	98,8%	200	113,3%	195	101,7%	87
Portugal	NA	NA	NA	NA	NA	NA
Romania	98,6%	182	102,1%	373	120,7%	334
Slovakia	100,5%	197	78,4%	NA	89,2%	166
Slovenia	100,7%	204	115,3%	204	41,2%	1 231
Spain	94,6%	298	100,0%	243	77,5%	1 873
Sweden	103,7%	205	NA	NA	NA	NA
<b>Average</b>	98,9%	201	105,0%	322	98,0%	709
<b>Median</b>	99,6%	187	104,9%	231	96,9%	304
<b>Standard deviation</b>	8,9%	97	11,1%	221	34,5%	880
<b>Minimum</b>	68,9%	25	78,4%	87	41,2%	73
<b>Maximum</b>	123,1%	517	129,0%	863	190,8%	3 012
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	19%	30%	30%	44%	26%	33%
<b>% of NAP</b>	0%	0%	4%	4%	4%	4%

**Slovakia:** In evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.



**Table 3.4.1(2013): First instance courts, clearance rate and disposition time (in days) in 2013 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases		Employment dismissal cases		Insolvency cases	
	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time
Austria	97,2%	181	NA	NA	102,1%	156
Belgium	96,4%	NA	NA	NA	NA	NA
Bulgaria	103,0%	134	109,6%	165	99,8%	282
Croatia	99,3%	285	106,6%	450	62,1%	436
Cyprus	100,6%	177	59,2%	1 292	NA	NA
Czech Republic	99,3%	148	NA	NA	39,6%	1 829
Denmark	102,2%	132	NAP	NAP	116,2%	214
Estonia	84,7%	172	95,8%	234	98,5%	69
Finland	100,4%	242	94,2%	332	95,1%	262
France	99,2%	NA	88,3%	NA	84,9%	NA
Germany	NA	NA	100,3%	95	NA	NA
Greece	NA	NA	NA	NA	NA	NA
Hungary	100,9%	164	115,6%	189	77,9%	259
Ireland	81,7%	NA	33,5%	NA	75,2%	NA
Italy	92,0%	701	NA	NA	89,6%	2 423
Latvia	109,3%	231	131,3%	290	68,7%	1 135
Lithuania	102,1%	30	97,7%	115	93,5%	445
Luxembourg	NA	NA	NA	NA	NA	NA
Malta	NA	NA	NAP	NAP	NA	NA
Netherlands	NA	NA	NA	NA	NA	NA
Poland	-	-	-	-	-	-
Portugal	103,3%	262	128,8%	191	100,0%	79
Romania	105,9%	167	85,7%	368	89,5%	385
Slovakia	99,2%	193	66,9%	NA	94,8%	125
Slovenia	98,6%	202	92,1%	271	74,1%	924
Spain	-	-	-	-	-	-
Sweden	99,4%	222	NA	NA	NA	NA
<b>Average</b>	98,7%	214	93,7%	333	86,0%	601
<b>Median</b>	99,3%	181	95,8%	253	89,6%	282
<b>Minimum</b>	81,7%	30	33,5%	95	39,6%	69
<b>Maximum</b>	109,3%	701	131,3%	1 292	116,2%	2 423
<b>Nb of values</b>	25	25	25	25	25	25
<b>% of NA</b>	20%	32%	32%	44%	32%	40%
<b>% of NAP</b>	0%	0%	8%	8%	0%	0%

**Slovakia:** In evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.4.1(2012): First instance courts, clearance rate and disposition time (in days) in 2012 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases		Employment dismissal cases		Insolvency cases	
	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time
Austria	101,4%	160	NA	NA	100,7%	157
Belgium	100,4%	NA	NA	NA	NA	NA
Bulgaria	98,6%	146	96,2%	167	82,8%	323
Croatia	NA	NA	NA	NA	NA	NA
Cyprus	101,0%	170	63,5%	1 001	NA	NA
Czech Republic	101,8%	155	NA	NA	34,4%	1 669
Denmark	105,3%	133	NAP	NAP	110,1%	235
Estonia	91,7%	193	96,7%	316	95,4%	104
Finland	103,6%	229	112,1%	276	97,1%	250
France	99,8%	NA	104,9%	NA	86,3%	NA
Germany	NA	NA	142,3%	64	NA	NA
Greece	NA	NA	NA	NA	NA	NA
Hungary	112,0%	156	104,8%	214	108,9%	138
Ireland	83,1%	NA	NA	NA	72,4%	695
Italy	94,2%	707	NA	NA	94,7%	2 648
Latvia	110,7%	228	139,2%	372	78,0%	962
Lithuania	101,0%	38	105,3%	93	97,3%	439
Luxembourg	NA	NA	77,8%	NA	NA	NA
Malta	NA	NA	NAP	NAP	NA	NA
Netherlands	NA	NA	NA	NA	NA	NA
Poland	98,1%	183	94,8%	214	95,7%	83
Portugal	103,5%	267	109,6%	240	96,1%	80
Romania	103,9%	159	109,4%	279	96,3%	332
Slovakia	99,3%	195	81,5%	NA	92,7%	118
Slovenia	102,4%	187	96,6%	239	66,6%	936
Spain	96,4%	288	73,7%	218	46,3%	1 965
Sweden	98,4%	235	NA	NA	NA	NA
<b>Average</b>	100,3%	213	100,5%	284	86,2%	655
<b>Median</b>	101,0%	185	100,7%	239	95,0%	323
<b>Minimum</b>	83,1%	38	63,5%	64	34,4%	80
<b>Maximum</b>	112,0%	707	142,3%	1 001	110,1%	2 648
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	22%	33%	33%	44%	33%	37%
<b>% of NAP</b>	0%	0%	7%	7%	0%	0%

**Slovakia:** In evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.4.1(2010): First instance courts, clearance rate and disposition time (in days) in 2010 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases		Employment dismissal cases		Insolvency cases	
	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time	Clearance Rate	Disposition Time
Austria	100,9%	158	NA	NA		
Belgium	99,8%	NA	NA	NA		
Bulgaria	106,6%	143	99,9%	158		
Croatia	NA	NA	NA	NA		
Cyprus	101,4%	196	98,8%	605		
Czech Republic	101,0%	154	NA	NA		
Denmark	105,1%	152	NA	NA		
Estonia	94,0%	200	104,7%	248		
Finland	105,9%	220	96,3%	290		
France	94,8%	NA	92,6%	NA		
Germany	NA	NA	NA	NA		
Greece	NA	NA	NA	NA		
Hungary	101,3%	152	94,2%	246		
Ireland	92,1%	NA	NA	NA		
Italy	97,7%	547	NA	NA		
Latvia	104,8%	173	125,3%	133		
Lithuania	102,6%	41	118,1%	129		
Luxembourg	NA	NA	94,5%	NA		
Malta	NA	NA	NA	NA		
Netherlands	NA	NA	22,7%	NA		
Poland	100,0%	162	97,4%	176		
Portugal	107,3%	292	91,8%	400		
Romania	101,5%	165	80,4%	317		
Slovakia	103,1%	170	NA	NA		
Slovenia	101,8%	202	116,2%	209		
Spain	92,6%	302	94,1%	101		
Sweden	93,2%	251	NA	NA		
<b>Average</b>	100,3%	204	95,1%	251		
<b>Median</b>	101,3%	172	96,3%	228		
<b>Minimum</b>	92,1%	41	22,7%	101		
<b>Maximum</b>	107,3%	547	125,3%	605		
<b>Nb of values</b>	27	27	27	27		
<b>% of NA</b>	22%	33%	44%	56%		
<b>% of NAP</b>	0%	0%	0%	0%		

**NOT COLLECTED**

**Slovakia:** In evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.4.2: First instance courts, change of clearance rate (in points) and disposition time (in %) between 2017 and 2018 (litigious divorce, employment dismissal and insolvency cases) (Q101)**

States	Litigious divorce cases		Employment dismissal cases		Insolvency cases	
	Clearance Rate (points)	Disposition Time (%)	Clearance Rate (points)	Disposition Time (%)	Clearance Rate (points)	Disposition Time (%)
Austria	+4,9	-7,0%	NA	NA	+1,2	-10,2%
Belgium	-12,1	NA	-7,5	+12,7%	NA	NA
Bulgaria	-1,5	-1,1%	-1,3	+12,9%	+13,7	-15,8%
Croatia	-3,1	+3,9%	-8,4	-11,0%	-18,8	+1,8%
Cyprus	-0,5	-7,4%	+76,8	-31,3%	NA	NA
Czech Republic	-1,6	+0,9%	NA	NA	-18,5	-9,7%
Denmark	-2,3	+7,0%	NA	NA	-11,9	+144,9%
Estonia	-2,6	+21,4%	-4,0	+28,0%	-2,6	-6,0%
Finland	-1,3	+3,0%	NA	NA	-14,0	+7,0%
France	+6,2	NA	-22,5	NA	-8,4	NA
Germany	NA	NA	NA	NA	NA	NA
Greece	NA	NA	NA	NA	NA	NA
Hungary	+13,1	-11,5%	+25,3	-20,3%	-26,3	+133,9%
Ireland	-2,3	NA	+20,1	NA	+44,8	NA
Italy	+8,3	-4,7%	-3,0	+3,0%	+0,8	-3,6%
Latvia	-2,7	-1,5%	+12,5	-23,7%	+10,8	-10,3%
Lithuania	+3,1	-11,0%	-20,3	+121,1%	+24,3	-13,6%
Luxembourg	-6,1	+9,7%	-14,8	NA	0	NAP
Malta	-4,8	+6,6%	NAP	NAP	NA	NA
Netherlands	NA	NA	NA	NA	NA	NA
Poland	-1,8	+9,0%	-15,2	+26,7%	+2,1	+3,3%
Portugal	-1,7	+5,2%	-3,6	-2,5%	+0,4	-7,8%
Romania	+2,0	+2,1%	-11,6	+8,0%	+2,5	-5,3%
Slovakia	-0,1	-10,6%	+9,4	-15,9%	+3,9	-60,9%
Slovenia	-4,9	+6,3%	-15,6	+16,4%	+22,2	-28,2%
Spain	-1,6	-0,1%	+1,2	+1,1%	-7,9	-7,2%
Sweden	-0,3	+2,1%	NA	NA	NA	NA
<b>Average</b>	-0,6	+1,1%	+1,0	+8,4%	+0,9	+6,6%
<b>Median</b>	-1,6	+2,1%	-3,8	+3,0%	+0,6	-7,2%
<b>Minimum</b>	-12,1	-11,5%	-22,5	-31,3%	-26,3	-60,9%
<b>Maximum</b>	+13,1	+21,4%	+76,8	+121,1%	+44,8	+144,9%
<b>Nb of values</b>	27	27	27	27	27	27
<b>% of NA</b>	11%	22%	30%	41%	26%	33%
<b>% of NAP</b>	0%	0%	4%	4%	0%	4%

**Belgium:** In 2018 incoming cases do not include cases dealt by the new Regsol platform since mid 2017

**Slovakia:** Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.5.1: Second instance courts, number of other than criminal law cases in 2018 - Pending cases on 1st Jan. (Q97)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases 1	Total non-litigious cases 2 = 2.1+2.2+2.3	General civil (and commercial) non-litigious cases *	Registry cases 2.2 = 2.2.1+2.2.2+2.2.3	Non-litigious land registry cases 2.2.1	Non-litigious business registry cases 2.2.2	Other registry cases 2.2.3	Other non-litigious cases 2.3	Administrative law cases 3	Other cases** 4
	1+2+3+4										
Austria	5 003	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Belgium	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Bulgaria	12 512	NA	NA	NA	NAP	NAP	NAP	NAP	NA	2 526	NA
Croatia	54 847	42 879	10 061	8 373	1 581	1 574	7	NAP	107	1 907	NAP
Cyprus	4 186	NA	NA	NA	NA	NA	NA	NA	NA	909	NA
Czech Republic	14 187	13 254	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	933
Denmark	1 935	1 935	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	1 135	559	109	109	NAP	NAP	NAP	NAP	NAP	467	NAP
Finland	1 456	1 267	138	138	NAP	NAP	NAP	NAP	NAP	NAP	51
France	310 011	268 669	12 798	12 798	NAP	NAP	NAP	NAP	NAP	28 544	NAP
Germany	NA	65 161	NA	NA	NA	NA	NA	NA	NA	53 918	19 499
Greece	NA	38 983	NA	NA	NA	NA	NA	NA	NA	36 360	NA
Hungary	12 508	5 721	4 337	4 057	216	NAP	197	19	64	497	1 953
Ireland	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	363 503	358 157	5 346	5 346	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Latvia	2 175	1 528	0	0	NAP	NAP	NAP	NAP	NAP	647	NAP
Lithuania	8 620	4 745	NA	NA	NA	NA	NA	NA	NA	3 692	183
Luxembourg	NA	1 814	NA	NA	NAP	NAP	NAP	NAP	NA	161	NA
Malta	1 797	1 797	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NA	NAP
Netherlands	27 980	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	14 770	NAP
Poland	97 689	44 823	8 034	7 884	150	NAP	150	NAP	NAP	26 406	18 426
Portugal	14 087	6 547	NAP	NAP	NAP	NAP	NAP	NAP	NAP	7 540	NAP
Romania	83 741	82 344	1 397	383	1 014	1 014	NAP	NAP	NAP	NAP	NAP
Slovakia	19 217	14 703	4 510	4 510	NA	NAP	NA	NAP	NAP	4	NAP
Slovenia	3 383	2 388	995	922	73	68	5	NAP	NAP	NAP	NAP
Spain	112 064	90 748	NA	NA	NA	NA	NA	NA	NA	21 316	NAP
Sweden	10 716	804	NAP	NAP	NAP	NAP	NAP	NAP	NAP	7 765	2 147
Average	52 852	49 944	4 339	4 047	607	885	90	19	86	12 202	6 170
Median	12 510	6 547	4 337	4 057	216	1 014	79	19	86	3 692	1 953
Minimum	1 135	559	0	0	73	68	5	19	64	4	51
Maximum	363 503	358 157	12 798	12 798	1 581	1 574	197	19	107	53 918	19 499
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	19%	22%	33%	33%	26%	22%	26%	22%	30%	7%	19%
% of NAP	0%	0%	26%	26%	56%	67%	59%	74%	63%	30%	56%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Cyprus, Malta have a two tier system therefore the Supreme Court is the second, highest and final instance court.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.5.2: Second instance courts, number of other than criminal law cases in 2018 - Incoming cases (Q97)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4										
Austria	25 461	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Belgium	25 619	25 619	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Bulgaria	57 281	NA	NA	NA	NAP	NAP	NAP	NAP	NA	14 705	NA
Croatia	65 396	37 304	22 066	19 794	2 157	2 021	136	NAP	115	6 026	NAP
Cyprus	843	NA	NA	NA	NA	NA	NA	NA	NA	189	NA
Czech Republic	63 819	59 029	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	4 790
Denmark	4 839	4 839	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	4 221	1 928	989	989	NAP	NAP	NAP	NAP	NAP	1 304	NAP
Finland	2 739	2 163	529	529	NAP	NAP	NAP	NAP	NAP	NAP	47
France	263 086	194 060	35 253	35 253	NAP	NAP	NAP	NAP	NAP	33 773	NAP
Germany	NA	93 235	NA	NA	NA	NA	NA	NA	NA	50 376	41 700
Greece	NA	22 431	NA	NA	NA	NA	NA	NA	NA	19 066	NA
Hungary	47 084	15 009	26 048	24 698	921	NAP	802	119	429	2 302	3 725
Ireland	2 827	2 827	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	126 600	118 052	8 548	8 548	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Latvia	5 619	4 464	6	6	NAP	NAP	NAP	NAP	NAP	1 149	NAP
Lithuania	18 336	12 498	NA	NA	NA	NA	NA	NA	NA	3 877	1 961
Luxembourg	NA	1 125	NA	NA	NAP	NAP	NAP	NAP	NA	246	NA
Malta	796	796	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NA	NAP
Netherlands	23 500	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	10 701	NAP
Poland	227 220	141 045	24 637	24 213	424	NAP	424	NAP	NAP	20 296	41 242
Portugal	24 849	20 661	NAP	NAP	NAP	NAP	NAP	NAP	NAP	4 188	NAP
Romania	197 330	194 375	2 955	1 312	1 643	1 643	NAP	NAP	NAP	NAP	NAP
Slovakia	42 583	25 407	17 174	17 174	NA	NAP	NA	NAP	NAP	2	NAP
Slovenia	14 786	8 541	6 245	5 775	470	367	103	NAP	NAP	NAP	NAP
Spain	206 672	180 721	NA	NA	NA	NA	NA	NA	NA	25 951	NAP
Sweden	63 668	2 801	NAP	NAP	NAP	NAP	NAP	NAP	NAP	45 614	15 253
Average	63 132	50 823	13 132	12 572	1 123	1 344	366	119	272	14 104	15 531
Median	25 540	20 661	8 548	8 548	921	1 643	280	119	272	6 026	4 790
Minimum	796	796	6	6	424	367	103	119	115	2	47
Maximum	263 086	194 375	35 253	35 253	2 157	2 021	802	119	429	50 376	41 700
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	11%	15%	33%	33%	26%	22%	26%	22%	30%	7%	19%
% of NAP	0%	0%	26%	26%	56%	67%	59%	74%	63%	30%	56%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Cyprus, Malta have a two tier system therefore the Supreme Court is the second, highest and final instance court.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.



**Table 3.5.3: Second instance courts, number of other than criminal law cases in 2018 - Resolved cases (Q97)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4										
Austria	25 703	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Belgium	26 640	26 640	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Bulgaria	56 180	NA	NA	NA	NAP	NAP	NAP	NAP	NA	14 819	NA
Croatia	73 206	45 383	22 652	20 242	2 257	2 118	139	NAP	153	5 171	NAP
Cyprus	737	NA	NA	NA	NA	NA	NA	NA	NA	159	NA
Czech Republic	64 792	60 003	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	4 789
Denmark	4 636	4 636	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	4 237	1 874	916	916	NAP	NAP	NAP	NAP	NAP	1 447	NAP
Finland	2 905	2 310	550	550	NAP	NAP	NAP	NAP	NAP	NAP	45
France	270 311	203 258	34 199	34 199	NAP	NAP	NAP	NAP	NAP	32 854	NAP
Germany	NA	92 194	NA	NA	NA	NA	NA	NA	NA	47 169	41 629
Greece	NA	21 767	NA	NA	NA	NA	NA	NA	NA	21 786	NA
Hungary	48 854	15 847	25 940	24 558	947	NAP	825	122	435	2 238	4 829
Ireland	2 119	2 119	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	150 011	141 492	8 519	8 519	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Latvia	5 895	4 661	6	6	NAP	NAP	NAP	NAP	NAP	1 228	NAP
Lithuania	18 966	13 326	NA	NA	NA	NA	NA	NA	NA	3 681	1 959
Luxembourg	NA	1 290	NA	NA	NAP	NAP	NAP	NAP	NA	253	NA
Malta	636	636	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NA	NAP
Netherlands	24 992	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	11 593	NAP
Poland	218 219	135 132	23 698	23 292	406	NAP	406	NAP	NAP	18 897	40 492
Portugal	24 130	21 030	NAP	NAP	NAP	NAP	NAP	NAP	NAP	3 100	NAP
Romania	208 052	204 868	3 184	1 356	1 828	1 828	NAP	NAP	NAP	NAP	NAP
Slovakia	44 373	26 577	17 791	17 791	NA	NAP	NA	NAP	NAP	5	NAP
Slovenia	15 370	8 933	6 437	5 934	503	402	101	NAP	NAP	NAP	NAP
Spain	180 327	156 399	NA	NA	NA	NA	NA	NA	NA	23 928	NAP
Sweden	60 626	2 856	NAP	NAP	NAP	NAP	NAP	NAP	NAP	42 271	15 499
<b>Average</b>	<b>63 830</b>	<b>51 880</b>	<b>13 081</b>	<b>12 488</b>	<b>1 188</b>	<b>1 449</b>	<b>368</b>	<b>122</b>	<b>294</b>	<b>13 565</b>	<b>15 606</b>
<b>Median</b>	<b>26 172</b>	<b>21 030</b>	<b>8 519</b>	<b>8 519</b>	<b>947</b>	<b>1 828</b>	<b>273</b>	<b>122</b>	<b>294</b>	<b>5 171</b>	<b>4 829</b>
<b>Minimum</b>	<b>636</b>	<b>636</b>	<b>6</b>	<b>6</b>	<b>406</b>	<b>402</b>	<b>101</b>	<b>122</b>	<b>153</b>	<b>5</b>	<b>45</b>
<b>Maximum</b>	<b>270 311</b>	<b>204 868</b>	<b>34 199</b>	<b>34 199</b>	<b>2 257</b>	<b>2 118</b>	<b>825</b>	<b>122</b>	<b>435</b>	<b>47 169</b>	<b>41 629</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>11%</b>	<b>15%</b>	<b>33%</b>	<b>33%</b>	<b>26%</b>	<b>22%</b>	<b>26%</b>	<b>22%</b>	<b>30%</b>	<b>7%</b>	<b>19%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>26%</b>	<b>26%</b>	<b>56%</b>	<b>67%</b>	<b>59%</b>	<b>74%</b>	<b>63%</b>	<b>30%</b>	<b>56%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Cyprus, Malta have a two tier system therefore the Supreme Court is the second, highest and final instance court.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.5.4: Second instance courts, number of other than criminal law cases in 2018 - Pending cases on 31 Dec. (Q97)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4										
Austria	4 761	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Belgium	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Bulgaria	13 613	NA	NA	NA	NAP	NAP	NAP	NAP	NA	2 412	NA
Croatia	47 023	34 807	9 454	7 906	1 482	1 478	4	NAP	66	2 762	NAP
Cyprus	4 292	NA	NA	NA	NA	NA	NA	NA	NA	939	NA
Czech Republic	13 214	12 280	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	934
Denmark	2 138	2 138	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	1 116	612	182	182	NAP	NAP	NAP	NAP	NAP	322	NAP
Finland	1 290	1 120	117	117	NAP	NAP	NAP	NAP	NAP	NAP	53
France	302 786	259 471	13 852	13 852	NAP	NAP	NAP	NAP	NAP	29 463	NAP
Germany	NA	66 211	NA	NA	NA	NA	NA	NA	NA	57 214	19 348
Greece	NA	39 492	NA	NA	NA	NA	NA	NA	NA	33 640	NA
Hungary	10 738	4 883	4 445	4 197	190	NAP	174	16	58	561	849
Ireland	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	340 092	334 717	5 375	5 375	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Latvia	1 899	1 331	0	0	NAP	NAP	NAP	NAP	NAP	568	NAP
Lithuania	7 990	3 917	NAP	NAP	NAP	NAP	NAP	NA	NA	3 888	185
Luxembourg	NA	1 649	NA	NA	NAP	NAP	NAP	NAP	NA	154	NA
Malta	1 951	1 951	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NA	NAP
Netherlands	27 940	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	13 880	NAP
Poland	106 690	50 736	8 973	8 805	168	NAP	168	NAP	NAP	27 805	19 176
Portugal	14 806	6 178	NAP	NAP	NAP	NAP	NAP	NAP	NAP	8 628	NAP
Romania	73 019	71 851	1 168	339	829	829	NAP	NAP	NAP	NAP	NAP
Slovakia	17 427	13 533	3 893	3 893	NA	NAP	NA	NAP	NAP	1	NAP
Slovenia	2 799	1 996	803	763	40	33	7	NAP	NAP	NAP	NAP
Spain	139 340	116 096	NA	NA	NA	NA	NA	NA	NA	23 244	NAP
Sweden	13 758	749	NAP	NAP	NAP	NAP	NAP	NAP	NAP	11 108	1 901
<b>Average</b>	<b>52 213</b>	<b>48 844</b>	<b>4 387</b>	<b>4 130</b>	<b>542</b>	<b>780</b>	<b>88</b>	<b>16</b>	<b>62</b>	<b>12 741</b>	<b>6 064</b>
<b>Median</b>	<b>13 414</b>	<b>6 178</b>	<b>3 893</b>	<b>3 893</b>	<b>190</b>	<b>829</b>	<b>88</b>	<b>16</b>	<b>62</b>	<b>3 888</b>	<b>934</b>
<b>Minimum</b>	<b>1 116</b>	<b>612</b>	<b>0</b>	<b>0</b>	<b>40</b>	<b>33</b>	<b>4</b>	<b>16</b>	<b>58</b>	<b>1</b>	<b>53</b>
<b>Maximum</b>	<b>340 092</b>	<b>334 717</b>	<b>13 852</b>	<b>13 852</b>	<b>1 482</b>	<b>1 478</b>	<b>174</b>	<b>16</b>	<b>66</b>	<b>57 214</b>	<b>19 348</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>19%</b>	<b>22%</b>	<b>30%</b>	<b>30%</b>	<b>22%</b>	<b>19%</b>	<b>22%</b>	<b>22%</b>	<b>30%</b>	<b>7%</b>	<b>19%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>30%</b>	<b>30%</b>	<b>59%</b>	<b>70%</b>	<b>63%</b>	<b>74%</b>	<b>63%</b>	<b>30%</b>	<b>56%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Cyprus, Malta have a two tier system therefore the Supreme Court is the second, highest and final instance court.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.



**Table 3.5.5: Second instance courts, number of civil and commercial litigious and administrative cases pending more than 2 years in 2018 (Q97)**

States	Civil (and commercial) litigious cases		Administrative law cases	
	Number	as a % of all pending cases on 31 Dec	Number	as a % of all pending cases on 31 Dec
Austria	NA	NA	NA	NA
Belgium	NA	NA	NAP	NAP
Bulgaria	NA	NA	NA	NA
Croatia	4 444	12,8%	NA	NA
Cyprus	NA	NA	NA	NA
Czech Republic	NA	NA	NAP	NAP
Denmark	NA	NA	NA	NA
Estonia	1	0,2%	5	1,6%
Finland	NA	NA	NAP	NAP
France	NA	NA	NA	NA
Germany	NA	NA	NA	NA
Greece	NA	NA	NA	NA
Hungary	NA	NA	NA	NA
Ireland	NA	NA	NAP	NAP
Italy	150 061	44,8%	NAP	NAP
Latvia	97	7,3%	59	10,4%
Lithuania	22	0,6%	25	0,6%
Luxembourg	NA	NA	NA	NA
Malta	889	45,6%	NA	NA
Netherlands	NA	NA	NA	NA
Poland	NA	NA	NA	NA
Portugal	NA	NA	NA	NA
Romania	671	0,9%	NAP	NAP
Slovakia	NA	NA	NA	NA
Slovenia	3	0,2%	NAP	NAP
Spain	NA	NA	NA	NA
Sweden	5	0,7%	96	0,9%
<b>Average</b>	<b>17 355</b>	<b>12,5%</b>	<b>46</b>	<b>3,4%</b>
<b>Median</b>	<b>97</b>	<b>0,9%</b>	<b>42</b>	<b>1,2%</b>
<b>Minimum</b>	<b>1</b>	<b>0,2%</b>	<b>5</b>	<b>0,6%</b>
<b>Maximum</b>	<b>150 061</b>	<b>45,6%</b>	<b>96</b>	<b>10,4%</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>67%</b>	<b>67%</b>	<b>59%</b>	<b>59%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>26%</b>	<b>26%</b>

Romania. Cases older than 3 years are presented

**Table 3.6.1: Second instance courts, clearance rate (in %) in different types of other than criminal law cases in 2018 (Q97)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	101,0%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Belgium	104,0%	104,0%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Bulgaria	98,1%	NA	NA	NA	NAP	NAP	NAP	NAP	NA	100,8%	NA
Croatia	111,9%	121,7%	102,7%	102,3%	104,6%	104,8%	102,2%	NAP	133,0%	85,8%	NAP
Cyprus	87,4%	NA	NA	NA	NA	NA	NA	NA	NA	84,1%	NA
Czech Republic	101,5%	101,7%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	100,0%
Denmark	95,8%	95,8%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	100,4%	97,2%	92,6%	92,6%	NAP	NAP	NAP	NAP	NAP	111,0%	NAP
Finland	106,1%	106,8%	104,0%	104,0%	NAP	NAP	NAP	NAP	NAP	NAP	95,7%
France	102,7%	104,7%	97,0%	97,0%	NAP	NAP	NAP	NAP	NAP	97,3%	NAP
Germany	NA	98,9%	NA	NA	NA	NA	NA	NA	NA	93,6%	99,8%
Greece	NA	97,0%	NA	NA	NA	NA	NA	NA	NA	114,3%	NA
Hungary	103,8%	105,6%	99,6%	99,4%	102,8%	NAP	102,9%	102,5%	101,4%	97,2%	129,6%
Ireland	75,0%	75,0%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	118,5%	119,9%	99,7%	99,7%	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Latvia	104,9%	104,4%	100,0%	100,0%	NAP	NAP	NAP	NAP	NAP	106,9%	NAP
Lithuania	103,4%	106,6%	NA	NA	NA	NA	NA	NA	NA	94,9%	99,9%
Luxembourg	NA	114,7%	NA	NA	NAP	NAP	NAP	NAP	NA	102,8%	NA
Malta	79,9%	79,9%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NA	NAP
Netherlands	106,3%	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	108,3%	NAP
Poland	96,0%	95,8%	96,2%	96,2%	95,8%	NAP	95,8%	NAP	NAP	93,1%	98,2%
Portugal	97,1%	101,8%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	74,0%	NAP
Romania	105,4%	105,4%	107,7%	103,4%	111,3%	111,3%	NAP	NAP	NAP	NAP	NAP
Slovakia	104,2%	104,6%	103,6%	103,6%	NA	NAP	NA	NAP	NAP	250,0%	NAP
Slovenia	103,9%	104,6%	103,1%	102,8%	107,0%	109,5%	98,1%	NAP	NAP	NAP	NAP
Spain	87,3%	86,5%	NA	NA	NA	NA	NA	NA	NA	92,2%	NAP
Sweden	95,2%	102,0%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	92,7%	101,6%
<b>Average</b>	<b>99,6%</b>	<b>101,5%</b>	<b>100,6%</b>	<b>100,1%</b>	<b>104,3%</b>	<b>108,5%</b>	<b>99,7%</b>	<b>102,5%</b>	<b>117,2%</b>	<b>105,8%</b>	<b>103,6%</b>
<b>Median</b>	<b>102,1%</b>	<b>104,0%</b>	<b>100,0%</b>	<b>100,0%</b>	<b>104,6%</b>	<b>109,5%</b>	<b>100,1%</b>	<b>102,5%</b>	<b>117,2%</b>	<b>97,2%</b>	<b>99,9%</b>
<b>Standard deviation</b>	<b>9,6%</b>	<b>10,8%</b>	<b>4,2%</b>	<b>3,6%</b>	<b>5,7%</b>	<b>3,3%</b>	<b>3,4%</b>		<b>22,4%</b>	<b>38,5%</b>	<b>11,6%</b>
<b>Minimum</b>	<b>75,0%</b>	<b>75,0%</b>	<b>92,6%</b>	<b>92,6%</b>	<b>95,8%</b>	<b>104,8%</b>	<b>95,8%</b>	<b>102,5%</b>	<b>101,4%</b>	<b>74,0%</b>	<b>95,7%</b>
<b>Maximum</b>	<b>118,5%</b>	<b>121,7%</b>	<b>107,7%</b>	<b>104,0%</b>	<b>111,3%</b>	<b>111,3%</b>	<b>102,9%</b>	<b>102,5%</b>	<b>133,0%</b>	<b>250,0%</b>	<b>129,6%</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>11%</b>	<b>15%</b>	<b>33%</b>	<b>33%</b>	<b>26%</b>	<b>22%</b>	<b>26%</b>	<b>22%</b>	<b>30%</b>	<b>7%</b>	<b>19%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>26%</b>	<b>26%</b>	<b>56%</b>	<b>67%</b>	<b>59%</b>	<b>74%</b>	<b>63%</b>	<b>30%</b>	<b>56%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Cyprus, Malta have a two tier system therefore the Supreme Court is the second, highest and final instance court.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.6.2: Second instance courts, disposition time (in days) in different types of other than criminal law cases in 2018 (Q97)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
Austria	68	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Belgium	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Bulgaria	88	NA	NA	NA	NAP	NAP	NAP	NAP	NA	59	NA
Croatia	234	280	152	143	240	255	11	NAP	157	195	NAP
Cyprus	2 126	NA	NA	NA	NA	NA	NA	NA	NA	2 156	NA
Czech Republic	74	75	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	71
Denmark	168	168	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	96	119	73	73	NAP	NAP	NAP	NAP	NAP	81	NAP
Finland	162	177	78	78	NAP	NAP	NAP	NAP	NAP	NAP	430
France	409	466	148	148	NAP	NAP	NAP	NAP	NAP	327	NAP
Germany	NA	262	NA	NA	NA	NA	NA	NA	NA	443	170
Greece	NA	662	NA	NA	NA	NA	NA	NA	NA	564	NA
Hungary	80	112	63	62	73	NAP	77	48	49	91	64
Ireland	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	827	863	230	230	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Latvia	118	104	0	0	NAP	NAP	NAP	NAP	NAP	169	NAP
Lithuania	154	107	NAP	NAP	NAP	NAP	NAP	NA	NA	386	34
Luxembourg	NA	467	NA	NA	NAP	NAP	NAP	NAP	NA	222	NA
Malta	1 120	1 120	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NA	NAP
Netherlands	408	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	437	NAP
Poland	178	137	138	138	151	NAP	151	NAP	NAP	537	173
Portugal	224	107	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1 016	NAP
Romania	128	128	134	91	166	166	NAP	NAP	NAP	NAP	NAP
Slovakia	143	186	80	80	NA	NAP	NA	NAP	NAP	73	NAP
Slovenia	66	82	46	47	29	30	25	NAP	NAP	NAP	NAP
Spain	282	271	NA	NA	NA	NA	NA	NA	NA	355	NAP
Sweden	83	96	NAP	NAP	NAP	NAP	NAP	NAP	NAP	96	45
Average	329	285	104	99	132	150	66	48	103	424	141
Median	158	168	80	80	151	166	51	48	103	327	71
Standard deviation	478	283	64	62	82	113	63		77	509	139
Minimum	66	75	0	0	29	30	11	48	49	59	34
Maximum	2 126	1 120	230	230	240	255	151	48	157	2 156	430
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	19%	22%	30%	30%	22%	19%	22%	22%	30%	7%	19%
% of NAP	0%	0%	30%	30%	59%	70%	63%	74%	63%	30%	56%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Cyprus, Malta have a two tier system therefore the Supreme Court is the second, highest and final instance court.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

Table 3.7.1: Supreme courts, number of other than criminal law cases in 2018 - Pending cases on 1st Jan. (Q99)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4										
Austria	2 818	NA	NA	NA	NA	NA	NA	NA	NA	2 191	NA
Belgium	1 316	1 084	NAP	NAP	NAP	NAP	NAP	NAP	NAP	232	NAP
Bulgaria	9 934	3 732	3	0	NAP	NAP	NAP	NAP	3	6 199	NAP
Croatia	16 759	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	5 142	2 884	37	37	NAP	NAP	NAP	NAP	NAP	1 883	338
Denmark	100	100	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	108	62	NAP	NAP	NAP	NAP	NAP	NAP	NAP	46	NAP
Finland	3 648	359	NAP	NAP	NAP	NAP	NAP	NAP	NAP	3 057	232
France	29 145	23 870	NAP	NAP	NAP	NAP	NAP	NAP	NAP	5 275	NAP
Germany	9 529	NA	NA	NA	NA	NA	NA	NA	NA	3 414	1 195
Greece	15 597	1 904	NAP	NAP	NAP	NAP	NAP	NAP	NAP	13 693	NAP
Hungary	3 663	1 993	120	104	8	NAP	8	0	8	1 000	550
Ireland	144	144	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	135 331	106 511	NAP	NAP	NAP	NAP	NAP	NAP	NAP	28 418	402
Latvia	1 614	741	0	NAP	0	0	NAP	0	NAP	869	4
Lithuania	321	292	NA	NA	NA	NA	NA	NA	NA	NA	29
Luxembourg	109	109	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Malta	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Netherlands	920	380	NA	NA	NAP	NAP	NAP	NAP	NAP	540	NA
Poland	30 034	3 655	NAP	NAP	NAP	NAP	NAP	NAP	NAP	26 379	NAP
Portugal	1 394	332	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1 062	NAP
Romania	42 944	11 172	114	5	109	109	NAP	NAP	NAP	31 658	NAP
Slovakia	5 575	3 050	NA	NA	NAP	NAP	NAP	NAP	NAP	2 525	NAP
Slovenia	1 182	806	21	18	3	3	NAP	NAP	NAP	355	NAP
Spain	27 712	14 809	NAP	NAP	NAP	NAP	NAP	NAP	NAP	12 903	NAP
Sweden	3 014	84	NAP	NAP	NAP	NAP	NAP	NAP	NAP	2 402	528
<b>Average</b>	<b>13 922</b>	<b>8 094</b>	<b>49</b>	<b>33</b>	<b>30</b>	<b>37</b>	<b>8</b>	<b>0</b>	<b>6</b>	<b>7 205</b>	<b>410</b>
<b>Median</b>	<b>3 648</b>	<b>945</b>	<b>29</b>	<b>18</b>	<b>6</b>	<b>3</b>	<b>8</b>	<b>0</b>	<b>6</b>	<b>2 464</b>	<b>370</b>
<b>Minimum</b>	<b>100</b>	<b>62</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>3</b>	<b>46</b>	<b>4</b>
<b>Maximum</b>	<b>135 331</b>	<b>106 511</b>	<b>120</b>	<b>104</b>	<b>109</b>	<b>109</b>	<b>8</b>	<b>0</b>	<b>8</b>	<b>31 658</b>	<b>1 195</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>0%</b>	<b>11%</b>	<b>22%</b>	<b>22%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>7%</b>	<b>11%</b>
<b>% of NAP</b>	<b>7%</b>	<b>7%</b>	<b>56%</b>	<b>59%</b>	<b>70%</b>	<b>74%</b>	<b>81%</b>	<b>78%</b>	<b>78%</b>	<b>19%</b>	<b>59%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Cyprus, Malta have a two tier system therefore the Supreme Court is the second, highest and final instance court.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.7.2: Supreme courts, number of other than criminal law cases in 2018 - Incoming cases (Q99)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4										
Austria	8 885	NA	NA	NA	NA	NA	NA	NA	NA	6 802	NA
Belgium	1 381	899	NAP	NAP	NAP	NAP	NAP	NAP	NAP	482	NAP
Bulgaria	24 176	8 138	151	58	NAP	NAP	NAP	NAP	93	15 887	NAP
Croatia	6 839	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	9 418	4 784	182	182	NAP	NAP	NAP	NAP	NAP	4 109	343
Denmark	257	257	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	238	158	NAP	NAP	NAP	NAP	NAP	NAP	NAP	80	NAP
Finland	7 321	767	NAP	NAP	NAP	NAP	NAP	NAP	NAP	6 199	355
France	27 021	17 458	NAP	NAP	NAP	NAP	NAP	NAP	NAP	9 563	NAP
Germany	13 678	NA	NA	NA	NA	NA	NA	NA	NA	5 806	1 755
Greece	5 969	2 324	NAP	NAP	NAP	NAP	NAP	NAP	NAP	3 645	NAP
Hungary	5 928	2 531	608	548	35	NAP	33	2	25	2 167	622
Ireland	268	268	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	48 538	36 470	NAP	NAP	NAP	NAP	NAP	NAP	NAP	11 657	411
Latvia	2 186	1 082	44	NAP	44	43	NAP	1	NAP	850	210
Lithuania	572	451	NA	NA	NA	NA	NA	NA	NA	NA	121
Luxembourg	107	107	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Malta	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Netherlands	1 353	429	NA	NA	NAP	NAP	NAP	NAP	NAP	924	NA
Poland	27 869	7 640	NAP	NAP	NAP	NAP	NAP	NAP	NAP	20 229	NAP
Portugal	3 919	2 850	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1 069	NAP
Romania	76 786	33 252	351	53	298	298	NAP	NAP	NAP	43 183	NAP
Slovakia	7 442	5 287	NA	NA	NAP	NAP	NAP	NAP	NAP	2 155	NAP
Slovenia	2 398	2 008	22	20	2	2	NAP	NAP	NAP	368	NAP
Spain	22 487	12 532	NAP	NAP	NAP	NAP	NAP	NAP	NAP	9 955	NAP
Sweden	11 376	320	NAP	NAP	NAP	NAP	NAP	NAP	NAP	6 960	4 096
<b>Average</b>	<b>12 656</b>	<b>6 364</b>	<b>226</b>	<b>172</b>	<b>95</b>	<b>114</b>	<b>33</b>	<b>2</b>	<b>59</b>	<b>7 605</b>	<b>989</b>
<b>Median</b>	<b>6 839</b>	<b>2 166</b>	<b>167</b>	<b>58</b>	<b>40</b>	<b>43</b>	<b>33</b>	<b>2</b>	<b>59</b>	<b>4 958</b>	<b>383</b>
<b>Minimum</b>	<b>107</b>	<b>107</b>	<b>22</b>	<b>20</b>	<b>2</b>	<b>2</b>	<b>33</b>	<b>1</b>	<b>25</b>	<b>80</b>	<b>121</b>
<b>Maximum</b>	<b>76 786</b>	<b>36 470</b>	<b>608</b>	<b>548</b>	<b>298</b>	<b>298</b>	<b>33</b>	<b>2</b>	<b>93</b>	<b>43 183</b>	<b>4 096</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>0%</b>	<b>11%</b>	<b>22%</b>	<b>22%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>7%</b>	<b>11%</b>
<b>% of NAP</b>	<b>7%</b>	<b>7%</b>	<b>56%</b>	<b>59%</b>	<b>70%</b>	<b>74%</b>	<b>81%</b>	<b>78%</b>	<b>78%</b>	<b>19%</b>	<b>59%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Cyprus, Malta have a two tier system therefore the Supreme Court is the second, highest and final instance court.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.



Table 3.7.3: Supreme courts, number of other than criminal law cases in 2018 - Resolved cases (Q99)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4										
Austria	8 850	NA	NA	NA	NA	NA	NA	NA	NA	6 787	NA
Belgium	1 095	864	NAP	NAP	NAP	NAP	NAP	NAP	NAP	390	NAP
Bulgaria	23 868	7 774	152	58	NAP	NAP	NAP	NAP	94	15 942	NAP
Croatia	9 379	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	9 286	5 264	184	184	NAP	NAP	NAP	NAP	NAP	3 489	349
Denmark	236	236	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	231	155	NAP	NAP	NAP	NAP	NAP	NAP	NAP	76	NAP
Finland	7 155	829	NAP	NAP	NAP	NAP	NAP	NAP	NAP	5 902	424
France	31 076	21 493	NAP	NAP	NAP	NAP	NAP	NAP	NAP	9 583	NAP
Germany	13 713	NA	NA	NA	NA	NA	NA	NA	NA	5 672	1 837
Greece	6 102	2 216	NAP	NAP	NAP	NAP	NAP	NAP	NAP	3 886	NAP
Hungary	6 143	2 780	589	548	11	NAP	11	0	30	1 949	825
Ireland	242	242	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	45 087	32 002	NAP	NAP	NAP	NAP	NAP	NAP	NAP	12 646	439
Latvia	2 149	1 170	43	NAP	43	42	NAP	1	NAP	761	175
Lithuania	643	517	NA	NA	NA	NA	NA	NA	NA	NA	126
Luxembourg	102	102	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Malta	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Netherlands	1 236	431	NA	NA	NAP	NAP	NAP	NAP	NAP	805	NA
Poland	25 596	6 699	NAP	NAP	NAP	NAP	NAP	NAP	NAP	18 897	NAP
Portugal	3 870	2 803	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1 067	NAP
Romania	80 035	26 540	349	58	291	291	NAP	NAP	NAP	53 146	NAP
Slovakia	8 760	6 180	NA	NA	NAP	NAP	NAP	NAP	NAP	2 580	NAP
Slovenia	2 668	2 124	34	29	5	5	NAP	NAP	NAP	510	NAP
Spain	24 417	10 257	NAP	NAP	NAP	NAP	NAP	NAP	NAP	14 160	NAP
Sweden	12 172	306	NAP	NAP	NAP	NAP	NAP	NAP	NAP	7 643	4 223
<b>Average</b>	<b>12 964</b>	<b>5 954</b>	<b>225</b>	<b>175</b>	<b>88</b>	<b>113</b>	<b>11</b>	<b>1</b>	<b>62</b>	<b>8 295</b>	<b>1 050</b>
<b>Median</b>	<b>7 155</b>	<b>2 170</b>	<b>168</b>	<b>58</b>	<b>27</b>	<b>42</b>	<b>11</b>	<b>1</b>	<b>62</b>	<b>4 779</b>	<b>432</b>
<b>Minimum</b>	<b>102</b>	<b>102</b>	<b>34</b>	<b>29</b>	<b>5</b>	<b>5</b>	<b>11</b>	<b>0</b>	<b>30</b>	<b>76</b>	<b>126</b>
<b>Maximum</b>	<b>80 035</b>	<b>32 002</b>	<b>589</b>	<b>548</b>	<b>291</b>	<b>291</b>	<b>11</b>	<b>1</b>	<b>94</b>	<b>53 146</b>	<b>4 223</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>0%</b>	<b>11%</b>	<b>22%</b>	<b>22%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>7%</b>	<b>11%</b>
<b>% of NAP</b>	<b>7%</b>	<b>7%</b>	<b>56%</b>	<b>59%</b>	<b>70%</b>	<b>74%</b>	<b>81%</b>	<b>78%</b>	<b>78%</b>	<b>19%</b>	<b>59%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Cyprus, Malta have a two tier system therefore the Supreme Court is the second, highest and final instance court.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

Table 3.7.4: Supreme courts, number of other than criminal law cases in 2018 - Pending cases on 31 Dec. (Q99)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
	1+2+3+4	1	2 = 2.1+2.2+2.3	2.1	2.2 = 2.2.1+2.2.2+2.2.3	2.2.1	2.2.2	2.2.3	2.3	3	4
Austria	2 853	NA	NA	NA	NA	NA	NA	NA	NA	2 206	NA
Belgium	1 457	1 119	NAP	NAP	NAP	NAP	NAP	NAP	NAP	338	NAP
Bulgaria	10 061	3 915	2	0	NAP	NAP	NAP	NAP	2	6 144	NAP
Croatia	14 219	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	5 274	2 404	35	35	NAP	NAP	NAP	NAP	NAP	2 503	332
Denmark	121	121	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	71	28	NAP	NAP	NAP	NAP	NAP	NAP	NAP	43	NAP
Finland	3 814	297	NAP	NAP	NAP	NAP	NAP	NAP	NAP	3 354	163
France	25 090	19 835	NAP	NAP	NAP	NAP	NAP	NAP	NAP	5 255	NAP
Germany	9 494	NA	NA	NA	NA	NA	NA	NA	NA	3 548	1 113
Greece	15 475	2 012	NAP	NAP	NAP	NAP	NAP	NAP	NAP	13 463	NAP
Hungary	3 448	1 744	139	104	32	NAP	30	2	3	1 218	347
Ireland	182	170	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	138 782	110 979	NAP	NAP	NAP	NAP	NAP	NAP	NAP	27 429	374
Latvia	1 651	653	1	NAP	1	1	NAP	0	NAP	958	39
Lithuania	250	226	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	24
Luxembourg	114	114	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Malta	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Netherlands	1 037	378	NA	NA	NAP	NAP	NAP	NAP	NAP	659	NA
Poland	32 307	4 596	NAP	NAP	NAP	NAP	NAP	NAP	NAP	27 711	NAP
Portugal	1 443	379	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1 064	NAP
Romania	39 695	17 884	116	0	116	116	NAP	NAP	NAP	21 695	NAP
Slovakia	4 257	2 157	NA	NA	NAP	NAP	NAP	NAP	NAP	2 100	NAP
Slovenia	912	690	9	9	0	0	NAP	NAP	NAP	213	NAP
Spain	26 113	17 084	NAP	NAP	NAP	NAP	NAP	NAP	NAP	9 029	NAP
Sweden	2 218	98	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1 719	401
<b>Average</b>	<b>13 614</b>	<b>8 495</b>	<b>50</b>	<b>30</b>	<b>37</b>	<b>39</b>	<b>30</b>	<b>1</b>	<b>3</b>	<b>6 532</b>	<b>349</b>
<b>Median</b>	<b>3 448</b>	<b>905</b>	<b>22</b>	<b>9</b>	<b>17</b>	<b>1</b>	<b>30</b>	<b>1</b>	<b>3</b>	<b>2 355</b>	<b>340</b>
<b>Minimum</b>	<b>71</b>	<b>28</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30</b>	<b>0</b>	<b>2</b>	<b>43</b>	<b>24</b>
<b>Maximum</b>	<b>138 782</b>	<b>110 979</b>	<b>139</b>	<b>104</b>	<b>116</b>	<b>116</b>	<b>30</b>	<b>2</b>	<b>3</b>	<b>27 711</b>	<b>1 113</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>0%</b>	<b>11%</b>	<b>19%</b>	<b>19%</b>	<b>11%</b>	<b>11%</b>	<b>11%</b>	<b>11%</b>	<b>11%</b>	<b>4%</b>	<b>11%</b>
<b>% of NAP</b>	<b>7%</b>	<b>7%</b>	<b>59%</b>	<b>63%</b>	<b>74%</b>	<b>78%</b>	<b>85%</b>	<b>81%</b>	<b>81%</b>	<b>22%</b>	<b>59%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Cyprus, Malta have a two tier system therefore the Supreme Court is the second, highest and final instance court.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.7.5: Supreme courts, number of civil and commercial litigious and administrative cases pending more than 2 years in 2018. (Q99)**

States	Civil (and commercial) litigious cases		Administrative law cases	
	Absolute number	% of pending cases	Absolute number	% of pending cases
Austria	NA	NA	57	2,6%
Belgium	NA	NA	NA	NA
Bulgaria	NA	NA	81	1,3%
Croatia	NA	NA	NA	NA
Cyprus	NAP	NAP	NAP	NAP
Czech Republic	NA	NA	NA	NA
Denmark	NA	NA	NA	NA
Estonia	NAP	NAP	NAP	NAP
Finland	NA	NA	NA	NA
France	NA	NA	NA	NA
Germany	NA	NA	NA	NA
Greece	NA	NA	8 586	63,8%
Hungary	0	0,0%	0	0,0%
Ireland	NA	NA	NAP	NAP
Italy	53 490	48,2%	13 552	49,4%
Latvia	NA	NA	NA	NA
Lithuania	1	0,4%	NAP	NAP
Luxembourg	NA	NA	NA	NA
Malta	NAP	NAP	NAP	NAP
Netherlands	NA	NA	NA	NA
Poland	NA	NA	NA	NA
Portugal	NA	NA	NA	NA
Romania	452	2,5%	499	2,3%
Slovakia	NA	NA	NA	NA
Slovenia	0	0,0%	8	3,8%
Spain	NA	NA	NA	NA
Sweden	3	3,1%	4	0,2%
<b>Average</b>	<b>8 991</b>	<b>9,0%</b>	<b>2 848</b>	<b>15,4%</b>
<b>Median</b>	<b>2</b>	<b>1,5%</b>	<b>69</b>	<b>2,4%</b>
<b>Minimum</b>	<b>0</b>	<b>0,0%</b>	<b>0</b>	<b>0,0%</b>
<b>Maximum</b>	<b>53 490</b>	<b>48,2%</b>	<b>13 552</b>	<b>63,8%</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>67%</b>	<b>67%</b>	<b>52%</b>	<b>52%</b>
<b>% of NAP</b>	<b>11%</b>	<b>11%</b>	<b>19%</b>	<b>19%</b>

Romania. Cases older than 3 years are presented



Table 3.8.1: Supreme courts, clearance rate (in %) in different types of other than criminal law cases in 2018 (Q99)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	99,6%	NA	NA	NA	NA	NA	NA	NA	NA	99,8%	NA
Belgium	79,3%	96,1%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	80,9%	NAP
Bulgaria	98,7%	95,5%	100,7%	100,0%	NAP	NAP	NAP	NAP	101,1%	100,3%	NAP
Croatia	137,1%	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	98,6%	110,0%	101,1%	101,1%	NAP	NAP	NAP	NAP	NAP	84,9%	101,7%
Denmark	91,8%	91,8%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	97,1%	98,1%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	95,0%	NAP
Finland	97,7%	108,1%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	95,2%	119,4%
France	115,0%	123,1%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	100,2%	NAP
Germany	100,3%	NA	NA	NA	NA	NA	NA	NA	NA	97,7%	104,7%
Greece	102,2%	95,4%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	106,6%	NAP
Hungary	103,6%	109,8%	96,9%	100,0%	31,4%	NAP	33,3%	0,0%	120,0%	89,9%	132,6%
Ireland	90,3%	90,3%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	92,9%	87,7%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	108,5%	106,8%
Latvia	98,3%	108,1%	97,7%	NAP	97,7%	97,7%	NAP	100,0%	NAP	89,5%	83,3%
Lithuania	112,4%	114,6%	NA	NA	NA	NA	NA	NA	NA	NA	104,1%
Luxembourg	95,3%	95,3%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Malta	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Netherlands	91,4%	100,5%	NA	NA	NAP	NAP	NAP	NAP	NAP	87,1%	NA
Poland	91,8%	87,7%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	93,4%	NAP
Portugal	98,7%	98,4%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	99,8%	NAP
Romania	104,2%	79,8%	99,4%	109,4%	97,7%	97,7%	NAP	NAP	NAP	123,1%	NAP
Slovakia	117,7%	116,9%	NA	NA	NAP	NAP	NAP	NAP	NAP	119,7%	NAP
Slovenia	111,3%	105,8%	154,5%	145,0%	250,0%	250,0%	NAP	NAP	NAP	138,6%	NAP
Spain	108,6%	81,8%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	142,2%	NAP
Sweden	107,0%	95,6%	NAP	NAP	NAP	NAP	NAP	NAP	NAP	109,8%	103,1%
<b>Average</b>	<b>101,6%</b>	<b>99,6%</b>	<b>108,4%</b>	<b>111,1%</b>	<b>119,2%</b>	<b>148,4%</b>	<b>33,3%</b>	<b>50,0%</b>	<b>110,5%</b>	<b>103,1%</b>	<b>107,0%</b>
<b>Median</b>	<b>98,7%</b>	<b>97,1%</b>	<b>100,0%</b>	<b>101,1%</b>	<b>97,7%</b>	<b>97,7%</b>	<b>33,3%</b>	<b>50,0%</b>	<b>110,5%</b>	<b>99,8%</b>	<b>104,4%</b>
<b>Minimum</b>	<b>79,3%</b>	<b>79,8%</b>	<b>96,9%</b>	<b>100,0%</b>	<b>31,4%</b>	<b>97,7%</b>	<b>33,3%</b>	<b>0,0%</b>	<b>101,1%</b>	<b>80,9%</b>	<b>83,3%</b>
<b>Maximum</b>	<b>137,1%</b>	<b>123,1%</b>	<b>154,5%</b>	<b>145,0%</b>	<b>250,0%</b>	<b>250,0%</b>	<b>33,3%</b>	<b>100,0%</b>	<b>120,0%</b>	<b>142,2%</b>	<b>132,6%</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>0%</b>	<b>11%</b>	<b>22%</b>	<b>22%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>15%</b>	<b>7%</b>	<b>11%</b>
<b>% of NAP</b>	<b>7%</b>	<b>7%</b>	<b>56%</b>	<b>59%</b>	<b>70%</b>	<b>74%</b>	<b>81%</b>	<b>78%</b>	<b>78%</b>	<b>19%</b>	<b>59%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Cyprus, Malta have a two tier system therefore the Supreme Court is the second, highest and final instance court.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.8.2: Supreme courts, disposition time (in days) in different types of other than criminal law cases in 2018 (Q99)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases**
Austria	118	NA	NA	NA	NA	NA	NA	NA	NA	119	NA
Belgium	486	473	NAP	NAP	NAP	NAP	NAP	NAP	NAP	316	NAP
Bulgaria	154	184	5	0	NAP	NAP	NAP	NAP	8	141	NAP
Croatia	553	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	207	167	69	69	NAP	NAP	NAP	NAP	NAP	262	347
Denmark	187	187	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	112	66	NAP	NAP	NAP	NAP	NAP	NAP	NAP	207	NAP
Finland	195	131	NAP	NAP	NAP	NAP	NAP	NAP	NAP	207	140
France	295	337	NAP	NAP	NAP	NAP	NAP	NAP	NAP	200	NAP
Germany	253	NA	NA	NA	NA	NA	NA	NA	NA	228	221
Greece	926	331	NAP	NAP	NAP	NAP	NAP	NAP	NAP	1 265	NAP
Hungary	205	229	86	69	1 062	NAP	995		37	228	154
Ireland	275	256	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	1 124	1 266	NAP	NAP	NAP	NAP	NAP	NAP	NAP	792	311
Latvia	280	204	8	NAP	8	9	NAP	0	NAP	459	81
Lithuania	142	160	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	70
Luxembourg	408	408	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Malta	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Netherlands	306	320	NA	NA	NAP	NAP	NAP	NAP	NAP	299	NA
Poland	461	250	NAP	NAP	NAP	NAP	NAP	NAP	NAP	535	NAP
Portugal	136	49	NAP	NAP	NAP	NAP	NAP	NAP	NAP	364	NAP
Romania	181	246	121	0	145	145	NAP	NAP	NAP	149	NAP
Slovakia	177	127	NA	NA	NAP	NAP	NAP	NAP	NAP	297	NAP
Slovenia	125	119	97	113	0	0	NAP	NAP	NAP	152	NAP
Spain	390	608	NAP	NAP	NAP	NAP	NAP	NAP	NAP	233	NAP
Sweden	67	117	NAP	NAP	NAP	NAP	NAP	NAP	NAP	82	35
<b>Average</b>	<b>310</b>	<b>283</b>	<b>64</b>	<b>50</b>	<b>304</b>	<b>51</b>	<b>995</b>	<b>0</b>	<b>22</b>	<b>327</b>	<b>170</b>
<b>Median</b>	<b>207</b>	<b>216</b>	<b>78</b>	<b>69</b>	<b>77</b>	<b>9</b>	<b>995</b>	<b>0</b>	<b>22</b>	<b>231</b>	<b>147</b>
<b>Minimum</b>	<b>67</b>	<b>49</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>995</b>	<b>0</b>	<b>8</b>	<b>82</b>	<b>35</b>
<b>Maximum</b>	<b>1 124</b>	<b>1 266</b>	<b>121</b>	<b>113</b>	<b>1 062</b>	<b>145</b>	<b>995</b>	<b>0</b>	<b>37</b>	<b>1 265</b>	<b>347</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>26</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>0%</b>	<b>11%</b>	<b>19%</b>	<b>19%</b>	<b>11%</b>	<b>11%</b>	<b>11%</b>	<b>12%</b>	<b>11%</b>	<b>4%</b>	<b>11%</b>
<b>% of NAP</b>	<b>7%</b>	<b>7%</b>	<b>59%</b>	<b>63%</b>	<b>74%</b>	<b>78%</b>	<b>85%</b>	<b>85%</b>	<b>81%</b>	<b>22%</b>	<b>59%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Cyprus, Malta have a two tier system therefore the Supreme Court is the second, highest and final instance court.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

Table 3.9.1(2018): First instance courts: Caseload (incoming cases per 100 inhabitants) in 2018 (Q1, Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	37,0	0,9	29,5	18,9	10,5	7,0	3,5	NAP	NAP	0,8	5,8
Belgium	9,3	6,7	2,3	NAP	2,3	NAP	2,3	NAP	NAP	0,1	0,1
Bulgaria	5,4	NA	NA	NA	NAP	NAP	NAP	NAP	NA	0,4	NA
Croatia	21,7	2,9	18,5	3,0	15,5	12,2	3,3	NAP	NAP	0,3	NAP
Cyprus	2,4	NA	NA	NA	NA	NA	NA	NAP	NA	0,2	NA
Czech Republic	8,8	3,3	5,2	4,1	1,0	NAP	1,0	NAP	0,0	0,1	0,2
Denmark	39,2	0,7	35,8	6,2	29,5	29,1	0,4	NAP	0,1	NAP	2,7
Estonia	22,6	1,2	21,2	3,7	17,6	8,5	9,1	NAP	NAP	0,2	NAP
Finland	9,1	0,1	8,3	8,3	NAP	NAP	NAP	NAP	NAP	0,4	0,2
France	2,8	2,2	0,3	0,3	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Germany	NA	1,5	NA	3,0	NA	6,5	0,2	NA	NA	0,9	1,1
Greece	NA	2,0	NA	NA	NA	NA	NA	NA	NA	0,6	NA
Hungary	7,5	1,4	5,7	2,1	3,6	NAP	3,5	0,0	0,0	0,2	0,2
Ireland	4,6	2,7	1,9	1,9	NAP	NAP	NAP	NAP	NAP	NAP	0,0
Italy	5,8	2,6	3,2	3,2	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Latvia	16,5	1,4	15,0	2,2	12,8	12,8	NAP	NAP	NAP	0,1	NAP
Lithuania	7,5	3,6	2,6	2,3	NA	NA	NA	NA	0,3	0,5	0,9
Luxembourg	1,9	0,8	0,9	0,2	NAP	NAP	NAP	NAP	0,7	0,2	NAP
Malta	2,5	1,8	0,6	0,6	NAP	NAP	NAP	NAP	NAP	0,0	NAP
Netherlands	6,9	0,8	5,6	5,6	NAP	NAP	NAP	NAP	NAP	0,6	NAP
Poland	28,6	3,4	24,1	12,0	12,1	9,6	2,5	NAP	NAP	0,2	0,8
Portugal	NA	2,9	NA	NA	NAP	NAP	NAP	NAP	NAP	0,2	NAP
Romania	7,0	6,4	0,2	0,1	0,0	0,0	0,0	NAP	NAP	0,4	NAP
Slovakia	10,9	2,3	5,1	1,7	2,0	NAP	2,0	0,0	1,4	0,1	3,3
Slovenia	30,7	2,0	21,0	7,9	13,2	10,7	2,5	NAP	NAP	0,2	7,5
Spain	4,9	2,7	1,8	1,8	NAP	NAP	NAP	NAP	NAP	0,4	NAP
Sweden	2,5	0,6	0,2	0,2	NAP	NAP	NAP	NAP	NAP	1,6	0,1
Average	12,3	2,3	9,5	4,1	10,0	10,7	2,5	0,0	0,4	0,4	1,8
Median	7,5	2,0	5,2	2,6	11,3	9,6	2,4	0,0	0,2	0,2	0,8
Minimum	1,9	0,1	0,2	0,1	0,0	0,0	0,0	0,0	0,0	0,0	0,0
Maximum	39,2	6,7	35,8	18,9	29,5	29,1	9,1	0,0	1,4	1,6	7,5
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	11%	7%	19%	15%	15%	11%	11%	11%	15%	0%	11%
% of NAP	0%	0%	0%	4%	41%	56%	44%	81%	63%	7%	41%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

Table 3.9.2(2018): First instance courts: Caseload (pending cases on 31 Dec. per 100 inhabitants) in 2018 (Q1, Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	5,8	0,4	4,0	3,6	0,4	0,2	0,2	NAP	NAP	0,9	0,6
Belgium	NA	NA	NA	NAP	NA	NAP	NA	NAP	NAP	0,2	NA
Bulgaria	1,3	NA	NA	NA	NAP	NAP	NAP	NAP	NA	0,1	NA
Croatia	6,3	3,3	2,8	1,6	1,2	1,1	0,1	NAP	NAP	0,2	NAP
Cyprus	6,0	NA	NA	NA	NA	NA	NA	NA	NA	0,7	NA
Czech Republic	4,0	1,3	1,4	1,4	0,0	NAP	0,0	NAP	0,0	0,1	1,1
Denmark	2,6	0,4	1,7	1,4	0,2	0,0	0,2	NAP	0,0	NAP	0,5
Estonia	1,8	0,5	1,3	0,9	0,5	0,3	0,2	NAP	NAP	0,1	NAP
Finland	2,3	0,1	1,7	1,7	NAP	NAP	NAP	NAP	NAP	0,3	0,1
France	2,8	2,5	0,1	0,1	NAP	NAP	NAP	NAP	NAP	0,2	NAP
Germany	NA	0,9	NA	NA	NA	NA	2,1	NA	NA	1,0	0,5
Greece	NA	2,6	NA	NA	NA	NA	NA	NA	NA	1,5	NA
Hungary	1,4	0,7	0,5	0,2	0,3	NAP	0,2	0,0	0,0	0,1	0,2
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	6,1	3,8	2,1	2,1	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Latvia	1,3	1,0	0,2	0,2	0,0	0,0	NAP	NAP	NAP	0,1	NAP
Lithuania	1,1	0,8	0,0	0,0	NAP	NAP	NAP	NAP	0,0	0,2	0,1
Luxembourg	NA	0,2	0,2	NAP	NAP	NAP	NAP	NAP	0,2	NA	NAP
Malta	2,1	2,0	0,0	0,0	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Netherlands	1,5	0,2	1,0	1,0	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Poland	6,3	2,4	3,6	1,7	1,9	1,5	0,3	NAP	NAP	0,1	0,3
Portugal	NA	2,0	NA	NA	NAP	NAP	NAP	NAP	NAP	0,7	NAP
Romania	3,0	2,8	0,1	0,0	0,0	0,0	0,0	NAP	NAP	0,2	NAP
Slovakia	3,7	1,3	1,6	0,6	0,1	NAP	0,1	0,0	0,9	0,1	0,7
Slovenia	5,3	1,7	2,4	2,1	0,2	0,2	0,0	NAP	NAP	0,2	1,1
Spain	3,4	2,3	0,8	0,8	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Sweden	1,0	0,3	0,1	0,1	NAP	NAP	NAP	NAP	NAP	0,6	0,0
Average	3,3	1,5	1,3	1,0	0,4	0,4	0,3	0,0	0,2	0,4	0,5
Median	2,8	1,3	1,2	0,9	0,2	0,2	0,2	0,0	0,0	0,2	0,5
Minimum	1,0	0,1	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,1	0,0
Maximum	6,3	3,8	4,0	3,6	1,9	1,5	2,1	0,0	0,9	1,5	1,1
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	22%	15%	26%	22%	15%	11%	11%	11%	15%	4%	19%
% of NAP	0%	0%	0%	7%	44%	59%	48%	81%	63%	7%	41%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

Table 3.9.1(2017): First instance courts: Caseload (incoming cases per 100 inhabitants) in 2017 (Q1, Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	36,7	1,0	29,2	18,7	10,5	7,2	3,3	NAP	NAP	0,8	5,7
Belgium	4,4	1,9	2,2	NAP	2,2	NAP	2,2	NAP	NAP	0,2	0,1
Bulgaria	5,6	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	0,4	NA
Croatia	22,9	3,1	19,5	4,0	15,4	12,1	3,3	NAP	NAP	0,3	NAP
Cyprus	1,8	NA	NA	NA	NA	NA	NA	NA	NA	0,2	0,1
Czech Republic	9,5	3,4	5,8	4,5	1,3	NAP	1,3	NAP	0,0	0,1	0,2
Denmark	39,5	0,7	36,4	6,4	30,0	29,6	0,3	NAP	0,1	NAP	2,4
Estonia	20,3	1,2	18,9	1,1	17,8	9,2	8,6	NAP	NAP	0,2	NAP
Finland	9,0	0,1	8,2	8,2	NAP	NAP	NAP	NAP	NAP	0,5	0,2
France	3,2	2,5	0,4	0,4	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Germany	NA	1,5	NA	3,1	NA	6,6	0,1	NA	NA	1,0	1,2
Greece	NA	1,9	NA	NA	NA	NA	NA	NA	NA	0,6	NA
Hungary	8,6	1,8	6,3	2,0	4,2	NAP	4,2	0,0	0,0	0,2	0,3
Ireland	4,7	2,7	2,0	2,0	NAP	NAP	NAP	NAP	NAP	NAP	0,0
Italy	5,7	2,5	3,2	3,2	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Latvia	16,4	1,5	14,8	2,2	12,6	12,6	NAP	NAP	NAP	0,1	NAP
Lithuania	9,5	4,1	3,9	2,9	NA	NA	NA	NA	1,0	0,4	1,1
Luxembourg	1,8	0,8	0,8	0,2	NAP	NAP	NAP	NAP	0,7	0,2	NAP
Malta	2,3	1,6	0,7	0,7	NAP	NAP	NAP	NAP	NAP	0,0	NAP
Netherlands	7,2	0,9	5,8	5,8	NAP	NAP	NAP	NAP	NAP	0,6	NAP
Poland	30,3	3,5	25,9	13,2	12,7	9,6	3,1	NAP	NAP	0,2	0,7
Portugal	NA	2,9	NA	NA	NAP	NAP	NAP	NAP	NAP	0,2	NAP
Romania	7,5	6,6	0,2	0,1	0,0	0,0	0,0	NAP	NAP	0,7	NAP
Slovakia	15,7	3,5	5,1	1,2	2,4	NAP	2,4	NAP	1,5	0,1	7,0
Slovenia	32,2	2,2	22,2	8,2	13,9	11,3	2,6	NAP	NAP	0,2	7,6
Spain	4,6	2,5	1,7	1,7	NAP	NAP	NAP	NAP	NAP	0,4	NAP
Sweden	2,5	0,6	0,2	0,2	NAP	NAP	NAP	NAP	NAP	1,6	0,1
<b>Average</b>	12,6	2,2	9,7	4,1	10,3	10,9	2,6	0,0	0,5	0,4	1,9
<b>Median</b>	8,0	1,9	5,5	2,5	11,6	9,6	2,5	0,0	0,4	0,2	0,5
<b>Minimum</b>	1,8	0,1	0,2	0,1	0,0	0,0	0,0	0,0	0,0	0,0	0,0
<b>Maximum</b>	39,5	6,6	36,4	18,7	30,0	29,6	8,6	0,0	1,5	1,6	7,6
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	11%	7%	19%	15%	15%	11%	11%	15%	11%	0%	7%
<b>% of NAP</b>	0%	0%	0%	4%	41%	56%	44%	81%	67%	7%	41%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.



Table 3.9.2(2017): First instance courts: Caseload (pending cases on 31 Dec. per 100 inhabitants) in 2017 (Q1, Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	5,9	0,4	4,2	3,7	0,5	0,2	0,3	NAP	NAP	0,8	0,6
Belgium	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP	0,2	NA
Bulgaria	1,2	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	0,1	NA
Croatia	7,2	3,6	3,4	2,2	1,1	1,1	0,1	NAP	NAP	0,3	NAP
Cyprus	6,2	NA	NA	NA	NA	NA	NA	NA	NA	0,9	0,1
Czech Republic	4,3	1,5	1,6	1,5	0,1	NAP	0,1	NAP	0,0	0,1	1,1
Denmark	2,4	0,3	1,6	1,4	0,2	0,1	0,1	NAP	0,0	NAP	0,5
Estonia	1,4	0,5	0,9	0,1	0,7	0,4	0,4	NAP	NAP	0,1	NAP
Finland	2,8	0,1	2,2	2,2	NAP	NAP	NAP	NAP	NAP	0,4	0,1
France	2,7	2,4	0,1	0,1	NAP	NAP	NAP	NAP	NAP	0,2	NAP
Germany	NA	0,9	NA	NA	NA	NA	2,1	NA	NA	1,0	0,5
Greece	NA	2,3	NA	NA	NA	NA	NA	NA	NA	1,9	NA
Hungary	1,5	0,9	0,3	0,2	0,1	NAP	NA	0,0	0,0	0,1	0,3
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	6,4	3,9	2,2	2,2	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Latvia	1,3	1,0	0,2	0,2	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Lithuania	1,2	1,0	0,1	0,0	NA	NA	NA	NA	0,0	0,1	0,1
Luxembourg	NA	0,2	0,2	NAP	NAP	NAP	NAP	NAP	0,2	NA	NAP
Malta	2,0	1,9	0,1	0,1	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Netherlands	1,6	0,3	1,1	1,1	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Poland	6,0	2,1	3,7	2,0	1,6	1,2	0,4	NAP	NAP	0,1	0,2
Portugal	NA	2,3	NA	NA	NAP	NAP	NAP	NAP	NAP	0,7	NAP
Romania	3,3	3,0	0,1	0,0	0,0	0,0	0,0	NAP	NAP	0,2	NAP
Slovakia	5,0	2,1	1,6	0,6	0,2	NAP	0,2	NAP	0,9	0,1	1,1
Slovenia	5,9	1,9	3,0	2,7	0,2	0,2	0,0	NAP	NAP	0,2	0,9
Spain	3,0	2,0	0,7	0,7	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Sweden	1,0	0,3	0,1	0,1	NAP	NAP	NAP	NAP	NAP	0,6	0,0
Average	3,5	1,5	1,4	1,1	0,5	0,4	0,4	0,0	0,2	0,4	0,5
Median	2,8	1,5	1,0	0,7	0,2	0,2	0,1	0,0	0,0	0,2	0,4
Minimum	1,0	0,1	0,1	0,0	0,0	0,0	0,0	0,0	0,0	0,1	0,0
Maximum	7,2	3,9	4,2	3,7	1,6	1,2	2,1	0,0	0,9	1,9	1,1
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	22%	15%	22%	22%	15%	15%	15%	15%	11%	4%	15%
% of NAP	0%	0%	4%	7%	48%	59%	48%	81%	67%	7%	41%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

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Table 3.9.1(2016): First instance courts: Caseload (incoming cases per 100 inhabitants) in 2016 (Q1, Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	37,6	1,0	30,2	19,1	11,1	7,8	3,3	NAP	NAP	0,6	5,7
Belgium	8,7	6,4	2,3	NAP	2,2	NAP	2,2	NAP	NAP	0,2	NAP
Bulgaria	4,8	NA	NA	NA	NAP	NAP	NAP	NAP	NA	0,4	NA
Croatia	23,2	3,3	19,6	4,4	15,2	11,8	3,4	NAP	NAP	0,3	NAP
Cyprus	2,4	NA	NA	NA	NA	NA	NA	NA	NA	0,2	NA
Czech Republic	9,8	3,1	6,2	4,6	1,6	NAP	1,6	NAP	0,0	0,1	0,3
Denmark	38,8	0,7	35,8	6,1	29,7	29,4	0,3	NAP	NAP	NAP	2,3
Estonia	24,7	1,2	23,2	3,3	19,9	8,2	11,8	NAP	NAP	0,2	NAP
Finland	8,2	0,2	7,2	7,2	NAP	NAP	NAP	NAP	NAP	0,7	0,2
France	3,4	2,5	0,5	0,5	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Germany	NA	1,6	NA	3,2	NA	6,8	0,1	NA	NA	0,9	1,6
Greece	NA	1,4	NA	NA	NA	NA	NA	NA	NA	0,5	NA
Hungary	8,9	1,9	6,5	2,0	4,5	NAP	4,5	0,0	0,0	0,2	0,3
Ireland	5,0	2,7	2,2	2,2	NAP	NAP	NAP	NAP	NAP	NAP	0,0
Italy	6,0	2,6	3,4	3,4	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Latvia	16,2	2,0	14,1	1,5	12,6	12,6	NAP	NAP	NAP	0,1	NAP
Lithuania	11,7	4,4	3,8	2,9	NA	NA	NA	NA	0,9	0,5	3,0
Luxembourg	1,8	0,8	0,9	0,2	NAP	NAP	NAP	NAP	0,7	0,2	NAP
Malta	1,5	1,4	NAP	NAP	NAP	NAP	NAP	NAP	NAP	0,0	NAP
Netherlands	7,3	0,9	5,7	5,7	NAP	NAP	NAP	NAP	NAP	0,7	NAP
Poland	28,0	3,1	24,1	12,5	11,6	9,3	2,2	NAP	NA	0,2	0,6
Portugal	NA	3,0	NA	NA	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Romania	7,5	6,8	0,1	0,1	0,0	0,0	0,0	NAP	NAP	0,6	NAP
Slovakia	17,0	3,7	4,7	1,1	2,1	NAP	2,1	NAP	1,5	0,2	8,4
Slovenia	34,4	2,5	23,4	8,9	14,5	11,7	2,8	NAP	NAP	0,1	8,4
Spain	4,2	2,1	1,7	1,7	NAP	NAP	NAP	NAP	NAP	0,4	NAP
Sweden	2,3	0,6	0,2	0,2	NAP	NAP	NAP	NAP	NAP	1,4	0,1
Average	13,1	2,4	10,3	4,3	10,4	10,8	2,9	0,0	0,6	0,4	2,6
Median	8,5	2,1	5,7	3,2	11,3	9,3	2,2	0,0	0,7	0,3	1,1
Minimum	1,5	0,2	0,1	0,1	0,0	0,0	0,0	0,0	0,0	0,0	0,0
Maximum	38,8	6,8	35,8	19,1	29,7	29,4	11,8	0,0	1,5	1,4	8,4
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	11%	7%	19%	15%	15%	11%	11%	15%	19%	0%	11%
% of NAP	0%	0%	4%	7%	41%	56%	44%	81%	63%	7%	44%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: Any deviations from the 2015 figures are due to a new way of collecting statistics.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

Table 3.9.2(2016): First instance courts: Caseload (pending cases on 31 Dec. per 100 inhabitants) in 2016 (Q1, Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	5,8	0,4	4,3	4,0	0,3	0,2	0,0	NAP	NAP	0,6	0,6
Belgium	NA	NA	NA	NAP	NA	NAP	NA	NAP	NAP	0,2	NAP
Bulgaria	1,1	NA	NA	NA	NAP	NAP	NAP	NAP	NA	0,1	NA
Croatia	7,5	3,8	3,4	2,3	1,1	1,0	0,1	NAP	NAP	0,3	NAP
Cyprus	6,0	NA	NA	NA	NA	NA	NA	NA	NA	0,9	NA
Czech Republic	4,4	1,4	1,6	1,6	0,1	NAP	0,1	NAP	0,0	0,1	1,2
Denmark	2,3	0,4	1,4	1,3	0,1	0,0	0,1	NAP	NAP	NAP	0,5
Estonia	2,7	0,5	2,1	0,6	1,6	0,3	1,3	NAP	NAP	0,1	NAP
Finland	2,5	0,1	1,8	1,8	NAP	NAP	NAP	NAP	NAP	0,4	0,1
France	2,8	2,4	0,2	0,2	NAP	NAP	NAP	NAP	NAP	0,2	NAP
Germany	NA	0,9	NA	NA	NA	NA	2,1	NA	NA	0,9	1,8
Greece	NA	2,3	NA	NA	NA	NA	NA	NA	NA	2,2	NA
Hungary	1,4	0,8	0,3	0,3	0,0	NAP	NA	0,0	0,0	0,1	0,3
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	6,7	4,1	2,2	2,2	NAP	NAP	NAP	NAP	NAP	0,4	NAP
Latvia	1,5	1,3	0,1	0,1	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Lithuania	1,4	1,0	0,1	0,0	NA	NA	NA	NA	0,0	0,1	0,1
Luxembourg	NA	0,2	0,2	NAP	NAP	NAP	NAP	NAP	0,2	NA	NAP
Malta	1,9	1,8	NAP	NAP	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Netherlands	1,7	0,3	1,0	1,0	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Poland	6,1	1,9	3,9	2,7	1,2	1,0	0,2	NAP	NA	0,1	0,2
Portugal	NA	2,7	NA	NA	NAP	NAP	NAP	NAP	NAP	0,7	NAP
Romania	3,2	2,9	0,1	0,0	0,0	0,0	0,0	NAP	NAP	0,3	NAP
Slovakia	4,9	1,7	1,5	0,5	0,2	NAP	0,2	NAP	0,8	0,1	1,5
Slovenia	7,2	2,0	4,0	3,7	0,3	0,3	0,0	NAP	NAP	0,1	1,1
Spain	2,8	1,7	0,7	0,7	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Sweden	0,8	0,3	0,1	0,1	NAP	NAP	NAP	NAP	NAP	0,4	0,0
Average	3,6	1,5	1,5	1,3	0,5	0,4	0,4	0,0	0,2	0,4	0,7
Median	2,8	1,4	1,4	0,9	0,2	0,3	0,1	0,0	0,0	0,3	0,5
Minimum	0,8	0,1	0,1	0,0	0,0	0,0	0,0	0,0	0,0	0,1	0,0
Maximum	7,5	4,1	4,3	4,0	1,6	1,0	2,1	0,0	0,8	2,2	1,8
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	22%	15%	26%	22%	19%	15%	19%	15%	19%	4%	15%
% of NAP	0%	0%	4%	11%	44%	59%	44%	81%	63%	7%	44%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: Any deviations from the 2015 figures are due to a new way of collecting statistics.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.



Table 3.9.1(2015): First instance courts: Caseload (incoming cases per 100 inhabitants) in 2015 (Q1, Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	37,8	1,0	30,9	19,8	11,1	7,9	3,2	NAP	NAP	NAP	5,9
Belgium	NA	6,8	NA	NA	2,1	NAP	2,1	NAP	NA	0,2	NAP
Bulgaria	4,8	NA	NA	NA	NAP	NAP	NAP	NAP	NA	0,4	NA
Croatia	21,6	3,8	17,4	3,8	13,6	10,7	2,9	NAP	NAP	0,3	NAP
Cyprus	3,5	NA	NA	NA	NA	NA	NA	NA	NA	0,2	NA
Czech Republic	10,8	3,8	6,5	4,8	1,7	NAP	1,7	NAP	0,0	0,1	0,4
Denmark	45,4	0,7	42,4	6,1	36,3	36,1	0,2	NAP	NAP	NAP	2,3
Estonia	18,0	1,2	16,5	3,4	13,2	5,5	7,6	NAP	NAP	0,3	NAP
Finland	8,1	0,2	7,2	7,2	NAP	NAP	NAP	NAP	NAP	0,5	0,2
France	3,4	2,6	0,5	0,5	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Germany	NA	1,7	NA	NA	NA	NA	NA	NA	NA	0,8	1,5
Greece	NA	2,1	NA	NA	NA	NA	NA	NA	NA	0,5	NA
Hungary	9,2	1,8	6,9	2,2	4,7	NAP	4,7	0,0	0,0	0,2	0,3
Ireland	5,3	3,0	2,3	2,3	NAP	NAP	NAP	NAP	NAP	NAP	0,0
Italy	5,7	2,5	3,2	3,2	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Latvia	15,7	2,0	13,6	1,5	12,1	12,1	NAP	NAP	NAP	0,1	NAP
Lithuania	11,1	3,6	3,6	3,1	NAP	NAP	NAP	NAP	0,4	0,6	3,4
Luxembourg	NA	0,8	NA	NAP	NAP	NAP	NAP	NAP	NA	0,2	NAP
Malta	1,6	1,5	NAP	NAP	NAP	NAP	NAP	NAP	NAP	0,0	NAP
Netherlands	7,4	1,0	5,8	5,8	NAP	NAP	NAP	NAP	NAP	0,6	NAP
Poland	-	-	-	-	-	-	-	-	-	-	-
Portugal	NA	3,1	NA	NA	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Romania	7,3	6,8	0,1	0,1	0,0	0,0	0,0	NAP	NAP	0,3	NAP
Slovakia	9,9	2,1	4,1	2,1	2,0	NAP	2,0	NAP	NA	0,2	3,5
Slovenia	38,8	2,8	25,8	10,0	15,9	12,9	3,0	NAP	NAP	0,2	9,9
Spain	4,8	2,3	2,1	2,1	NAP	NAP	NAP	NAP	NAP	0,4	NAP
Sweden	1,9	0,6	0,2	0,2	NAP	NAP	NAP	NAP	NAP	1,0	0,1
Average	12,9	2,4	10,5	4,3	10,2	12,2	2,7	0,0	0,2	0,3	2,5
Median	8,1	2,1	6,2	3,2	11,1	10,7	2,5	0,0	0,0	0,3	1,5
Minimum	1,6	0,2	0,1	0,1	0,0	0,0	0,0	0,0	0,0	0,0	0,0
Maximum	45,4	6,8	42,4	19,8	36,3	36,1	7,6	0,0	0,4	1,0	9,9
Nb of values	26	26	26	26	26	26	26	26	26	26	26
% of NA	19%	8%	27%	23%	12%	12%	12%	12%	27%	0%	12%
% of NAP	0%	0%	4%	8%	46%	62%	50%	85%	62%	12%	46%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Belgium:** The pending cases of commercial courts, first instance (civil, youth, family) and justice of the peace are not included. Included in pending cases are: labor courts, police courts, courts of appeal.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

Table 3.9.2(2015): First instance courts: Caseload (pending cases on 31 Dec. per 100 inhabitants) in 2015 (Q1, Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	5,5	0,4	4,5	4,1	0,4	0,3	0,0	NAP	NAP	NAP	0,6
Belgium	NA	1,6	NA	NA	NA	NAP	NAP	NAP	NA	0,3	NAP
Bulgaria	1,0	NA	NA	NA	NAP	NAP	NAP	NAP	NA	0,1	NA
Croatia	7,9	4,4	3,2	2,3	0,8	0,8	0,1	NAP	NAP	0,4	NAP
Cyprus	7,2	NA	NA	NA	NA	NA	NA	NA	NA	0,9	NA
Czech Republic	4,9	1,8	2,0	1,8	0,1	NAP	0,1	NAP	0,0	0,1	1,1
Denmark	2,1	0,4	1,3	1,1	0,1	0,0	0,1	NAP	NAP	NAP	0,5
Estonia	2,7	0,4	2,2	0,6	1,6	1,3	0,2	NAP	NAP	0,1	NAP
Finland	2,4	0,2	1,8	1,8	NAP	NAP	NAP	NAP	NAP	0,4	0,1
France	2,8	2,4	0,1	0,1	NAP	NAP	NAP	NAP	NAP	0,2	NAP
Germany	NA	0,9	NA	NA	NA	NA	NA	NA	NA	0,8	2,1
Greece	NA	2,2	NA	NA	NA	NA	NA	NA	NA	2,4	NA
Hungary	1,5	0,8	0,3	0,3	0,0	NAP	NA	0,0	0,0	0,1	0,3
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	6,9	4,4	2,1	2,1	NAP	NAP	NAP	NAP	NAP	0,4	NAP
Latvia	1,6	1,4	0,2	0,2	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Lithuania	1,5	1,0	0,0	0,0	NAP	NAP	NAP	NAP	0,0	0,4	0,2
Luxembourg	NA	0,2	NA	NAP	NAP	NAP	NAP	NAP	NA	NA	NAP
Malta	2,1	2,0	NAP	NAP	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Netherlands	1,8	0,3	1,2	1,2	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Poland	-	-	-	-	-	-	-	-	-	-	-
Portugal	NA	3,1	NA	NA	NAP	NAP	NAP	NAP	NAP	0,7	NAP
Romania	3,3	3,0	0,1	0,0	0,0	0,0	0,0	NAP	NAP	0,2	NAP
Slovakia	6,8	3,0	1,3	1,2	0,1	NAP	0,1	NAP	NA	0,3	2,2
Slovenia	9,3	2,2	5,7	5,5	0,2	0,2	0,0	NAP	NAP	0,1	1,3
Spain	3,1	2,0	0,8	0,8	NAP	NAP	NAP	NAP	NAP	0,4	NAP
Sweden	0,7	0,3	0,1	0,1	NAP	NAP	NAP	NAP	NAP	0,3	0,0
Average	3,8	1,7	1,6	1,4	0,4	0,4	0,1	0,0	0,0	0,4	0,8
Median	2,7	1,6	1,3	1,1	0,1	0,3	0,1	0,0	0,0	0,3	0,6
Minimum	0,7	0,2	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,1	0,0
Maximum	9,3	4,4	5,7	5,5	1,6	1,3	0,2	0,0	0,0	2,4	2,2
Nb of values	26	26	26	26	26	26	26	26	26	26	26
% of NA	23%	12%	31%	27%	15%	12%	15%	12%	27%	4%	15%
% of NAP	0%	0%	4%	8%	50%	65%	54%	85%	62%	12%	46%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Belgium:** The pending cases of commercial courts, first instance (civil, youth, family) and justice of the peace are not included. Included in pending cases are: labor courts, police courts, courts of appeal.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

Table 3.9.1(2014): First instance courts: Caseload (incoming cases per 100 inhabitants) in 2014 (Q1, Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	NA	1,1	NA	20,3	NA	7,6	3,3	NA	NA	NAP	6,0
Belgium	NA	6,7	NA	NA	NA	NAP	NA	NAP	NA	0,2	NAP
Bulgaria	4,4	NA	NA	NA	NAP	NAP	NAP	NAP	NA	0,3	NA
Croatia	22,2	3,9	18,0	4,7	13,3	10,4	2,9	NAP	NAP	0,3	NAP
Cyprus	2,8	NA	NA	NA	NA	NA	NA	NA	NA	0,2	NA
Czech Republic	9,1	4,6	4,1	1,4	2,3	NAP	2,3	NAP	0,4	0,1	0,3
Denmark	40,4	0,7	37,4	6,4	31,0	30,8	0,2	NAP	NAP	NAP	2,3
Estonia	18,1	1,3	16,6	3,6	13,0	7,4	5,5	NAP	NAP	0,3	NAP
Finland	8,1	0,2	7,2	7,2	NAP	NAP	NAP	NAP	NAP	0,5	0,2
France	3,4	2,6	0,5	0,5	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Germany	NA	1,8	NA	2,9	NA	6,8	0,1	NA	NA	0,8	2,0
Greece	NA	2,2	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	8,6	1,8	6,2	1,8	4,4	NAP	4,3	0,0	0,0	0,2	0,4
Ireland	5,4	3,1	2,3	2,3	NAP	NAP	NAP	NAP	NAP	NAP	0,0
Italy	6,6	2,6	3,9	3,9	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Latvia	3,6	2,3	1,4	1,4	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Lithuania	10,7	4,0	3,1	2,8	NA	NA	NA	NA	0,3	0,5	3,1
Luxembourg	NA	0,9	NA	NAP	NAP	NAP	NAP	NAP	NA	0,2	NAP
Malta	1,5	1,5	NAP	NAP	NAP	NAP	NAP	NAP	NAP	0,0	NAP
Netherlands	7,5	1,0	5,8	NA	NAP	NAP	NAP	NAP	NAP	0,6	NAP
Poland	26,0	3,2	21,8	11,5	10,4	8,4	1,9	NA	NA	0,2	0,7
Portugal	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NA	NAP
Romania	7,3	6,9	0,1	0,1	0,0	0,0	0,0	NAP	NAP	0,4	NAP
Slovakia	11,3	2,8	4,2	2,2	2,0	NAP	2,0	NAP	NA	0,2	4,2
Slovenia	42,3	2,9	28,5	11,1	17,4	14,4	3,1	NAP	NAP	0,3	10,6
Spain	4,6	2,2	2,1	2,1	NAP	NAP	NAP	NAP	NAP	0,4	NAP
Sweden	2,0	0,7	0,2	0,2	NAP	NAP	NAP	NAP	NAP	1,1	0,1
Average	11,7	2,5	9,1	4,5	10,4	10,7	2,3	0,0	0,3	0,3	2,5
Median	7,5	2,2	4,1	2,8	10,4	8,0	2,3	0,0	0,3	0,3	1,4
Minimum	1,5	0,2	0,1	0,1	0,0	0,0	0,0	0,0	0,0	0,0	0,0
Maximum	42,3	6,9	37,4	20,3	31,0	30,8	5,5	0,0	0,4	1,1	10,6
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	22%	11%	30%	22%	22%	11%	15%	22%	33%	7%	11%
% of NAP	0%	0%	4%	7%	44%	59%	44%	74%	56%	11%	44%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Germany: for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

Italy: Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

Table 3.9.2(2014): First instance courts: Caseload (pending cases on 31 Dec. per 100 inhabitants) in 2014 (Q1, Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	NA	0,4	NA	4,3	NA	0,3	0,0	NA	NA	NAP	0,6
Belgium	NA	NA	NA	NA	NA	NAP	NA	NAP	NA	0,3	NAP
Bulgaria	1,0	NA	NA	NA	NAP	NAP	NAP	NAP	NA	0,1	NA
Croatia	8,4	4,6	3,4	2,4	1,0	0,9	0,1	NAP	NAP	0,3	NAP
Cyprus	6,1	NA	NA	NA	NA	NA	NA	NA	NA	0,9	NA
Czech Republic	3,8	2,1	0,7	0,5	0,1	NAP	0,1	NAP	0,0	0,1	0,9
Denmark	2,1	0,4	1,2	1,1	0,1	0,0	0,1	NAP	NAP	NAP	0,5
Estonia	1,6	0,5	1,1	0,7	0,4	0,3	0,1	NAP	NAP	0,1	NAP
Finland	2,3	0,2	1,7	1,7	NAP	NAP	NAP	NAP	NAP	0,4	0,1
France	2,7	2,4	0,1	0,1	NAP	NAP	NAP	NAP	NAP	0,2	NAP
Germany	NA	1,0	NA	NA	NA	NA	NA	NA	NA	0,8	2,3
Greece	NA	2,3	NA	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	1,5	0,8	0,3	0,3	0,0	NAP	NA	0,0	0,0	0,1	0,4
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	7,4	4,5	2,4	2,4	NAP	NAP	NAP	NAP	NAP	0,4	NAP
Latvia	1,8	1,6	0,2	0,2	NAP	NAP	NAP	NAP	NAP	0,1	NAP
Lithuania	1,6	1,0	0,0	0,0	NA	NA	NA	NA	0,0	0,4	0,1
Luxembourg	NA	0,2	NA	NAP	NAP	NAP	NAP	NAP	NA	NA	0,7
Malta	2,4	2,2	NAP	NAP	NAP	NAP	NAP	NAP	NAP	0,2	NAP
Netherlands	1,8	0,4	1,2	NA	NAP	NAP	NAP	NAP	NAP	0,3	NAP
Poland	4,0	1,8	1,8	1,2	0,7	0,5	0,1	NA	NA	0,1	0,3
Portugal	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NA	NAP
Romania	3,3	3,0	0,1	0,0	0,0	0,0	0,0	NAP	NAP	0,3	NAP
Slovakia	7,3	3,7	1,3	1,2	0,1	NAP	0,1	NAP	NA	0,3	2,0
Slovenia	12,2	2,3	8,3	8,0	0,3	0,3	0,0	NAP	NAP	0,1	1,5
Spain	3,1	1,8	0,8	0,8	NAP	NAP	NAP	NAP	NAP	0,4	NAP
Sweden	0,8	0,3	0,1	0,1	NAP	NAP	NAP	NAP	NAP	0,3	0,0
Average	3,8	1,7	1,5	1,5	0,3	0,3	0,1	0,0	0,0	0,3	0,8
Median	2,6	1,7	1,1	0,8	0,1	0,3	0,1	0,0	0,0	0,3	0,5
Minimum	0,8	0,2	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,1	0,0
Maximum	12,2	4,6	8,3	8,0	1,0	0,9	0,1	0,0	0,0	0,9	2,3
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	26%	19%	33%	30%	22%	15%	22%	22%	33%	11%	15%
% of NAP	0%	0%	4%	7%	44%	59%	44%	74%	56%	11%	41%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Germany: for civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office. As far as the category "other", there are the most recent available data at the closing date of the CEPEJ data collection and involve information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. Some of the Länder were unable to provide complete data regarding question 91. Accordingly, the information for this category is incomplete and is not comparable with the 2013 data.

Italy: Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.9.1(2013): First instance courts: Caseload (incoming cases per 100 inhabitants) in 2013 (Q1, Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
Austria	39,9	1,2	21,0	12,0	7,6	3,6	NAP	6,6
Belgium	NA	6,7	NAP	NA	NA	NAP	NA	NAP
Bulgaria	4,9	NA	NA	NA	NA	NA	0,4	4,5
Croatia	25,6	4,8	6,3	3,4	11,1	3,0	0,3	NAP
Cyprus	NA	4,5	NA	NA	NA	NA	0,8	NA
Czech Republic	16,5	4,5	8,5	7,5	NAP	NAP	NAP	3,5
Denmark	41,2	0,8	6,6	6,5	31,3	0,2	NAP	2,2
Estonia	NA	1,3	3,9	NA	7,1	6,8	0,2	NAP
Finland	9,5	0,2	8,6	0,0	NAP	NAP	0,5	0,2
France	3,5	2,7	0,5	0,3	NAP	NAP	0,3	NAP
Germany	NA	1,8	NA	2,9	6,8	NA	0,8	2,0
Greece	NA	6,2	NA	NA	NA	NA	0,6	NA
Hungary	11,8	1,8	2,0	1,4	NAP	7,4	0,2	0,4
Ireland	NA	4,2	NA	NA	NAP	NAP	NAP	NA
Italy	7,0	2,7	4,3	0,9	NAP	NAP	0,1	NAP
Latvia	3,8	2,0	1,6	NAP	NAP	NAP	0,1	NAP
Lithuania	10,1	3,6	2,9	0,2	NA	NA	0,6	3,0
Luxembourg	NA	0,8	0,2	NA	NA	NAP	0,2	NAP
Malta	1,0	0,9	NAP	NAP	NAP	NAP	0,1	NAP
Netherlands	7,4	NA	NA	NAP	NAP	NAP	0,7	NAP
Poland	-	-	-	-	-	-	-	-
Portugal	NA	3,1	NAP	2,4	NAP	NAP	NA	NAP
Romania	8,0	4,2	2,9	2,7	0,0	0,0	1,0	NAP
Slovakia	12,8	3,0	2,3	0,0	NAP	2,1	0,2	5,2
Slovenia	44,7	3,1	12,2	10,7	13,8	2,8	0,3	12,5
Spain	-	-	-	-	-	-	-	-
Sweden	2,1	0,7	0,2	NAP	NAP	NAP	1,1	0,1
<b>Average</b>	<b>14,7</b>	<b>2,8</b>	<b>5,3</b>	<b>3,6</b>	<b>11,1</b>	<b>3,2</b>	<b>0,4</b>	<b>3,7</b>
<b>Median</b>	<b>9,5</b>	<b>2,7</b>	<b>3,4</b>	<b>2,6</b>	<b>7,6</b>	<b>2,9</b>	<b>0,3</b>	<b>3,0</b>
<b>Minimum</b>	<b>1,0</b>	<b>0,2</b>	<b>0,2</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,1</b>	<b>0,1</b>
<b>Maximum</b>	<b>44,7</b>	<b>6,7</b>	<b>21,0</b>	<b>12,0</b>	<b>31,3</b>	<b>7,4</b>	<b>1,1</b>	<b>12,5</b>
<b>Nb of values</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>
<b>% of NA</b>	<b>32%</b>	<b>8%</b>	<b>24%</b>	<b>28%</b>	<b>24%</b>	<b>20%</b>	<b>8%</b>	<b>12%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>12%</b>	<b>16%</b>	<b>48%</b>	<b>48%</b>	<b>16%</b>	<b>44%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** With regard to the number of incoming non-litigious enforcement cases, the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.



**Table 3.9.2(2013): First instance courts: Caseload (pending cases on 31 Dec. per 100 inhabitants) in 2013 (Q1, Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
Austria	5,8	0,4	4,5	3,0	0,3	0,0	NAP	0,6
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	1,0	NA	NA	NA	NA	NA	0,1	0,9
Croatia	9,2	5,1	2,7	2,2	1,0	0,1	0,3	NAP
Cyprus	NA	6,1	NA	NA	NA	NA	0,9	NA
Czech Republic	3,3	2,1	0,7	0,4	NAP	NAP	NAP	0,6
Denmark	2,0	0,4	1,0	1,0	0,0	0,1	NAP	0,5
Estonia	NA	0,5	0,9	NA	0,3	0,1	0,1	NAP
Finland	2,5	0,2	1,9	0,0	NAP	NAP	0,4	0,1
France	2,6	2,2	0,1	0,1	NAP	NAP	0,2	NAP
Germany	NA	0,9	NA	NA	NA	NA	0,8	2,3
Greece	NA	5,6	NA	NA	NA	NA	3,1	NA
Hungary	NA	0,8	0,3	0,2	NAP	NA	0,1	0,5
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NA
Italy	7,5	5,3	2,3	0,9	NAP	NAP	0,5	NAP
Latvia	1,8	1,5	0,2	NAP	NAP	NAP	0,1	NAP
Lithuania	1,4	0,9	0,1	0,0	NA	NA	0,3	0,1
Luxembourg	NA	0,2	0,0	NA	NA	NAP	NA	NAP
Malta	2,2	2,1	NAP	NAP	NAP	NAP	0,2	NAP
Netherlands	1,8	NA	NA	NAP	NAP	NAP	0,3	NAP
Poland	-	-	-	-	-	-	-	-
Portugal	NA	3,4	NAP	10,6	NAP	NAP	NA	NAP
Romania	3,1	2,4	0,3	0,3	0,0	0,0	0,4	NAP
Slovakia	7,5	3,4	1,3	0,0	NAP	0,1	0,4	2,3
Slovenia	13,8	2,6	8,6	7,8	0,4	0,0	0,1	2,1
Spain	-	-	-	-	-	-	-	-
Sweden	0,8	0,3	0,1	NAP	NAP	NAP	0,4	0,0
<b>Average</b>	<b>4,2</b>	<b>2,2</b>	<b>1,6</b>	<b>2,0</b>	<b>0,3</b>	<b>0,1</b>	<b>0,5</b>	<b>0,9</b>
<b>Median</b>	<b>2,5</b>	<b>2,1</b>	<b>0,8</b>	<b>0,4</b>	<b>0,3</b>	<b>0,1</b>	<b>0,3</b>	<b>0,6</b>
<b>Minimum</b>	<b>0,8</b>	<b>0,2</b>	<b>0,0</b>	<b>0,0</b>	<b>0,01</b>	<b>0,0</b>	<b>0,1</b>	<b>0,0</b>
<b>Maximum</b>	<b>13,8</b>	<b>6,1</b>	<b>8,6</b>	<b>10,6</b>	<b>1,0</b>	<b>0,1</b>	<b>3,1</b>	<b>2,3</b>
<b>Nb of values</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>25</b>
<b>% of NA</b>	<b>36%</b>	<b>16%</b>	<b>24%</b>	<b>32%</b>	<b>28%</b>	<b>24%</b>	<b>12%</b>	<b>12%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>12%</b>	<b>16%</b>	<b>48%</b>	<b>48%</b>	<b>16%</b>	<b>44%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** With regard to the number of incoming non-litigious enforcement cases, the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

**Table 3.9.1(2012): First instance courts: Caseload (incoming cases per 100 inhabitants) in 2012 (Q1, Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
Austria	41,3	1,2	21,0	12,1	8,2	4,0	NAP	6,9
Belgium	NA	6,8	NAP	NA	NA	NAP	NA	NAP
Bulgaria	5,4	NA	NA	NA	NA	NA	0,4	5,0
Croatia	25,8	4,3	9,9	4,5	11,2	NA	0,3	0,1
Cyprus	4,3	NA	NA	NA	NA	NA	0,2	NA
Czech Republic	10,0	3,5	2,8	1,8	NAP	NAP	NAP	3,7
Denmark	46,9	0,8	6,6	6,6	37,0	0,3	NAP	2,2
Estonia	20,6	1,3	3,4	NA	7,1	8,6	0,2	NAP
Finland	9,7	0,2	8,8	0,0	NAP	NAP	0,5	0,2
France	3,3	2,6	0,5	0,3	NAP	NAP	0,3	NAP
Germany	NA	2,0	NA	4,0	7,0	0,1	0,9	1,9
Greece	6,4	5,8	NA	NA	NA	NA	0,6	NA
Hungary	11,4	4,4	2,5	1,8	NAP	3,9	0,1	0,5
Ireland	NA	3,9	NA	NAP	NAP	NAP	NAP	NA
Italy	6,7	2,6	4,1	0,9	NAP	NAP	0,1	NAP
Latvia	3,5	2,2	1,4	NAP	NAP	NAP	0,2	NAP
Lithuania	9,3	3,6	2,6	0,1	NA	NA	0,3	2,9
Luxembourg	NA	0,9	0,2	NA	NA	NAP	0,3	NAP
Malta	1,1	1,0	NAP	NAP	NAP	NAP	0,1	NAP
Netherlands	7,5	NA	NA	NAP	NAP	NAP	0,7	NAP
Poland	26,1	2,8	12,5	2,3	8,3	1,6	0,2	0,8
Portugal	6,8	3,5	NA	3,3	NAP	NAP	NA	NA
Romania	8,6	5,2	2,4	2,2	0,0	0,0	1,1	NAP
Slovakia	11,8	3,0	2,6	0,0	NAP	1,8	0,3	4,1
Slovenia	45,1	3,0	12,2	10,6	14,9	2,4	0,2	12,4
Spain	NA	3,8	0,4	NA	NAP	NAP	0,4	NAP
Sweden	2,1	0,7	0,2	NAP	NAP	NAP	1,1	0,1
<b>Average</b>	<b>14,3</b>	<b>2,9</b>	<b>5,2</b>	<b>3,4</b>	<b>11,7</b>	<b>2,5</b>	<b>0,4</b>	<b>3,1</b>
<b>Median</b>	<b>9,0</b>	<b>2,9</b>	<b>2,7</b>	<b>2,2</b>	<b>8,2</b>	<b>1,8</b>	<b>0,3</b>	<b>2,2</b>
<b>Minimum</b>	<b>1,1</b>	<b>0,2</b>	<b>0,2</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,1</b>	<b>0,1</b>
<b>Maximum</b>	<b>46,9</b>	<b>6,8</b>	<b>21,0</b>	<b>12,1</b>	<b>37,0</b>	<b>8,6</b>	<b>1,1</b>	<b>12,4</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>19%</b>	<b>11%</b>	<b>26%</b>	<b>26%</b>	<b>22%</b>	<b>19%</b>	<b>7%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>19%</b>	<b>48%</b>	<b>48%</b>	<b>15%</b>	<b>37%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** With regard to the number of incoming non-litigious enforcement cases, the number of Länder taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.

**Table 3.9.2(2012): First instance courts: Caseload (pending cases on 31 Dec. per 100 inhabitants) in 2012 (Q1, Q91)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
Austria	6,1	0,5	4,6	2,9	0,5	NA	NAP	0,6
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	1,1	NA	NA	NA	NA	NA	0,1	0,9
Croatia	9,6	5,1	3,0	2,5	1,3	NA	0,2	0,1
Cyprus	5,4	NA	NA	NA	NA	NA	0,6	NA
Czech Republic	3,6	1,6	0,3	0,0	NAP	NAP	NAP	1,6
Denmark	2,1	0,4	1,0	1,0	0,0	0,1	NAP	0,5
Estonia	2,8	0,7	0,9	NA	0,2	0,9	0,1	NAP
Finland	2,5	0,2	1,9	0,0	NAP	NAP	0,3	0,1
France	2,5	2,2	0,1	0,1	NAP	NAP	0,2	NAP
Germany	NA	1,0	NA	NA	NA	NA	0,8	2,4
Greece	7,8	4,3	NA	NA	NA	NA	3,5	NA
Hungary	NA	1,2	0,4	0,2	NAP	NA	0,1	0,6
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	7,8	5,5	2,2	0,9	NAP	NAP	0,6	NAP
Latvia	2,0	1,7	0,1	NAP	NAP	NAP	0,2	NAP
Lithuania	1,1	0,9	0,0	0,0	NA	NA	0,1	0,1
Luxembourg	NA	0,3	0,0	NA	NA	NAP	NA	NAP
Malta	2,2	2,1	NAP	NAP	NAP	NAP	0,1	NAP
Netherlands	1,7	NA	NA	NAP	NAP	NAP	0,3	NAP
Poland	3,6	1,3	1,5	0,4	0,4	0,1	0,1	0,2
Portugal	15,5	3,5	NA	12,0	NAP	NAP	NA	NA
Romania	3,7	2,7	0,3	0,3	0,0	0,0	0,6	NAP
Slovakia	6,4	2,9	1,3	0,0	NAP	0,1	0,3	1,7
Slovenia	14,7	2,7	9,2	8,3	0,7	0,0	0,1	2,0
Spain	NA	2,8	0,1	NA	NAP	NAP	0,6	NAP
Sweden	0,9	0,3	0,1	NAP	NAP	NAP	0,4	0,0
<b>Average</b>	<b>4,9</b>	<b>2,0</b>	<b>1,5</b>	<b>2,1</b>	<b>0,5</b>	<b>0,2</b>	<b>0,5</b>	<b>0,8</b>
<b>Median</b>	<b>3,6</b>	<b>1,7</b>	<b>0,6</b>	<b>0,3</b>	<b>0,4</b>	<b>0,1</b>	<b>0,3</b>	<b>0,6</b>
<b>Minimum</b>	<b>0,9</b>	<b>0,2</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,1</b>	<b>0,0</b>
<b>Maximum</b>	<b>15,5</b>	<b>5,5</b>	<b>9,2</b>	<b>12,0</b>	<b>1,3</b>	<b>0,9</b>	<b>3,5</b>	<b>2,4</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>22%</b>	<b>19%</b>	<b>26%</b>	<b>30%</b>	<b>26%</b>	<b>30%</b>	<b>11%</b>	<b>15%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>19%</b>	<b>48%</b>	<b>48%</b>	<b>15%</b>	<b>37%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Slovakia:** In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Germany:** With regard to the number of incoming non-litigious enforcement cases, the number of Lander taken into consideration within the reply is different for the 2012 and 2013 exercises. Consequently, data are not comparable.



Table 3.9.1(2010): First instance courts: Caseload (incoming cases per 100 inhabitants) in 2010 (Q1, Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
Austria	42,9	1,3	22,3	13,0	8,1	3,2	NAP	7,2
Belgium	NA	6,3	NAP	NA	NA	NAP	NA	NAP
Bulgaria	5,4	NA	NA	NA	NA	NA	0,4	5,0
Croatia	25,0	3,3	10,5	4,5	10,9	NA	0,3	0,0
Cyprus	3,8	3,3	NA	NA	NA	NA	0,2	0,3
Czech Republic	15,1	4,4	3,8	2,8	NAP	NA	NA	6,9
Denmark	47,2	1,1	7,7	7,7	38,1	0,2	NA	2,2
Estonia	5,7	1,6	3,8	NA	6,2	NA	0,3	NAP
Finland	7,2	0,2	6,3	0,0	NAP	NAP	0,6	0,2
France	3,5	2,8	0,5	0,3	NAP	NAP	0,3	NAP
Germany	NA	1,9	NA	3,9	7,1	0,7	0,8	1,9
Greece	4,9	4,0	NA	NA	NA	NA	0,8	NA
Hungary	6,8	2,0	4,0	NA	NA	3,3	0,1	0,6
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	6,9	4,0	2,9	0,8	NAP	NAP	0,1	NAP
Latvia	5,8	2,3	3,3	NAP	NAP	NAP	0,2	NAP
Lithuania	9,2	6,2	NA	NA	NA	NA	0,2	2,7
Luxembourg	NA	0,4	NA	NA	NAP	NAP	0,1	NAP
Malta	1,2	1,2	NAP	NAP	0,0	NAP	0,0	NAP
Netherlands	8,7	NA	NA	NAP	NAP	NAP	0,7	NAP
Poland	24,4	2,1	11,6	3,7	8,2	1,5	0,2	0,8
Portugal	5,5	3,0	NA	2,6	NAP	NAP	NA	NA
Romania	8,2	5,0	2,7	2,5	0,0	NA	0,5	NAP
Slovakia	11,2	2,3	2,4	0,0	NAP	1,7	0,8	4,0
Slovenia	43,5	3,2	12,0	10,4	13,2	2,2	0,3	12,6
Spain	5,3	2,3	2,2	NAP	NAP	NAP	0,5	NAP
Sweden	2,1	0,7	0,2	NAP	NAP	NAP	1,1	0,0
<b>Average</b>	<b>13,0</b>	<b>2,7</b>	<b>6,0</b>	<b>4,0</b>	<b>10,2</b>	<b>1,8</b>	<b>0,4</b>	<b>3,2</b>
<b>Median</b>	<b>6,9</b>	<b>2,3</b>	<b>3,8</b>	<b>2,8</b>	<b>8,1</b>	<b>1,7</b>	<b>0,3</b>	<b>2,1</b>
<b>Minimum</b>	<b>1,2</b>	<b>0,2</b>	<b>0,2</b>	<b>0,0</b>	<b>0,0</b>	<b>0,2</b>	<b>0,0</b>	<b>0,0</b>
<b>Maximum</b>	<b>47,2</b>	<b>6,3</b>	<b>22,3</b>	<b>13,0</b>	<b>38,1</b>	<b>3,3</b>	<b>1,1</b>	<b>12,6</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>15%</b>	<b>11%</b>	<b>33%</b>	<b>30%</b>	<b>22%</b>	<b>30%</b>	<b>15%</b>	<b>11%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>22%</b>	<b>44%</b>	<b>44%</b>	<b>7%</b>	<b>37%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

Table 3.9.2(2010): First instance courts: Caseload (pending cases on 31 Dec. per 100 inhabitants) in 2010 (Q1, Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	General civil (and commercial) non-litigious cases *	Non-litigious enforcement cases*	Non-litigious land registry cases	Non-litigious business registry cases	Administrative law cases	Other cases**
Austria	6,4	0,5	4,9	3,2	0,2	NA	NAP	0,6
Belgium	NA	NA	NAP	NA	NA	NAP	NA	NAP
Bulgaria	1,0	NA	NA	NA	NA	NA	0,1	0,9
Croatia	10,2	4,3	3,5	2,9	1,6	NA	0,8	0,0
Cyprus	4,8	3,9	NA	NA	NA	NA	0,7	0,2
Czech Republic	4,5	1,6	0,4	0,1	NAP	NA	NA	2,5
Denmark	3,7	0,6	2,0	1,9	0,5	0,1	NA	0,5
Estonia	2,1	0,9	1,0	NA	0,3	NA	0,1	NAP
Finland	1,9	0,1	1,3	0,0	NAP	NAP	0,4	0,1
France	2,4	2,1	0,1	0,1	NAP	NAP	0,3	NAP
Germany	NA	1,0	NA	NA	NA	NA	0,8	2,3
Greece	5,4	1,7	NA	NA	NA	NA	3,7	NA
Hungary	1,6	0,9	0,1	NA	NA	NA	0,1	0,5
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP	NA
Italy	8,1	6,3	1,8	0,9	NAP	NAP	0,8	NAP
Latvia	2,1	1,7	0,2	NAP		NAP	0,2	NAP
Lithuania	1,2	1,0	NA	NA	NA	NA	0,1	0,1
Luxembourg	NA	0,3	NA	NA	NAP	NAP	0,0	NAP
Malta	2,5	2,5	NAP	NAP	0,1	NAP	0,0	NAP
Netherlands	1,6	NA	NA	NAP	NAP	NAP	0,3	NAP
Poland	3,2	1,0	1,1	0,4	0,8	0,1	0,1	0,2
Portugal	14,7	3,4	NA	11,2	NAP	NAP	NA	NA
Romania	3,2	2,7	0,3	0,2	0,0	NA	0,2	NAP
Slovakia	5,5	2,3	1,3	0,0	NAP	0,2	0,1	1,7
Slovenia	18,6	2,8	10,4	9,5	2,4	0,0	0,1	2,8
Spain	4,0	1,8	1,5	NAP	NAP	NAP	0,7	NAP
Sweden	1,0	0,3	0,1	NAP	NAP	NAP	0,5	0,0
<b>Average</b>	<b>4,8</b>	<b>1,9</b>	<b>1,9</b>	<b>2,5</b>	<b>0,7</b>	<b>0,1</b>	<b>0,5</b>	<b>0,9</b>
<b>Median</b>	<b>3,2</b>	<b>1,7</b>	<b>1,2</b>	<b>0,7</b>	<b>0,4</b>	<b>0,1</b>	<b>0,2</b>	<b>0,5</b>
<b>Minimum</b>	<b>1,0</b>	<b>0,1</b>	<b>0,1</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>
<b>Maximum</b>	<b>18,6</b>	<b>6,3</b>	<b>10,4</b>	<b>11,2</b>	<b>2,4</b>	<b>0,2</b>	<b>3,7</b>	<b>2,8</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>26</b>	<b>27</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>15%</b>	<b>15%</b>	<b>33%</b>	<b>33%</b>	<b>27%</b>	<b>41%</b>	<b>15%</b>	<b>11%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>	<b>7%</b>	<b>22%</b>	<b>42%</b>	<b>44%</b>	<b>7%</b>	<b>37%</b>

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Slovakia: In all evaluation cycles 2015 and before, it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Table 3.9.3: First instance courts, variation of the caseload (incoming cases) between 2017 and 2018 (Q1)**

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	+0,9%	-1,9%	+0,8%	+1,2%	+0,2%	-2,3%	+5,5%	NAP	NAP	-3,9%	+2,1%
Belgium	+111,8%	+255,9%	+4,8%	NAP	+4,8%	NAP	+4,8%	NAP	NAP	-16,4%	-5,7%
Bulgaria	-4,0%	NA	NA	NA	NAP	NAP	NAP	NAP	NA	+0,1%	NA
Croatia	-5,4%	-9,2%	-5,1%	-26,3%	+0,4%	+0,3%	+0,5%	NAP	NAP	+14,5%	NAP
Cyprus	+34,8%	NA	NA	NA	NA	NA	NA	NAP	NA	+3,4%	NA
Czech Republic	-7,6%	-4,7%	-10,2%	-8,6%	-16,2%	NAP	-16,2%	NAP	-13,4%	+7,0%	+11,5%
Denmark	-0,8%	+0,8%	-1,8%	-3,3%	-1,5%	-1,8%	+28,3%	NAP	+17,4%	NAP	+12,9%
Estonia	+11,0%	-5,1%	+12,3%	+242,7%	-1,4%	-8,4%	+6,1%	NAP	NAP	-17,2%	NAP
Finland	+0,6%	-0,3%	+1,2%	+1,2%	NAP	NAP	NAP	NAP	NAP	-11,7%	+4,3%
France	-11,6%	-9,4%	-38,8%	-38,8%	NAP	NAP	NAP	NAP	NAP	+8,3%	NAP
Germany	NA	+0,9%	NA	-1,1%	NA	-1,3%	+2,5%	NA	NA	-14,0%	-3,1%
Greece	NA	+6,8%	NA	NA	NA	NA	NA	NA	NA	+0,6%	NA
Hungary	-12,6%	-23,5%	-9,0%	+4,2%	-15,2%	NAP	-15,5%	+6,6%	-31,8%	+4,3%	-31,4%
Ireland	-1,9%	+0,5%	-5,2%	-5,2%	NAP	NAP	NAP	NAP	NAP	NAP	+4,4%
Italy	+2,1%	+3,3%	+1,1%	+1,1%	NAP	NAP	NAP	NAP	NAP	+3,1%	NAP
Latvia	+0,8%	-1,5%	+1,1%	-0,3%	+1,4%	+1,4%	NAP	NAP	NAP	-9,7%	NAP
Lithuania	-20,7%	-12,3%	-34,6%	-21,2%	NA	NA	NA	NA	-71,3%	+28,0%	-20,7%
Luxembourg	+3,5%	+2,4%	+5,3%	+2,4%	NAP	NAP	NAP	NAP	+6,0%	+0,7%	NAP
Malta	+8,4%	+12,9%	-4,2%	-4,2%	NAP	NAP	NAP	NAP	NAP	+81,5%	NAP
Netherlands	-4,1%	-9,5%	-3,6%	-3,6%	NAP	NAP	NAP	NAP	NAP	-0,5%	NAP
Poland	-5,5%	-2,0%	-6,8%	-8,7%	-4,7%	+0,4%	-20,5%	NAP	NAP	-8,9%	+27,7%
Portugal	NA	-1,2%	NA	NA	NAP	NAP	NAP	NAP	NAP	-2,7%	NAP
Romania	-6,4%	-2,5%	+0,8%	+2,9%	-6,2%	+5,1%	-45,1%	NAP	NAP	-42,3%	NAP
Slovakia	-30,8%	-34,2%	-0,2%	+39,4%	-16,6%	NAP	-16,7%	NAP	-6,5%	+0,4%	-52,0%
Slovenia	-4,6%	-9,7%	-5,1%	-4,1%	-5,7%	-5,5%	-6,4%	NAP	NAP	-11,6%	-1,8%
Spain	+7,7%	+7,5%	+8,8%	+8,8%	NAP	NAP	NAP	NAP	NAP	+3,7%	NAP
Sweden	+1,5%	+2,4%	-2,2%	-2,2%	NAP	NAP	NAP	NAP	NAP	+1,2%	+16,0%
Average	2,8%	6,7%	-4,1%	8,0%	-5,1%	-1,4%	-6,1%	6,6%	-16,6%	0,7%	-2,7%
Median	-1,4%	-1,5%	-2,0%	-1,6%	-3,1%	-1,3%	-3,0%	6,6%	-9,9%	0,4%	2,1%
Standard deviation											
Minimum	-30,8%	-34,2%	-38,8%	-38,8%	-16,6%	-8,4%	-45,1%	6,6%	-71,3%	-42,3%	-52,0%
Maximum	111,8%	255,9%	12,3%	242,7%	4,8%	5,1%	28,3%	6,6%	17,4%	81,5%	27,7%
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	11%	7%	19%	15%	15%	11%	11%	11%	15%	0%	11%
% of NAP	0%	0%	0%	4%	41%	56%	44%	85%	63%	7%	41%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

Table 3.9.4: First instance courts, variation of the caseload (pending cases on 31 Dec.) between 2017 and 2018 (Q91)

States	Total number of other than criminal law cases	Civil (and commercial) litigious cases	Total non-litigious cases	General civil (and commercial) non-litigious cases *	Registry cases	Non-litigious land registry cases	Non-litigious business registry cases	Other registry cases	Other non-litigious cases	Administrative law cases	Other cases
Austria	-1,9%	-2,3%	-4,7%	-2,5%	-21,3%	-7,2%	-30,5%	NAP	NAP	+9,1%	+3,1%
Belgium	NA	NA	NA	NAP	NA	NAP	NA	NAP	NAP	-26,5%	NA
Bulgaria	+5,4%	NA	NA	NA	NAP	NAP	NAP	NAP	NA	+2,0%	NA
Croatia	-13,0%	-9,1%	-16,6%	-27,1%	+3,9%	+4,6%	-10,2%	NAP	NAP	-19,7%	NAP
Cyprus	-2,1%	NA	NA	NA	NA	NA	NA	NA	NA	-30,7%	NA
Czech Republic	-7,3%	-9,9%	-9,2%	-7,9%	-32,8%	NAP	-32,8%	NAP	-27,9%	+3,9%	-2,2%
Denmark	+6,3%	+12,7%	+5,7%	+2,9%	+27,0%	-28,2%	+55,0%	NAP	+18,4%	NAP	+3,7%
Estonia	+30,2%	-2,0%	+50,4%	+481,5%	-37,2%	-23,0%	-51,1%	NAP	NAP	-8,5%	NAP
Finland	-19,6%	-2,6%	-22,4%	-22,4%	NAP	NAP	NAP	NAP	NAP	-15,1%	+7,6%
France	+4,1%	+4,3%	+3,1%	+3,1%	NAP	NAP	NAP	NAP	NAP	+2,8%	NAP
Germany	NA	+4,5%	NA	NA	NA	NA	+1,8%	NA	NA	+2,7%	+0,3%
Greece	NA	+12,0%	NA	NA	NA	NA	NA	NA	NA	-18,9%	NA
Hungary	-6,7%	-23,0%	+53,8%	-9,7%	+199,8%	NAP	NA	+13,8%	-47,0%	-2,4%	-22,0%
Ireland	NA	NA	NA	NA	NAP	NAP	NAP	NAP	NAP	NAP	NA
Italy	-4,6%	-3,8%	-5,2%	-5,2%	NAP	NAP	NAP	NAP	NAP	-9,9%	NAP
Latvia	-1,4%	-3,3%	+8,0%	+8,0%	NAP	NAP	NAP	NAP	NAP	-5,3%	NAP
Lithuania	-6,1%	-12,7%	-33,1%	-44,3%	NAP	NAP	NAP	NAP	+1,5%	+68,2%	+10,3%
Luxembourg	NA	-5,7%	-3,5%	NAP	NAP	NAP	NAP	NAP	-3,5%	NA	NAP
Malta	+6,8%	+9,8%	-91,2%	-91,2%	NAP	NAP	NAP	NAP	NAP	+3,7%	NAP
Netherlands	-5,5%	-18,4%	-5,7%	-5,7%	NAP	NAP	NAP	NAP	NAP	+9,0%	NAP
Poland	+4,8%	+13,0%	-2,3%	-15,6%	+14,3%	+25,4%	-19,5%	NAP	NAP	-13,0%	+47,4%
Portugal	NA	-12,5%	NA	NA	NAP	NAP	NAP	NAP	NAP	-3,5%	NAP
Romania	-6,9%	-5,1%	+1,7%	+14,9%	-0,2%	+7,8%	-6,9%	NAP	NAP	-31,8%	NAP
Slovakia	-26,4%	-38,8%	-2,7%	+3,5%	-17,9%	NAP	-17,9%	NAP	-3,8%	+3,5%	-39,7%
Slovenia	-11,3%	-10,9%	-20,0%	-22,3%	+7,8%	+11,3%	-21,4%	NAP	NAP	+8,5%	+11,9%
Spain	+12,8%	+16,5%	+7,3%	+7,3%	NAP	NAP	NAP	NAP	NAP	+1,8%	NAP
Sweden	+6,6%	+4,9%	-0,8%	-0,8%	NAP	NAP	NAP	NAP	NAP	+7,8%	+18,3%
Average	-1,7%	-3,6%	-4,4%	14,0%	14,3%	-1,3%	-13,4%	13,8%	-10,4%	-2,6%	3,5%
Median	-2,1%	-3,3%	-3,1%	-5,2%	1,8%	4,6%	-18,7%	13,8%	-3,7%	-0,3%	3,7%
Standard deviation											
Minimum	-26,4%	-38,8%	-91,2%	-91,2%	-37,2%	-28,2%	-51,1%	13,8%	-47,0%	-31,8%	-39,7%
Maximum	30,2%	16,5%	53,8%	481,5%	199,8%	25,4%	55,0%	13,8%	18,4%	68,2%	47,4%
Nb of values	27	27	27	27	27	27	27	27	27	27	27
% of NA	22%	15%	26%	22%	15%	11%	15%	11%	15%	4%	19%
% of NAP	0%	0%	0%	7%	48%	63%	48%	85%	63%	7%	41%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.10.1 (EC): Disposition time\* (in days) for total of first instance other than criminal cases\*, 2010 to 2018 (Q91)**

\* Other than criminal cases refer to the CEPEJ categories: Civil (and commercial) litigious cases, general civil (and commercial) non-litigious cases, non-litigious land registry cases, non-litigious business registry cases, other non-litigious registry cases, other non-litigious cases, administrative law cases and other cases

States / Entities	EC Code	2010	2012	2013	2014	2015	2016	2017	2018
Austria	20	54	54	53	NA	53	57	59	57
Belgium	1	NA	NA	NA	NA	NA	NA	NA	NA
Bulgaria	2	67	74	78	78	78	84	83	91
Croatia	11	133	133	129	134	132	117	114	102
Cyprus	13	545	534	NA	903	839	862	1 118	737
Czech Republic	3	115	116	76	157	164	155	163	162
Denmark	4	27	17	18	19	17	21	22	24
Estonia	6	120	44	NA	33	39	40	24	30
Finland	26	98	101	97	103	111	113	118	86
France	10	256	275	274	304	304	312	300	381
Germany	5	NA	NA	NA	NA	NA	NA	NA	NA
Greece	8	510	677	NA	NA	NA	NA	NA	NA
Hungary	17	79	NA	NA	63	59	57	63	63
Ireland	7	NA	NA	NA	NA	NA	NA	NA	NA
Italy	12	395	391	369	377	393	387	399	373
Latvia	14	140	186	167	179	38	33	29	28
Lithuania	15	43	44	53	54	50	41	44	53
Luxembourg	16	NA	NA	NA	NA	NA	NA	NA	NA
Malta	18	866	707	789	558	447	446	331	322
Netherlands	19	68	84	91	91	87	83	83	80
Poland	21	49	50	-	55	-	85	73	82
Portugal	22	1 096	860	NA	NA	NA	NA	NA	NA
Romania	23	156	161	128	148	154	154	161	154
Slovakia	25	170	218	235	231	240	98	107	111
Slovenia	24	154	113	111	102	82	72	65	61
Spain	9	291	NA	-	242	238	227	258	276
Sweden	27	185	149	146	133	126	133	151	152

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Greece:** In 2017 new IT management systems were introduced for civil as well as administrative cases and some variations can be noticed.

**Italy:** Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

**Slovakia:** Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

$$\text{Calculated Disposition Time (days)} = \frac{\text{Number of pending cases at the end of a period}}{\text{Number of resolved cases in a period}} \times 365$$

**Table 3.10.2 (EC): Disposition time\* (in days) for first instance civil and commercial litigious cases, 2010 to 2018 (Q91)**

States / Entities	EC Code	2010	2012	2013	2014	2015	2016	2017	2018
Austria	20	129	135	135	130	131	133	141	138
Belgium	1	NA	NA	NA	NA	87	NA	NA	NA
Bulgaria	2	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	11	462	457	386	380	391	364	387	374
Cyprus	13	513	NA	638	NA	NA	NA	NA	NA
Czech Republic	3	128	174	187	163	159	153	157	149
Denmark	4	182	165	164	177	174	176	172	207
Estonia	6	215	167	130	125	136	139	140	143
Finland	26	259	325	288	289	332	252	258	273
France	10	279	311	308	348	346	353	341	420
Germany	5	184	183	192	198	190	196	204	220
Greece	8	190	469	407	330	378	610	479	559
Hungary	17	160	97	169	144	159	159	181	151
Ireland	7	NA	NA	NA	NA	NA	NA	NA	NA
Italy	12	493	590	608	532	527	514	548	527
Latvia	14	315	241	247	255	238	217	208	236
Lithuania	15	55	88	94	97	96	88	85	84
Luxembourg	16	200	73	53	103	86	91	108	94
Malta	18	849	685	750	536	445	432	435	440
Netherlands	19	NA	NA	NA	132	115	121	124	110
Poland	21	180	195	-	203	-	225	232	273
Portugal	22	417	369	386	NA	315	289	250	229
Romania	23	217	193	187	146	154	153	167	157
Slovakia	25	364	437	505	524	401	130	171	157
Slovenia	24	315	318	301	270	277	280	292	283
Spain	9	314	264	-	318	325	282	329	362
Sweden	27	187	179	171	157	152	164	159	166

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new IT management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

$$\text{Calculated Disposition Time (days)} = \frac{\text{Number of pending cases at the end of a period}}{\text{Number of resolved cases in a period}} \times 365$$



**Table 3.10.3 (EC): Disposition time (in days) for first instance administrative law cases, 2010 to 2018 (Q91)**

States / Entities	EC Code	2010	2012	2013	2014	2015	2016	2017	2018
Austria	20	NAP	NAP	NAP	NAP	NAP	380	446	449
Belgium	1	NA	NA	NA	625	444	429	497	370
Bulgaria	2	113	150	110	124	122	108	116	112
Croatia	11	825	523	493	426	413	319	258	197
Cyprus	13	1 340	1 270	775	1 775	1 391	1 582	2 162	487
Czech Republic	3	NA	NAP	NAP	415	437	421	408	412
Denmark	4	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	6	146	108	139	141	117	108	108	119
Finland	26	238	248	277	280	271	279	255	235
France	10	338	302	284	305	313	314	290	285
Germany	5	373	354	357	367	349	375	421	435
Greece	8	2 003	1 520	1 148	NA	964	1 086	735	601
Hungary	17	202	147	115	148	110	109	116	109
Ireland	7	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	12	1 037	886	1 043	984	1 008	925	887	889
Latvia	14	439	300	203	155	200	228	249	248
Lithuania	15	160	144	290	310	236	72	76	129
Luxembourg	16	172	NA	NA	NA	NA	NA	NA	NA
Malta	18	2 758	1 457	2 036	1 408	495	1 464	1 147	1 057
Netherlands	19	159	163	164	171	168	178	165	200
Poland	21	121	112	-	139	-	143	121	118
Portugal	22	NA	NA	NA	NA	989	911	988	928
Romania	23	269	272	106	179	170	170	114	117
Slovakia	25	66	733	746	397	374	203	317	401
Slovenia	24	139	130	126	112	122	282	448	406
Spain	9	473	427	-	361	317	312	322	331
Sweden	27	190	126	126	114	105	115	147	146

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Greece:** In 2017 new IT management systems were introduced for civil as well as administrative cases and some variations can be noticed.

**Italy:** Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

**Slovakia:** Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

$$\text{Calculated Disposition Time (days)} = \frac{\text{Number of pending cases at the end of a period}}{\text{Number of resolved cases in a period}} \times 365$$

**Table 3.10.4 (EC): Clearance rate\* (in %) for total of first instance other than criminal cases\*, 2010 to 2018 (Q91)**

\* Other than criminal cases refer to the CEPEJ categories: Civil (and commercial) litigious cases, general civil (and commercial) non-litigious cases, non-litigious land registry cases, non-litigious business registry cases, other non-litigious registry cases, other non-litigious cases, administrative law cases and other cases

States / Entities	EC Code	2010	2012	2013	2014	2015	2016	2017	2018
Austria	20	100,2%	99,6%	100,8%	NA	100,2%	100,4%	100,6%	100,2%
Belgium	1	NA	NA	NA	NA	NA	102,2%	NA	108,4%
Bulgaria	2	99,0%	98,9%	100,9%	102,0%	99,0%	98,8%	97,4%	97,6%
Croatia	11	111,5%	102,0%	102,2%	103,2%	101,6%	101,8%	101,7%	104,5%
Cyprus	13	84,2%	87,0%	NA	88,5%	90,2%	106,2%	113,2%	124,9%
Czech Republic	3	94,9%	113,7%	96,8%	97,3%	102,3%	105,2%	101,0%	102,3%
Denmark	4	106,7%	101,1%	100,3%	100,0%	100,0%	99,6%	99,7%	99,6%
Estonia	6	110,9%	111,4%	NA	98,2%	139,7%	97,7%	104,0%	100,5%
Finland	26	100,6%	94,8%	99,9%	102,3%	98,8%	98,1%	96,4%	106,0%
France	10	98,9%	100,2%	98,2%	94,9%	97,7%	98,5%	103,7%	96,3%
Germany	5	NA	NA	NA	NA	NA	NA	NA	NA
Greece	8	79,1%	65,4%	NA	NA	NA	NA	NA	NA
Hungary	17	107,3%	104,2%	97,5%	102,7%	101,4%	102,1%	99,2%	106,0%
Ireland	7	NA	NA	NA	72,8%	76,6%	76,1%	81,6%	78,6%
Italy	12	108,9%	108,4%	106,6%	109,3%	111,7%	104,5%	102,9%	102,9%
Latvia	14	96,0%	112,4%	105,7%	100,4%	101,0%	101,0%	101,1%	100,2%
Lithuania	15	106,5%	100,5%	97,3%	98,8%	100,5%	101,7%	102,0%	101,0%
Luxembourg	16	NA	NA	NA	NA	NA	101,6%	98,7%	98,9%
Malta	18	88,1%	108,2%	104,1%	102,2%	110,5%	107,4%	95,8%	97,1%
Netherlands	19	100,6%	98,8%	98,5%	99,1%	100,6%	100,2%	99,6%	100,7%
Poland	21	99,9%	100,6%	-	101,9%	-	92,9%	100,6%	99,0%
Portugal	22	88,3%	96,0%	NA	NA	NA	NA	NA	NA
Romania	23	91,4%	95,7%	110,1%	111,1%	106,1%	101,3%	99,4%	103,5%
Slovakia	25	106,2%	90,9%	90,7%	101,9%	105,1%	106,2%	108,6%	111,4%
Slovenia	24	101,3%	105,6%	101,9%	103,8%	107,4%	106,1%	103,9%	102,0%
Spain	9	95,0%	NA	-	101,1%	99,7%	104,6%	93,8%	91,7%
Sweden	27	93,3%	101,7%	100,7%	103,1%	103,5%	95,9%	93,4%	97,1%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Greece:** In 2017 new IT management systems were introduced for civil as well as administrative cases and some variations can be noticed.

**Italy:** Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

**Ireland:** The low CR is a result of a specifics of the system where the cases resolved out of court are not obliged to report back to courts

**Slovakia:** Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

$$\text{Clearance Rate (\%)} = \frac{\text{Resolved cases in a period}}{\text{Incoming Cases in a period}} \times 100$$



**Table 3.10.5 (EC): Clearance rate\* (in %) for first instance civil and commercial litigious cases in 2010 to 2018 (Q91)**

States / Entities	EC Code	2010	2012	2013	2014	2015	2016	2017	2018
Austria	20	100,1%	100,6%	101,0%	103,0%	102,0%	102,0%	98,9%	100,8%
Belgium	1	NA	NA	NA	97,9%	98,9%	102,5%	112,3%	112,5%
Bulgaria	2	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	11	101,8%	95,0%	101,2%	113,4%	107,1%	118,1%	108,7%	112,5%
Cyprus	13	84,0%	NA	78,3%	NA	NA	NA	NA	NA
Czech Republic	3	103,3%	98,8%	90,2%	104,7%	107,3%	110,0%	101,4%	101,6%
Denmark	4	101,9%	109,0%	107,1%	102,2%	101,9%	101,2%	102,4%	95,0%
Estonia	6	97,6%	112,5%	107,6%	104,2%	102,1%	97,6%	99,3%	100,6%
Finland	26	93,2%	103,2%	106,3%	104,6%	94,2%	124,8%	110,8%	102,2%
France	10	98,4%	99,2%	97,5%	94,4%	97,7%	99,0%	102,5%	95,8%
Germany	5	102,2%	100,4%	99,4%	100,2%	102,0%	102,7%	101,3%	97,2%
Greece	8	78,9%	57,7%	80,1%	113,1%	101,7%	99,1%	96,0%	86,3%
Hungary	17	101,7%	105,1%	97,9%	104,3%	99,0%	98,4%	96,4%	116,3%
Ireland	7	NA	NA	NA	55,6%	63,2%	59,2%	72,8%	63,1%
Italy	12	118,1%	131,3%	118,1%	119,3%	120,1%	113,2%	106,4%	102,9%
Latvia	14	86,2%	117,7%	109,2%	98,5%	108,6%	107,4%	119,4%	103,4%
Lithuania	15	101,9%	100,5%	98,9%	97,5%	102,5%	98,4%	102,1%	103,6%
Luxembourg	16	138,5%	172,8%	181,6%	96,8%	105,4%	100,0%	96,3%	101,0%
Malta	18	88,7%	113,8%	109,6%	101,3%	107,3%	107,3%	97,0%	93,4%
Netherlands	19	NA	NA	NA	99,1%	100,4%	100,7%	99,1%	101,2%
Poland	21	95,0%	88,5%	-	99,3%	-	98,8%	93,8%	92,1%
Portugal	22	101,9%	97,7%	103,2%	NA	116,3%	112,3%	113,0%	109,2%
Romania	23	89,8%	99,0%	112,2%	108,7%	104,7%	102,0%	99,2%	102,7%
Slovakia	25	97,7%	81,6%	80,6%	91,7%	132,8%	132,0%	129,2%	130,6%
Slovenia	24	99,0%	101,5%	102,4%	109,1%	104,9%	106,4%	108,0%	109,8%
Spain	9	92,6%	99,6%	-	98,0%	94,7%	103,1%	87,9%	86,7%
Sweden	27	97,9%	98,8%	101,0%	103,9%	103,9%	99,3%	99,7%	97,5%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new IT management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Ireland: The low CR is a result of a specifics of the system where the cases resolved out of court are not obliged to report back to courts

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

$$\text{Clearance Rate (\%)} = \frac{\text{Resolved cases in a period}}{\text{Incoming Cases in a period}} \times 100$$

**Table 3.10.6 (EC): Clearance rate\* (in %) for first instance administrative law cases, 2010 to 2018 (Q91)**

States / Entities	EC Code	2010	2012	2013	2014	2015	2016	2017	2018
Austria	20	NAP	NAP	NAP	NAP	NAP	90,8%	79,5%	89,7%
Belgium	1	NA	NA	NA	88,2%	116,8%	120,9%	100,8%	118,8%
Bulgaria	2	97,8%	92,1%	108,6%	100,8%	99,0%	104,2%	94,7%	99,7%
Croatia	11	107,9%	41,1%	64,3%	85,8%	92,7%	109,3%	126,5%	115,9%
Cyprus	13	74,2%	74,0%	57,5%	103,5%	119,8%	112,8%	73,6%	219,2%
Czech Republic	3	NA	NAP	NAP	90,9%	92,1%	80,2%	91,7%	88,0%
Denmark	4	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	6	91,2%	105,5%	90,9%	90,4%	104,5%	105,6%	99,4%	100,0%
Finland	26	98,9%	101,0%	94,8%	97,1%	101,8%	79,4%	107,4%	112,3%
France	10	106,7%	106,7%	104,2%	96,3%	98,3%	99,1%	102,1%	98,4%
Germany	5	96,4%	101,7%	99,7%	100,3%	102,6%	92,3%	84,0%	97,1%
Greece	8	80,2%	143,2%	153,4%	NA	183,4%	148,1%	166,0%	163,5%
Hungary	17	95,6%	108,0%	104,3%	92,1%	105,3%	99,7%	102,1%	101,7%
Ireland	7	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	12	315,9%	279,8%	190,2%	155,6%	141,9%	153,5%	156,2%	136,3%
Latvia	14	103,2%	130,5%	163,3%	143,9%	106,0%	95,3%	99,7%	105,2%
Lithuania	15	83,5%	98,1%	65,4%	89,4%	99,7%	144,4%	113,0%	87,6%
Luxembourg	16	93,2%	69,8%	93,5%	93,5%	90,7%	97,7%	94,3%	86,0%
Malta	18	28,6%	40,2%	40,1%	148,7%	410,7%	114,4%	146,9%	91,2%
Netherlands	19	106,7%	97,5%	100,3%	98,9%	103,0%	95,3%	105,1%	95,2%
Poland	21	94,5%	99,6%	-	96,5%	-	103,0%	107,1%	105,1%
Portugal	22	NA	NA	NA	NA	79,8%	111,5%	105,0%	111,0%
Romania	23	70,6%	78,1%	130,2%	161,0%	132,7%	91,8%	102,2%	118,0%
Slovakia	25	102,1%	47,2%	84,6%	124,8%	124,1%	112,0%	118,1%	96,1%
Slovenia	24	114,5%	110,0%	101,8%	103,0%	101,0%	87,1%	67,5%	91,3%
Spain	9	101,1%	123,7%	-	112,5%	117,3%	111,6%	104,5%	99,6%
Sweden	27	88,5%	104,8%	100,7%	102,8%	103,7%	93,9%	89,8%	96,8%

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new IT management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Italy: Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

Ireland: The low CR is a result of a specifics of the system where the cases resolved out of court are not obliged to report back to courts

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

$$\text{Clearance Rate (\%)} = \frac{\text{Resolved cases in a period}}{\text{Incoming Cases in a period}} \times 100$$

**Table 3.10.7 (EC): Number of first instance other than criminal\* pending cases on 31 Dec. per 100 inhabitants, 2010 to 2018 (Q1, Q91)**

\* Other than criminal cases refer to the CEPEJ categories: Civil (and commercial) litigious cases, general civil (and commercial) non-litigious cases, non-litigious land registry cases, non-litigious business registry cases, other non-litigious registry cases, other non-litigious cases, administrative law cases and other cases

States / Entities	EC Code	2010	2012	2013	2014	2015	2016	2017	2018
Austria	20	6,4	6,1	5,8	NA	5,5	5,8	5,9	5,8
Belgium	1	NA	NA	NA	NA	NA	NA	NA	NA
Bulgaria	2	1,0	1,1	1,0	1,0	1,0	1,1	1,2	1,3
Croatia	11	10,2	9,6	9,2	8,4	7,9	7,5	7,2	6,3
Cyprus	13	4,8	5,4	NA	6,1	7,2	6,0	6,2	6,0
Czech Republic	3	4,5	3,6	3,3	3,8	4,9	4,4	4,3	4,0
Denmark	4	3,7	2,1	2,0	2,1	2,1	2,3	2,4	2,6
Estonia	6	2,1	2,8	NA	1,6	2,7	2,7	1,4	1,8
Finland	26	1,9	2,5	2,5	2,3	2,4	2,5	2,8	2,3
France	10	2,4	2,5	2,6	2,7	2,8	2,8	2,7	2,8
Germany	5	NA	NA	NA	NA	NA	NA	NA	NA
Greece	8	5,4	7,8	NA	NA	NA	NA	NA	NA
Hungary	17	1,6	NA	NA	1,5	1,5	1,4	1,5	1,4
Ireland	7	NA	NA	NA	NA	NA	NA	NA	NA
Italy	12	8,1	7,8	7,5	7,4	6,9	6,7	6,4	6,1
Latvia	14	2,1	2,0	1,8	1,8	1,6	1,5	1,3	1,3
Lithuania	15	1,2	1,1	1,4	1,6	1,5	1,4	1,2	1,1
Luxembourg	16	NA	NA	NA	NA	NA	NA	NA	NA
Malta	18	2,5	2,2	2,2	2,4	2,1	1,9	2,0	2,1
Netherlands	19	1,6	1,7	1,8	1,8	1,8	1,7	1,6	1,5
Poland	21	3,2	3,6	-	4,0	-	6,1	6,0	6,3
Portugal	22	14,7	15,5	NA	NA	NA	NA	NA	NA
Romania	23	3,2	3,7	3,1	3,3	3,3	3,2	3,3	3,0
Slovakia	25	5,5	6,4	7,5	7,3	6,8	4,9	5,0	3,7
Slovenia	24	18,6	14,7	13,8	12,2	9,3	7,2	5,9	5,3
Spain	9	4,0	NA	-	3,1	3,1	2,8	3,0	3,4
Sweden	27	1,0	0,9	0,8	0,8	0,7	0,8	1,0	1,0

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Greece:** In 2017 new IT management systems were introduced for civil as well as administrative cases and some variations can be noticed.

**Italy:** Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

**Slovakia:** Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.10.8 (EC): Number of first instance civil and commercial litigious pending cases on 31 Dec. per 100 inhabitants, 2010 to 2018 (Q1, Q91)**

States / Entities	EC Code	2010	2012	2013	2014	2015	2016	2017	2018
Austria	20	0,5	0,5	0,4	0,4	0,4	0,4	0,4	0,4
Belgium	1	NA	NA	NA	NA	1,6	NA	NA	NA
Bulgaria	2	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	11	4,3	5,1	5,1	4,6	4,4	3,8	3,6	3,3
Cyprus	13	3,9	NA	6,1	NA	NA	NA	NA	NA
Czech Republic	3	1,6	1,6	2,1	2,1	1,8	1,4	1,5	1,3
Denmark	4	0,6	0,4	0,4	0,4	0,4	0,4	0,3	0,4
Estonia	6	0,9	0,7	0,5	0,5	0,4	0,5	0,5	0,5
Finland	26	0,1	0,2	0,2	0,2	0,2	0,1	0,1	0,1
France	10	2,1	2,2	2,2	2,4	2,4	2,4	2,4	2,5
Germany	5	1,0	1,0	0,9	1,0	0,9	0,9	0,9	0,9
Greece	8	1,7	4,3	5,6	2,3	2,2	2,3	2,3	2,6
Hungary	17	0,9	1,2	0,8	0,8	0,8	0,8	0,9	0,7
Ireland	7	NA	NA	NA	NA	NA	NA	NA	NA
Italy	12	6,3	5,5	5,3	4,5	4,4	4,1	3,9	3,8
Latvia	14	1,7	1,7	1,5	1,6	1,4	1,3	1,0	1,0
Lithuania	15	1,0	0,9	0,9	1,0	1,0	1,0	1,0	0,8
Luxembourg	16	0,3	0,3	0,2	0,2	0,2	0,2	0,2	0,2
Malta	18	2,5	2,1	2,1	2,2	2,0	1,8	1,9	2,0
Netherlands	19	NA	NA	NA	0,4	0,3	0,3	0,3	0,2
Poland	21	1,0	1,3	-	1,8	-	1,9	2,1	2,4
Portugal	22	3,4	3,5	3,4	NA	3,1	2,7	2,3	2,0
Romania	23	2,7	2,7	2,4	3,0	3,0	2,9	3,0	2,8
Slovakia	25	2,3	2,9	3,4	3,7	3,0	1,7	2,1	1,3
Slovenia	24	2,8	2,7	2,6	2,3	2,2	2,0	1,9	1,7
Spain	9	1,8	2,8	-	1,8	2,0	1,7	2,0	2,3
Sweden	27	0,3	0,3	0,3	0,3	0,3	0,3	0,3	0,3

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new IT management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.10.9 (EC): Number of first instance administrative law pending cases on 31 Dec. per 100 inhabitants, 2010 to 2018(Q1, Q91)**

States / Entities	EC Code	2010	2012	2013	2014	2015	2016	2017	2018
Austria	20	NAP	NAP	NAP	NAP	NAP	0,6	0,8	0,9
Belgium	1	NA	NA	NA	0,3	0,3	0,2	0,2	0,2
Bulgaria	2	0,1	0,1	0,1	0,1	0,1	0,1	0,1	0,1
Croatia	11	0,8	0,2	0,3	0,3	0,4	0,3	0,3	0,2
Cyprus	13	0,7	0,6	0,9	0,9	0,9	0,9	0,9	0,7
Czech Republic	3	NA	NAP	NAP	0,1	0,1	0,1	0,1	0,1
Denmark	4	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	6	0,1	0,1	0,1	0,1	0,1	0,1	0,1	0,1
Finland	26	0,4	0,3	0,4	0,4	0,4	0,4	0,4	0,3
France	10	0,3	0,2	0,2	0,2	0,2	0,2	0,2	0,2
Germany	5	0,8	0,8	0,8	0,8	0,8	0,9	1,0	1,0
Greece	8	3,7	3,5	3,1	NA	2,4	2,2	1,9	1,5
Hungary	17	0,1	0,1	0,1	0,1	0,1	0,1	0,1	0,1
Ireland	7	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	12	0,8	0,6	0,5	0,4	0,4	0,4	0,3	0,3
Latvia	14	0,2	0,2	0,1	0,1	0,1	0,1	0,1	0,1
Lithuania	15	0,1	0,1	0,3	0,4	0,4	0,1	0,1	0,2
Luxembourg	16	0,0	NA	NA	NA	NA	NA	NA	NA
Malta	18	0,0	0,1	0,2	0,2	0,1	0,1	0,1	0,1
Netherlands	19	0,3	0,3	0,3	0,3	0,3	0,3	0,3	0,3
Poland	21	0,1	0,1	-	0,1	-	0,1	0,1	0,1
Portugal	22	NA	NA	NA	NA	0,7	0,7	0,7	0,7
Romania	23	0,2	0,6	0,4	0,3	0,2	0,3	0,2	0,2
Slovakia	25	0,1	0,3	0,4	0,3	0,3	0,1	0,1	0,1
Slovenia	24	0,1	0,1	0,1	0,1	0,1	0,1	0,2	0,2
Spain	9	0,7	0,6	-	0,4	0,4	0,3	0,3	0,3
Sweden	27	0,5	0,4	0,4	0,3	0,3	0,4	0,6	0,6

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases.

Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial)

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Greece:** In 2017 new IT management systems were introduced for civil as well as administrative cases and some variations can be noticed.

**Italy:** Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

**Slovakia:** Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.10.10 (EC): Number of first instance other than criminal\* incoming cases per 100 inhabitants, 2010 to 2018 (Q1, Q91)**

\* Other than criminal cases refer to the CEPEJ categories: Civil (and commercial) litigious cases, general civil (and commercial) non-litigious cases, non-litigious land registry cases, non-litigious business registry cases, other non-litigious registry cases, other non-litigious cases, administrative law cases and other cases

States / Entities	EC Code	2010	2012	2013	2014	2015	2016	2017	2018
Austria	20	42,9	41,3	39,9	NA	37,8	37,6	36,7	37,0
Belgium	1	NA	NA	NA	NA	NA	8,7	4,4	9,3
Bulgaria	2	5,4	5,4	4,9	4,4	4,8	4,8	5,6	5,4
Croatia	11	25,0	25,8	25,6	22,2	21,6	23,2	22,9	21,7
Cyprus	13	3,8	4,3	NA	2,8	3,5	2,4	1,8	2,4
Czech Republic	3	15,1	10,0	16,5	9,1	10,8	9,8	9,5	8,8
Denmark	4	47,2	46,9	41,2	40,4	45,4	38,8	39,5	39,2
Estonia	6	5,7	20,6	NA	18,1	18,0	24,7	20,3	22,6
Finland	26	7,2	9,7	9,5	8,1	8,1	8,2	9,0	9,1
France	10	3,5	3,3	3,5	3,4	3,4	3,4	3,2	2,8
Germany	5	NA	NA	NA	NA	NA	NA	NA	NA
Greece	8	4,9	6,4	NA	NA	NA	NA	NA	NA
Hungary	17	6,8	11,4	11,8	8,6	9,2	8,9	8,6	7,5
Ireland	7	NA	NA	NA	5,4	5,3	5,0	4,7	4,6
Italy	12	6,9	6,7	7,0	6,6	5,7	6,0	5,7	5,8
Latvia	14	5,8	3,5	3,8	3,6	15,7	16,2	16,4	16,5
Lithuania	15	9,2	9,3	10,1	10,7	11,1	11,7	9,5	7,5
Luxembourg	16	NA	NA	NA	NA	NA	1,8	1,8	1,9
Malta	18	1,2	1,1	1,0	1,5	1,6	1,5	2,3	2,5
Netherlands	19	8,7	7,5	7,4	7,5	7,4	7,3	7,2	6,9
Poland	21	24,4	26,1	-	26,0	-	28,0	30,3	28,6
Portugal	22	5,5	6,8	NA	NA	NA	NA	NA	NA
Romania	23	8,2	8,6	8,0	7,3	7,3	7,5	7,5	7,0
Slovakia	25	11,2	11,8	12,8	11,3	9,9	17,0	15,7	10,9
Slovenia	24	43,5	45,1	44,7	42,3	38,8	34,4	32,2	30,7
Spain	9	5,3	NA	-	4,6	4,8	4,2	4,6	4,9
Sweden	27	2,1	2,1	2,1	2,0	1,9	2,3	2,5	2,5

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Greece:** In 2017 new IT management systems were introduced for civil as well as administrative cases and some variations can be noticed.

**Italy:** Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

**Slovakia:** Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.10.11 (EC): Number of first instance civil and commercial litigious incoming cases per 100 inhabitants, 2010 to 2018 (Q1, Q91)**

States / Entities	EC Code	2010	2012	2013	2014	2015	2016	2017	2018
Austria	20	1,3	1,2	1,2	1,1	1,0	1,0	1,0	0,9
Belgium	1	6,3	6,8	6,7	6,7	6,8	6,4	1,9	6,7
Bulgaria	2	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	11	3,3	4,3	4,8	3,9	3,8	3,3	3,1	2,9
Cyprus	13	3,3	NA	4,5	NA	NA	NA	NA	NA
Czech Republic	3	4,4	3,5	4,5	4,6	3,8	3,1	3,4	3,3
Denmark	4	1,1	0,8	0,8	0,7	0,7	0,7	0,7	0,7
Estonia	6	1,6	1,3	1,3	1,3	1,2	1,2	1,2	1,2
Finland	26	0,2	0,2	0,2	0,2	0,2	0,2	0,1	0,1
France	10	2,8	2,6	2,7	2,6	2,6	2,5	2,5	2,2
Germany	5	1,9	2,0	1,8	1,8	1,7	1,6	1,5	1,5
Greece	8	4,0	5,8	6,2	2,2	2,1	1,4	1,9	2,0
Hungary	17	2,0	4,4	1,8	1,8	1,8	1,9	1,8	1,4
Ireland	7	NA	3,9	4,2	3,1	3,0	2,7	2,7	2,7
Italy	12	4,0	2,6	2,7	2,6	2,5	2,6	2,5	2,6
Latvia	14	2,3	2,2	2,0	2,3	2,0	2,0	1,5	1,4
Lithuania	15	6,2	3,6	3,6	4,0	3,6	4,4	4,1	3,6
Luxembourg	16	0,4	0,9	0,8	0,9	0,8	0,8	0,8	0,8
Malta	18	1,2	1,0	0,9	1,5	1,5	1,4	1,6	1,8
Netherlands	19	NA	NA	NA	1,0	1,0	0,9	0,9	0,8
Poland	21	2,1	2,8	-	3,2	-	3,1	3,5	3,4
Portugal	22	3,0	3,5	3,1	NA	3,1	3,0	2,9	2,9
Romania	23	5,0	5,2	4,2	6,9	6,8	6,8	6,6	6,4
Slovakia	25	2,3	3,0	3,0	2,8	2,1	3,7	3,5	2,3
Slovenia	24	3,2	3,0	3,1	2,9	2,8	2,5	2,2	2,0
Spain	9	2,3	3,8	-	2,2	2,3	2,1	2,5	2,7
Sweden	27	0,7	0,7	0,7	0,7	0,6	0,6	0,6	0,6

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

Greece: In 2017 new IT management systems were introduced for civil as well as administrative cases and some variations can be noticed.

Slovakia: Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.

**Table 3.10.12 (EC): Number of first instance administrative law incoming cases per 100 inhabitants, 2010 to 2018 (Q1, Q91)**

States / Entities	EC Code	2010	2012	2013	2014	2015	2016	2017	2018
Austria	20	NAP	NAP	NAP	NAP	NAP	0,6	0,8	0,8
Belgium	1	NA	NA	NA	0,2	0,2	0,2	0,2	0,1
Bulgaria	2	0,4	0,4	0,4	0,3	0,4	0,4	0,4	0,4
Croatia	11	0,3	0,3	0,3	0,3	0,3	0,3	0,3	0,3
Cyprus	13	0,2	0,2	0,8	0,2	0,2	0,2	0,2	0,2
Czech Republic	3	NA	NAP	NAP	0,1	0,1	0,1	0,1	0,1
Denmark	4	NA	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Estonia	6	0,3	0,2	0,2	0,3	0,3	0,2	0,2	0,2
Finland	26	0,6	0,5	0,5	0,5	0,5	0,7	0,5	0,4
France	10	0,3	0,3	0,3	0,3	0,3	0,3	0,3	0,3
Germany	5	0,8	0,9	0,8	0,8	0,8	0,9	1,0	0,9
Greece	8	0,8	0,6	0,6	NA	0,5	0,5	0,6	0,6
Hungary	17	0,1	0,1	0,2	0,2	0,2	0,2	0,2	0,2
Ireland	7	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Italy	12	0,1	0,1	0,1	0,1	0,1	0,1	0,1	0,1
Latvia	14	0,2	0,2	0,1	0,1	0,1	0,1	0,1	0,1
Lithuania	15	0,2	0,3	0,6	0,5	0,6	0,5	0,4	0,5
Luxembourg	16	0,1	0,3	0,2	0,2	0,2	0,2	0,2	0,2
Malta	18	0,02	0,08	0,08	0,03	0,02	0,02	0,0	0,0
Netherlands	19	0,7	0,7	0,7	0,6	0,6	0,7	0,6	0,6
Poland	21	0,2	0,2	-	0,2	-	0,2	0,2	0,2
Portugal	22	NA	NA	NA	NA	0,3	0,3	0,2	0,2
Romania	23	0,5	1,1	1,0	0,4	0,3	0,6	0,7	0,4
Slovakia	25	0,8	0,3	0,2	0,2	0,2	0,2	0,1	0,1
Slovenia	24	0,3	0,2	0,3	0,3	0,2	0,1	0,2	0,2
Spain	9	0,5	0,4	-	0,4	0,4	0,4	0,4	0,4
Sweden	27	1,1	1,1	1,1	1,1	1,0	1,4	1,6	1,6

\* Starting from 2014, non-litigious enforcement cases have been included in general civil (and commercial) non-litigious cases. Hence the number of General civil (and commercial) non-litigious cases in 2014 is comparable with General civil (and commercial) non-litigious cases + Non-litigious enforcement cases in the 2010, 2012 and 2013 tables.

\*\* Due to the creation in 2014 of a category "other" in non-litigious cases, "other cases" category is not fully comparable before and after 2014.

**Greece:** In 2017 new IT management systems were introduced for civil as well as administrative cases and some variations can be noticed.

**Italy:** Only since 2014 the 29 regional administrative courts data are taken into account in the number of cases on first instance.

**Slovakia:** Because of changes in the structure of the caseload data the number of cases is not comparable between different cycles.



# Indicator 3: The performance of courts at all stages of the proceedings

## Comments provided by the national correspondents organised by country

*Question 91. First instance courts: number of other than criminal law cases.*

*Question 92. If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:*

*Question 93. Please indicate the case categories included in the category "other cases":*

*Question 97. Second instance courts (appeal): Number of "other than criminal law" cases.*

*Question 99. Highest instance courts (Supreme Court): Number of "other than criminal law" cases:*

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

### Austria

**Q91 (General Comment):** There is no overall distinction between litigious and non-litigious proceedings in the statistics. Accordingly, the numbers are sums of certain kinds of proceedings mentioned in the corresponding comments. As litigious are counted all proceedings in the categories related to civil matters, labour and social security cases at first instance courts, which are marked as being litigious in the court register (i.e. from the second court hearing on).

**Q91 (2017):** Due to the absolute low numbers of pending cases on 1 Jan./31 Dec. high deviations in percentage are normal. Note to 2.1.1.: Because of an inaccuracy by analysing pending non-litigious business registry cases the count had to be corrected on 1st December 2017. Therefore the pending cases on 31.12.2016 do not comply with those of 01.01.2017.

**Q91 (2016):** Due to the low absolute numbers of pending cases on 1 Jan./31 Dec. high deviations in percentage are normal.

**Q91 (2015):** General remarks: There is no overall distinction between litigious and non-litigious proceedings in the statistics, so the numbers are sums of certain kinds of proceedings mentioned in the corresponding comments. In the category litigious are counted all proceedings in the categories C, Cg, Cga, Cgs (civil matters, labour and social security cases at first instance courts) which are marked as being litigious in the court register (f.e. from the second court hearing on).

In the category criminal cases are only cases counted which are dealt with by a judge in a court hearing; not counted are cases of preliminary proceedings at the court dealt with by a judge and proceedings dealt with by the public prosecutor.

Civil and commercial non-litigious cases include:

(Se, S, MSch, PSch, P-Vorgänge, Pg-Vorgänge, Ps-Vorgänge, Pu-Vorgänge, SW)

Commence of bankruptcy proceedings

Bankruptcy proceedings

Composition proceedings

Non-litigious proceedings about rent, non profit cooperative association for housing, home ownership

Proceedings about Lease of farm land

Wardship cases in connection with administration of assets, custody and maintenance

Uncontested payment orders

Enforcement Cases

Category "other" includes:

(JV, A, T, G, Uh, Hc, Nc, Ha, Fam, Rv)

Probate Proceedings

Cases concerning the Administration of justice

Cancellation proceedings and proceedings in connection with [official] declaration of death

authentication of signatures

proceedings to render legal assistance in civil matters for other courts (also international ones)

General civil proceedings, that are not allocated to other categories of cases

Some Non litigious family matters

**Q91 (2012):** In 2012, a legislative reform entailed more obligations for companies to register.

**Q92 (General Comment):** The category of civil and commercial non-litigious cases for all of cycles includes: commencement of bankruptcy proceedings; bankruptcy proceedings; composition proceedings; non-litigious proceedings about rent, nonprofit cooperative association for housing, home ownership; proceedings about lease of farm land; wardship cases in connection with administration of assets, custody and maintenance; uncontested payment orders.

**Q92 (2014):** For the year 2014, this category has been extended to the enforcement cases.

**Q93 (General Comment):** The category of other cases encompasses: probate proceedings; cases concerning the administration of justice; cancellation proceedings and proceedings in connection with [official] declaration of death; authentication of signatures; proceedings intended to render legal assistance in civil matters for other courts (also international ones); general civil proceedings, that are not allocated to other categories of cases; some non-litigious family matters.

**Q97 (2017):** In the area of appeal cases concerning other than criminal law cases only the categories of general civil law, labour law and social law are gathered. The administrative cases are NAP in second instance since they are presented in first and final instance.

**Q97 (2016):** In the area of appeal cases concerning other than criminal law cases only the categories of general civil law, labour law and social law are gathered. The administrative cases are NAP in second instance since they are presented in first and final instance.

**Q99 (2018):** The reasons for this increase of the incoming administrative cases is related to the high number of cases in the field of asylum and aliens law.

**Q99 (2017):** To 3.:

Because of the model of business cases installed at the Supreme Administrative Court pending cases at the begin of a reporting year have to be analysed by calculation. Incoming cases are subtracted from the sum of resolved cases and of pending cases at the end of the reporting year. New applications within the same case cause a reopening of the concerned cases. Thus the number of pending cases changes. Therefore a completely consistent image of figures of pending cases from the end of previous year and those from the begin of the current year is not feasible.

**Q99 (2016):** The big variation is due to the fact that this cycle the administrative cases were included.

The administrative courts were established January 1st 2014. After their establishment the data of the administrative courts is introduced this cycle for the first time.

**Q101 (General Comment):** For intentional homicide cases include only the cases against known offenders. The intentional homicide cases includes facts of murder, manslaughter, killing on demand, involvement in suicide and killing a child at birth (sec 75 to 79 criminal code).

For robbery cases include only the cases against known offenders and facts of robbery theft and heavy robbery (sec 131, 142 and 143 Austrian Criminal Code).

## Belgium

**Q91 (General Comment):** civil and commercial cases include cases of justices of the peace, courts of first instance, civil, family, family and youth sections, labour courts and company courts (so-called commercial courts)  
civil and family court: no data for pending cases; new rules for the counting and the recording of cases mean that the statistics are not comparable to previous years. In particular, cases where there is a permanent referral are now counted as a case.  
juvenile courts: no data for resolved or pending cases due to lack of uniform practices and limited registration of the closing of cases  
Administrative affairs: Conseil d'Etat, Conseil du contentieux des étrangers, de Raad voor Vergunningsbetwistingen, het Milieuhandhavingscollege en de Raad voor Verkiezingsbetwistingen.

**Q91 (2018):** Civil and commercial cases include cases of justices of the peace, courts of first instance, civil, family and youth sections, labour courts and company courts (known as "commercial courts")  
Civil and family courts: no data for pending cases. New rules for counting and recording cases mean that the statistics are not comparable to previous years. In particular, cases where there is a permanent referral are now counted as a case.  
Concerning juvenile courts: no data for completed or pending cases due to the lack of uniform practice and low registration of completed cases.

Concerning registry cases: these are immediate acts, which is why the number of incoming cases is equal to the number of resolved cases. Administrative affairs: Council of State, Aliens Litigation Council, Raad voor Vergunningsbetwistingen, het Milieuhandhavingscollege en de Raad voor Verkiezingsbetwistingen.

**Q91 (2017):** The difference with the 2016 data is due to the lack of data on justices of the peace cases. In respect of justices of the peace, from July 2017 to June 2018, a deployment of new codes was carried out at the national level. The support service of the College of Courts and Tribunals is currently in the process of defining accounting rules for justices of the peace. For this reason, no figures were issued in 2018 pertaining to 2017 data.

Civil data are not included or only partially included for 5 courts; Youth courts: no data from Brussels (Dutch-speaking); no data for resolved cases and pending cases; No data for civil cases from police courts; Commercial courts: no data for pending cases + new counting rules for resolved cases. For this reason, comparison with previous data is made difficult; not all activities carried out in commercial courts are reflected in the statistics provided. Indeed, the following services are not covered: commercial investigation service, business continuity law, bankruptcy and dissolutions/liquidations.

**Q91 (2016):** Administrative cases: Council of State, Aliens Litigation Council, Raad voor Vergunningsbetwistingen, het Milieuhandhavingscollege en de Raad voor Verkiezingsbetwistingen.

The sharp decrease in administrative cases is due to immigration cases. There are 5 administrative courts, two of which are at federal (national) level: the State Council and the Aliens Litigation Council. It is within the latter that there has been a decrease in the number of cases. Immigration and asylum cases are handled by the Conseil du Contentieux des Etrangers. The Aliens Litigation Council is an independent administrative court, which deals with cases "in the first instance", i.e. full substantive litigation or "in cassation", i.e. a decision "in annulment" or "suspension". The Council may be seized with appeals against decisions of the "Commissariat général aux Réfugiés et aux Apatrides", against decisions of the "Office des Etrangers" and against all other individual decisions taken pursuant to the Act of 15 December 1980 on access to the territory, residence, establishment and removal of aliens (Aliens Act).

Please also note that figures for juvenile courts as well as figures for civil cases treated by the police courts are not included in this cycle. These figures present very small number from the total number of cases.

**Q91 (2015):** The pending cases of commercial courts, first instance (civil, youth, family) and justice of the peace are not included.

Included in pending cases are: labor courts, police courts, courts of appeal, labor court

**Q91 (2014):** With regard to non-litigious business registry cases, the central register of notices of seizure, delegation, transfer, collective debt settlement and loan is managed by the National Chamber of Bailiffs. Administrative cases are handled by the State Council (except for cassation rulings), the Alien Litigation Council and the Flemish regional administrative colleges, "Raad voor verkiezingsbetwistingen, Raad voor milieuhandhaving by Raad voor vergunningbetwistingen". (judicial year 2013-2014).

**Q91 (2012):** 2010, 2012: Category 1 'civil (and commercial) litigious cases' includes the cases to be tried by the first instance courts, commercial courts (incl. disputed claims), justices of the peace and civil cases of the courts police, but does not apply to civil cases of youth. For 2010, there are no available data on the labour courts because the project to build a data warehouse 'Statistics labour courts' is not yet finalised.

The category 1 does not apply to cases to be tried in second instance by courts of first instance (acting as appeal courts for civil cases heard at first instance by justices of the peace and police courts). Unable to distinguish the cases from category 1, from those in category 2, they are all grouped in category 1.

**Q91 (2010):** 2010, 2012: Category 1 'civil (and commercial) litigious cases' includes the cases to be tried by the first instance courts, commercial courts (incl. disputed claims), justices of the peace and civil cases of the courts police, but does not apply to civil cases of youth. For 2010, there are no available data on the labour courts because the project to build a data warehouse 'Statistics labour courts' is not yet finalised.

The category 1 does not apply to cases to be tried in second instance by courts of first instance (acting as appeal courts for civil cases heard at first instance by justices of the peace and police courts). Unable to distinguish the cases from category 1, from those in category 2, they are all grouped in category 1.

**Q92 (General Comment):** Commercial Court (2.2.2): non-contentious cases related to the commercial register: the number of incoming cases = the number of cases handled, because only the filing date is known. For this reason, it was decided to indicate the same number in both columns. - this procedure only concerns acts registered by the legal persons department of the commercial courts and concerns the following acts: (free publication of the) deed of incorporation and amendment of the NPOs (and non-NPOs), (amendment of) the articles of association, directors, persons delegated to the daily management, auditors, dissolutions, liquidations, liquidators, copies of the register of members, annual accounts, general meeting, various and coordinated texts of the articles of association. For documents filed electronically, the incorporation deed and the amendment deed were recorded.

**Q93 (General Comment):** other: number of protective cases concerning minors before juvenile courts. These are the 'facts qualified as offences' (offences committed by minors) and the facts 'situations of minors in danger'.

**Q97 (General Comment):** Number of cases before courts of appeal, labour courts and cases of appeal against decisions of justices of the peace and police courts, at the first instance level.

Court of Appeal (civil matters): pending cases at 1/01/2018 = 33,018; pending cases at 31/12/2018 = 32,321; pending cases for more than 2 years from the date in which the case is brought before the courts of second instance = 13,507. Labour Court: pending cases at 1/01/2018 = 6236; pending cases at 31/12/2018 = 6201; pending cases for more than 2 years from the date in which the case is brought before the courts of second instance = 1535. Bron: datawarehouse (extraction 1/09/2019) no data on pending appeals against decisions of the justices of the peace and police courts at the first instance level.

**Q97 (2018):** Number of cases before courts of appeal, labour courts and cases of appeal against decisions of justices of the peace and police courts, at the first instance level.

Court of Appeal (civil matters): pending cases at 1/01/2018 = 33,018; pending cases at 31/12/2018 = 32,321; pending cases for more than 2 years from the date in which the case is brought before the courts of second instance = 13,507. Labour Court: pending cases at 1/01/2018 = 6236; pending cases at 31/12/2018 = 6201; pending cases for more than 2 years from the date in which the case is brought before the courts of second instance = 1535. Bron: datawarehouse (extraction 1/09/2019) no data on pending appeals against decisions of the justices of the peace and police courts at the first instance level. In administrative matters, there is no second instance. The Council of State is the only supreme court.

**Q97 (2017):** Number of cases before courts of appeal, labour courts and appeals against decisions of justices of the peace and police courts at the first instance level.

Courts of Appeal: Justice in numbers

**Q97 (2016):** Number of cases before courts of appeal, labour courts and cases of appeals against decisions of justices of the peace and police courts, at first instance.

**Q99 (General Comment):** Civil, social and tax cases at the Court of Cassation

Administrative affairs = cases "in cassation" at the Council of State

**Q99 (2018):** Civil, social and tax cases at the Court of Cassation

Administrative affairs = cases "in cassation" at the Council of State

**Q99 (2017):** civil and commercial cases: cases in roles C, S and F at the Court of Cassation

administrative cases: cases before the Council of State "in cassation": Out= 221 judgments and 214 non-admission orders

**Q99 (2016):** Civil, social and fiscal cases at the Court of Cassation

Administrative cases ="cassation" cases in the State Council

The decrease in administrative cases is due to a reduction in referrals to the Council of State for this type of case.

**Q99 (2014):** 2014: The civil and commercial cases include cases of roles C (private and public law), F (tax law) and S (employment law) of the Court of cassation.

Administrative cases fall within the decisions of the Council of State in cassation.

**Q99 (2010):**

2010: The increase of 26% regarding the total of other than criminal cases between 2008 and 2010 can be explained by an overall increase in civil cases and a major increase in cases concerning labour law before the Court of Cassation.

**Q101 (2018):** As a result of the new rules for counting and recording cases, the number of contentious divorce cases is lower than the one in the previous years.

Bankruptcy cases do not include cases that have been managed by the Regsol system and procedure since mid-2017. The number of pending and resolved cases cannot be calculated due to the unreliability of the available data.

Cases concerning asylum seekers include asylum cases before the Aliens Litigation Council (e. g. applications for recognition of refugee status or granting of the subsidiary protection status). Cases relating to the right of entry and residence include migration cases before the Aliens Litigation Council (appeals for annulment of individual decisions taken pursuant to the Act on Access to the Territory, Residence, Establishment and Removal of Foreign Nationals).

**Q101 (2017):** Appeals lodged with the Aliens Litigation Council (Conseil du contentieux des Etrangers (CCE)) in the context of an asylum procedure migration litigation.

**Q101 (2016):** "Justice of the peace: no data for pending cases (start + end)

civil courts of first instance and family courts: no data for pending cases (start + end)

Youth courts: no data for Eupen, Leuven, Brussels (Dutch-speaking), Tournai, Mons; no data for resolved cases, pending cases and length of criminal courts of first instance: no data for Turnhout, Tongeren, Hasselt, Leuven, Charleroi, Eupen; no data for durations and breakdown by type of offence; police courts : no data for civil cases: no data for new cases, pending cases and commercial court length: concerns (only) the following roles: general role (including contested claims), role of motions and role of summary proceedings. It should be noted that the number of resolved cases is only an estimation - this figure has been calculated on the basis of the last judgment and this judgment closes the case. Consequently, not all the following cases are taken into account in this calculation: cases that have been the subject of another judgement after the judgement ending the case, and cases in which no judgement has been pronounced; no data for pending cases. Insolvency (commercial courts) :

Due to unreliable data, figures for pending and resolved insolvency cases (commercial courts) cannot be provided. With regard to insolvency (commercial courts), it should be noted that: - incoming cases: cases registered with a insolvency nature, cases with a insolvency number or cases registered on a dedicated insolvency list. Cases relating to liquidations/dissolutions, business continuity law and commercial investigations (not leading to insolvency) are not recorded. Filter: nature group of the insolvency case or insolvency number or entry on the roll F, G, H, K, L, V.

Bankruptcies include business insolvency proceedings (Commercial Court) and personal insolvency proceedings (collective debt settlement with the labour court).

With regard to the "litigious divorce cases" category, the variations in the number of incoming cases and the number of resolved cases are due to the fact that, unlike the previous cycles (2014, 2015), the 2016 data do not include divorces with mutual consent. The category "insolvency cases" in 2016 encompasses insolvency proceedings of companies (Commercial Court) and personal insolvency proceedings (collective debt settlement before the Labour Court) that were not included in previous cycles."

**Q101 (2015):** The insolvency cases provided only include cases regarding individuals and not the ones concerning companies.

## Bulgaria

**Q91 (General Comment):** The division by types of cases in the statistical forms published by the Supreme Judicial Council of Bulgaria is quite different from the CEPEJ categorisation and for that reason breakdown cannot be made. Only administrative cases are possible to differentiate due to existence of administrative courts. Furthermore, in Bulgaria registry cases are not resolved by courts. They are under the competence of the Registry agency where is the property register, the commercial register, the BULSTAD register and the Register of the Property Relations between spouses.

Since there is no centralised Case Management System, the information on number of cases in different instances was summed up on the bases of the data collected from different courts and some mistakes are possible due to non-existence of control mechanism to check all the incoming courts data and spot eventual anomalies.

**Q91 (2018):** The observed increase in the number of incoming administrative law cases and accordingly in the number of pending administrative law cases at the end of 2018, is a consequence of an increase characterizing the period 2016-2017. As explained in the comment accompanying 2017 data, there is no specific reason for the increase in the number of incoming administrative law cases between 2016 and 2017. During this period there was an increase in the number of cases before the administrative courts (mainly claims under the Administrative Procedure Code, Management of Resources from the European Structural and Investment Funds Act, Tax and Social Insurance Procedure Code, Competition Protection Act, etc.).

**Q91 (2017):** 02/11/2018 7:17:04 AM There is no specific reason for the increase in the number of incoming administrative law cases between 2016 and 2017. During this period there was an increase in the number of cases before the administrative courts (mainly claims under the Administrative Procedure Code, Management of Resources from the European Structural and Investment Funds Act, Tax and Social Insurance Procedure Code, Competition Protection Act, etc.).

**Q91 (2014):** In 2014, the number of all civil cases considered as an overall category can be obtained by extracting from the total the number of administrative cases. Accordingly, the following data can be provided in respect of the overall category of civil cases (litigious and non-litigious): 67 513 pending cases on 1 January 2014; 294 657 incoming cases; 300 799 resolved cases; 61 371 pending cases on 31 December 2014.

**Q91 (2012):** In the frame of the 2012 exercise, it has been explained that the number of pending administrative law cases on 31 December 2012 has increased because of the increase of the number of incoming cases in 2010 (21%) and 2012 (8%). Provided that judges of the administrative courts resolved about 72% on average of the cases during the year, the considerable number of incoming cases in 2012 led to an increase in unresolved cases at the end of the period.

**Q93 (General Comment):** Till 2014, the sum of all civil and commercial cases (litigious and not litigious) heard by first instance courts was represented within item "other". However, in order to ensure better consistency of the comparative analyses of the CEPEJ, starting from 2014 exercise, even the category "other" is answered by "NA".

**Q97 (General Comment):** The division by types of cases in the statistical forms published by Supreme Judicial Council of Bulgaria is quite different from the CEPEJ categorisation and for that reason breakdown cannot be made. Only administrative cases are possible to differentiate due to existence of administrative courts. Furthermore in Bulgaria registry cases are not resolved by the courts. They are under the competence of the Registry agency where is the property register, the commercial register, the BULSTAD register and the Register of the Property Relations between spouses.

Since there is no centralised Case Management System, the information on number of cases in different instances was summed up on the bases of the data collected from different courts and some mistakes are possible due to non-existence of control mechanism to check all the incoming courts data and spot eventual anomalies.

Till 2014, the sum of all civil and commercial cases (litigious and not litigious) heard by first instance courts was represented within item "other". However, in order to ensure better consistency of the comparative analyses of the CEPEJ, starting from 2014, even the category "other" is answered by "NA". The total is correct and represents the sum of the "administrative law cases" which number is identifiable, on the one hand, and all the civil cases considered as an overall category, on the other hand.

**Q97 (2016):** There is no particular explanation for the downward trend observed between 2014 and 2016 in respect of the number of pending cases on 1 January for the categories "total" and "administrative law cases". All the data provided is correct.

**Q97 (2012):** In the frame of the 2012 exercise, it has been explained that the number of pending administrative law cases on 31 December 2012 has increased because of the increase of the number of incoming cases in 2010 and 2012.

**Q99 (2018):** There are also some other non-litigious cases that are not included in the data. However their number is insignificant.

The number of pending administrative cases older than 2 years decreased meaningfully because of reorganization of work in the Supreme Administrative Court (SAC). By issuing an internal order The Chairman/President of the SAC increased the workload of each judge to achieve these results.

**Q99 (2017):** The answer for 2. Non litigious cases (2.1+2.2+2.3) is NAP for previous cycles as well.

**Q99 (2016):** The increase in the number of pending administrative law cases (in the beginning and at the end of the year) is explained by the fact that data has been provided by different sources for 2014 and 2016.

**Q101 (General Comment):** Since there is no centralised Case Management System, the information on number of cases was summed up on the bases of the data collected from different courts and some mistakes are possible due to non-existence of control mechanism to check all the incoming courts data and spot eventual anomalies. Accordingly, some discrepancies can appear between data communicated for different cycles.

**Q101 (2018):** The number of dismissal cases includes: "Claims for protection against unlawful dismissal and claims for annulment of the penalty imposed" note "and" warning of dismissal".

There is no specific explanation as to why insolvency proceedings decreased during the reference 2018. There is also no specific explanation as to why the number of employment dismissal cases decreased.

**Q101 (2017):** Since there is no centralised Case Management System, the information on number of cases was summed up on the bases of the data collected from different courts and some mistakes are possible due to non-existence of control mechanism to check all the incoming courts data and spot eventual anomalies. Accordingly, some discrepancies can appear between data communicated for different cycles.

**Q101 (2016):** There is no particular explanation in respect of the observed variations. All the data provided is correct.

**Q101 (2013):** In the frame of the 2013 exercise, it has been specified in respect of the category "insolvency cases" that the increase of the number of pending cases on 1 January 2013 is due to the overall increase of the number of incoming cases justified by macroeconomic reasons, namely the global financial crisis.

## Croatia

**Q91 (General Comment):** In Croatia, the enforcement cases are within only one type of procedure, and one category - Enforcement. Enforcement cases are non-litigious cases, and are therefore presented within row 2.1.- Civil and Commercial non-litigious cases. It should be noticed that bankruptcy cases are subsumed in the category "civil and commercial litigious cases". A bankruptcy registry has not been established in the Republic of Croatia. Since 2014, ICMS was improved as Croatia introduced an updated and very detailed code table, in order to extract more detailed case types from the system. Therefore, since then the distinction between all cases in litigious and non-litigious cases as well as other types of cases can be made very accurately. This change of methodology of categorisation affected the difference between pending cases on 31 December 2013 and pending cases on 1 January 2014 and disappears in the next cycle. For land registry cases there is a special explanation about the way of presenting unresolved cases 2.2.1. (Non-litigious land register cases) we emphasize that on 1 November 2014 the new monitoring methodology of the unsolved land register cases has been introduced, in a way that regular land register cases (e.g. registration) are monitored separately from other land register cases which include objections, appeals, individual correction procedures, proposals to connect the register of deposited contracts and general register and renewal cases, the establishment and amendment of land register. That is the reason of data horizontal inconsistency of data. The same reflects to the 2014, 2015 and 2016 period.

**Q91 (2018):** Decrease of the number of incoming cases (34%) in category 2.1. in comparison to previous cycle is due to the significant decrease of enforcement cases which are calculated in this category. Majority of enforcement cases are aimed at debtor's monetary assets based on trustworthy documents – i.e. documents that make the existence of debt highly plausible (such as regular utility bills, telecom operators' invoices, credit card invoices, unpaid installments of bank loans, etc.). Those cases were removed from jurisdiction of courts to public notaries already in 2012., and since then there is year after year decrease of enforcement cases in municipal courts - enforcement based on other types of enforcement titles (other than trustworthy document), as well as enforcement against real property.

**Q91 (2017):** The cases relative to the Personal Bankruptcy Act which came into force on 1st January 2016 are handled by the 1st instance Municipal Courts. The data about these cases was not available in the moment of completing the questionnaire for the Evaluation (CEPEJ study for EU Scoreboard) (data 2016) but the data is now available within the ICMS system for the year 2017 and they are incorporated in the category 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3). There were 268 pending Personal Bankruptcy cases on January 1st 2017, 377 incoming cases in 2017, 281 cases resolved in 2017 and 365 pending cases on 31st December 2017.

"Registry cases": In this category there is more than 20% increase of pending cases at the beginning of reference year in comparison to the beginning 2016. The reason are land registry cases. As stated in the previous cycle, the reason for the increased number of pending land registry cases is the significant income of these cases during 2016 and the difficulty for courts to cope with this income in same amount as in 2015. This all reflects on data for 2017.

The reason for the decrease in the number of pending administrative cases at the end of the 2017 is laying in the fact that administrative courts received almost 18% less cases than in 2016. Although judges resolved less cases than in previous year, in relation to the income, it was enough to decrease the number of pending cases at the end of 2017 for more than 20%.

**Q91 (2016):** More land registry cases has been received in 2016 than in 2014 so the total number of registry cases has increased as well.

During the two-year period (through 2014 and 2015), administrative courts accumulated unresolved cases - they solved significantly less than they received, which led to 15024 pending cases at the beginning of 2016. By the end of 2015, a total of 5 judges were transferred to administrative courts from other legal branches, which resulted in better results in 2016 (more resolved cases).

**Q91 (2015):** In 2015 the reorganization of the judicial system in the Republic of Croatia, which is partly related to the reorganization of the second instance proceedings, has been carried out. Consequently, in the county courts there has been a harmonization of case registers and case codes (litigious, non-litigious and other) in a way that in 2015 courts carried out the alignment and correction of the indication of certain types of second-instance civil cases. For this reason, in 2015 the correction of the category of cases according to the new methodology of monitoring has been carried out.

The total of all categories is aligned with the continuity of previous cycle (horizontal consistency), whereas the individual categories in the column "Pending cases on Jan. 1 2015" are presented under the new revised indication of the types of cases. For example, some cases that have been categorized in previous cycles under category 'Other', the courts have categorized according to the certain types of dispute which was possible after new case registers were open (e.g. Enforcement – Security by lien on the basis of an agreement of the parties).

Civil (and commercial) litigious cases (including enforcement cases and if possible without administrative cases under 3) - in this category of cases are included county courts civil cases, as well as litigious and bankruptcy second instance cases of the High commercial court. Enforcement cases cannot be divided into enforcement litigious and non-litigious cases. In the previous cycles we have presented the total of enforcement cases. In the previous 2014 cycle, the enforcement cases have been presented under 2.1. and the same methodology is valid for 2015.

General Civil (and commercial) non-litigious cases e.g. undisputed payment order, request for name change, non-litigious enforcement cases, etc. (if it is possible without administrative cases under 3 and without register cases under 2) –this category includes non-litigious county courts second instance cases, which are, under the code types of cases, identified in the ICMS (Integrated court management system).

Registry cases - this category includes registry cases (point 2.2.2.) dealt by the High Commercial Court of the RoC. As regards land registry cases, dealt by the County Courts in the 2nd instance, we are not able to identify them through the ICMS. The identification and the track-record of those cases is possible as of 1 April 2015. At this moment, these cases are a part of the category "Other non-litigious cases", which are not being expressed in the category "General Civil (and commercial) non-litigious cases".

Table 91 Point 1 – Civil (and commercial) litigious cases (including enforcement cases, and if it is possible without administrative cases that are reflected under 3) – in this category of cases, according to the answer from 2014 and 2013, litigious cases from 1st instance courts and commercial courts as well as the insolvency cases from commercial courts are included. Enforcement cases cannot be divided into litigious and non-litigious enforcement cases. CEPEJ requested a division of the enforcement cases among those arising from final judgement and those that would be referred to the arbitral settlement of disputes or maybe judicial settlement. Republic of Croatia cannot express these categories of enforcement cases separately. In the previous evaluation cycles we have presented the total of enforcement cases. For 2015 and 2014 enforcement cases have been presented in the category "other non-litigious cases".

**Q91 (2014):** On 1st November 2014, a new methodology of monitoring unresolved land registry cases was introduced into the judicial system, in a way that regular land registry cases (i.e. registration, note, caution) are not being monitored anymore and therefore are not presented in TOTAL column. Other land registry cases (i.e. objections, appeals, specific corrections, proposals for connection of land registries, establishing and supplementing land registries) are still being monitored.

Accordingly, there are differences in the category "non-litigious registry cases", which reflects to the category "total cases". In fact, the number of pending cases on 31 Dec. 2014 relates only to regular land registry cases, and does not include other land registry cases, which cases are, due to previous methodology, counted in categories incoming and resolved cases.

In the ambit of the 2014 exercise it has been recalled that the requested identification of the number of enforcement litigious cases and the number of enforcement non-litigious cases is impossible to be carried out in Croatia. Accordingly, the overall number of enforcement cases is subsumed in the category "general civil and commercial non-litigious cases".

2014: in comparison to 31 December 2013 and data delivered for the last Justice Scoreboard edition (data 2013), the Municipal Civil Court undertook the harmonization of data due to data migration. Therefore, the different statistical data is the consequence of that migration. Furthermore, after the new standardization of the audit, the Supreme Court has started to be less up-to-date since the number of received cases is far beyond the number of cases which the existing judges and advisors at the Supreme Court may resolve. In resolving the cases at the Supreme Court, advantage is given to urgent cases (determined by laws) and to old cases.



**Q91 (2013):** In respect of the category “civil and commercial non litigious cases” and the variations observed for the period 2010-2013, the explanation lies in the up-dated methodology of presentation of data. In 2013 and in contrast with the previous cycles, the Ministry of Justice was able to identify “company registry cases” and present them separately from “other civil and commercial non litigious cases”.

On the occasion of the 2013 exercise, it has been specified that the discrepancies that can be observed in respect of the category “total of other than criminal cases” between the number of pending cases indicated for December 2012 and the number of pending cases communicated for January 2013, are due to the completion of the ICMS system implementation in all courts in 2013 and the following migration and unification of data into the same reporting system (more specifically, the slight difference of 107 cases refers to enforcement cases).

As to the category “general civil and commercial non-litigious cases”, in 2013 it included inheritance cases but excluded company registry cases (presented separately in row 5), while for 2012 the latter were encompassed within the category.

As for the category “non-litigious company registry cases”, their number could be identified for 2013, as the Ministry of Justice was enabled to list the number of company registry cases separately.

The increase in the number of incoming “civil and commercial litigious cases” between 2010 and 2013 was mostly due to the continuity of the negative economic situation in Croatia. By contrast, additional efforts of judges, as well as broadening the scope of powers of court advisors (amendments to the Courts Act) resulted in the increase of the number of resolved cases.

With regard to the category “non-litigious enforcement cases”, it is noteworthy that the observed decreases are related to the effective implementation of the enforcement on pecuniary means that is carried out by the Financial Agency (FINA). Since the creditor submits the proposal for enforcement directly to the Financial Agency (not to the court), these cases are not registered as court files.

In respect of the “non-litigious land registry cases”, it should be noticed that in 2013, the Land Registry Act was amended. Accordingly, court advisors deliver a decision in land registry cases, while the judge supervises its content. The competence of other persons for issuing land registry was also established, electronic delivery of submissions and e-notice board were introduced which significantly improved the resolving of land registry cases.

**Q91 (2012):** In respect of the “administrative law cases”, it is noteworthy that till December 2011, they were adjudicated at the Administrative Court of the Republic of Croatia. Provided that the latter was overburdened, the two-instance administrative adjudication was introduced in January 2012. Four regional administrative courts were established as first instance courts (Zagreb, Osijek, Rijeka and Split), and former Administrative Court became second-instance High Administrative Court (appellate court). Moreover, before the amendments to the Administrative Disputes Act, the court was deciding on the legality of administrative acts, and judges were adjudicating without the presence of parties. Since 2012, there is a mandatory oral court hearing before the first-instance courts.

**Q92 (General Comment):** The category “civil (and commercial) non-litigious cases” encompasses all non-litigious cases that are not stated in the different categories.

**Q92 (2014):** For 2013 and 2014, the provided examples concern only question 92: exercise of the parental care; meeting and spending time with parent; obtaining the capacity to exercise rights of minor that became parent; decision with whom the child will be living; issuing of the permit for entering into marriage before age of majority; deprivation/returning of capacity to exercise rights; deprivation/returning /prolongation of parental care; deprivation of parents' right to live with the child and raise the child; content of court will; security of evidence; setting-up/derogation of necessary passage; setting-up of court deposit, opening of a safe; verification of a contract on life-long support; amortization of documents; trust of a child with behavioural disorder; the recognition of foreign court decisions; declaring a missing person dead; co-ownership dissolution; meetings and spending time with grandmother, grandfather, sister, brother, half-sister, step-brother; land borders; regulation of relations between co-owners; restraining a child; providing legal aid; conclusion of court settlement; inheritance statement; proof of death; regulation of co-ownership relationships; boundaries and necessary passage; determination of extramarital union; other- family non-litigious proceedings; storage of the testament; providing international legal assistance; verification; other –the rest of non-litigious proceedings; international child abduction; other - proclamation of the deceased and proof of death; the appointment of members of the companies body; the appointment of auditors, temporary/interim administrator; the safeguard of evidence; the establishment of a court deposit; opening of the safe deposit box; registry cases; previous measures; forcible establishment of lien; temporary measure; temporary and previous measures, recognition of arbitration decisions; recognition of a foreign court decision; cases entering in the scope of Article 4 point 2 of the Companies Act; court insurance by the transfer of ownership and rights.

**Q92 (2013):** For 2013 and 2014, the provided examples concern only question 92: exercise of the parental care; meeting and spending time with parent; obtaining the capacity to exercise rights of minor that became parent; decision with whom the child will be living; issuing of the permit for entering into marriage before age of majority; deprivation/returning of capacity to exercise rights; deprivation/returning /prolongation of parental care; deprivation of parents' right to live with the child and raise the child; content of court will; security of evidence; setting-up/derogation of necessary passage; setting-up of court deposit, opening of a safe; verification of a contract on life-long support; amortization of documents; trust of a child with behavioural disorder; the recognition of foreign court decisions; declaring a missing person dead; co-ownership dissolution; meetings and spending time with grandmother, grandfather, sister, brother, half-sister, step-brother; land borders; regulation of relations between co-owners; restraining a child; providing legal aid; conclusion of court settlement; inheritance statement; proof of death; regulation of co-ownership relationships; boundaries and necessary passage; determination of extramarital union; other- family non-litigious proceedings; storage of the testament; providing international legal assistance; verification; other –the rest of non-litigious proceedings; international child abduction; other - proclamation of the deceased and proof of death; the appointment of members of the companies body; the appointment of auditors, temporary/interim administrator; the safeguard of evidence; the establishment of a court deposit; opening of the safe deposit box; registry cases; previous measures; forcible establishment of lien; temporary measure; temporary and previous measures, recognition of arbitration decisions; recognition of a foreign court decision; cases entering in the scope of Article 4 point 2 of the Companies Act; court insurance by the transfer of ownership and rights.

**Q92 (2012):** For the 2012 exercise, the provided indications constitute replies to both questions 92 and 93.

The non-litigious cases were divided in the following categories:

1. Non-litigious cases referred to issues on personal status (status law): restriction, deprivation and returning of capacity to exercise rights; prolongation of parental care; deprivation and restriction of parental care; permit for entering into marriage; confession of fatherhood; detention in the institutions for mental diseases; promulgation of vanished persons dead and proving of death;
2. Non-litigious cases referred to property issues: inheritance proceedings; regulation of co-ownership relations; division of property and voluntary transmission of common property; boundary regime/regulation; amortization of decrees; conduction of different registers;
3. In the scope of non-litigious cases there have been developed special, different units: bankruptcy proceedings; liquidations and forced settlements; land registry proceedings; enforcement proceedings.

**Q93 (2014):** In 2013 and 2014 the reply NAP in respect of the category "other" is due to the fact that a bankruptcy registry has not been established in the Republic of Croatia.

**Q93 (2013):** In 2013 and 2014 the reply NAP in respect of the category "other" is due to the fact that a bankruptcy registry has not been established in the Republic of Croatia.

**Q93 (2012):** For the 2012 exercise, the provided indications constitute replies to both questions 92 and 93. Non-litigious cases were divided in the following categories:

1. Non-litigious cases referred to issues on personal status (status law): restriction, deprivation and returning of capacity to exercise rights; prolongation of parental care; deprivation and restriction of parental care; permit for entering into marriage; confession of fatherhood; detention in the institutions for mental diseases; promulgation of vanished persons dead and proving of death;
2. Non-litigious cases referred to property issues: inheritance proceedings; regulation of co-ownership relations; division of property and voluntary transmission of common property; boundary regime/regulation; amortization of decrees; conduction of different registers;
3. In the scope of non-litigious cases there have been developed special, different units: bankruptcy proceedings; liquidations and forced settlements; land registry proceedings; enforcement proceedings.

**Q97 (2018):** In category 1. Civil (and commercial) litigious cases there has been a decrease in the number of pending cases at the beginning of the period, received cases, resolved cases and also pending cases at the end of the year. This seems to be the trend for several years now. Although these courts are resolving less cases than in previous period, due to the reduced income, pending cases are still significantly decreased. Reduced number of received civil litigious and commercial cases on second instance do not have reason in for example law changes. Simply because less cases are resolved at first instance, less appeals are lodged to the second instance.

The increased number of pending administrative law cases at the beginning and at the end of the year as well as received cases is due to the extended jurisdiction of the High administrative court following law changes. The latter led to an increased inflow of cases and difficulty for the High administrative court to cope successfully with the income of second instance cases, especially since the number of judges remain the same as before law changes. This comment was provided also for last cycle. The rest of the categories which have increase or decrease in pending cases is just an effect of the incoming or resolved cases.

**Q97 (2017):** The increased number of pending administrative law cases at the beginning and at the end of the year is due to the extended jurisdiction of the High administrative court following law changes. The latter led to an increased inflow of cases and difficulty for the High administrative court to cope successfully with the income of second instance cases. This comment in more details was provided also for last cycle.

In this category there is more than 20% increase of pending cases at the beginning of reference year in comparison to the beginning 2016. The reason are land registry cases. Reason for increased number of pending land registry cases is decreased number of resolved cases in relation to the number of incoming cases (87%) during previous year (2016.) which affected results for 2017. In 2017, second instance courts also resolved less than received land registry cases.

The reason for the decreased number of pending business registry cases at the beginning of 2017 in comparison to the beginning of 2016 is the number of resolved cases in relation to the number of incoming cases (104%) during 2016. The lower number of received cases and Clearance rate of 106% lead to the decrease of the number of pending business registry cases at the end of 2017. The reason for the decreased number of pending "other non-litigious cases" at the beginning of 2017 in comparison to the beginning of 2016 is the significant number of resolved cases in relation to the number of incoming cases (185%!!) during 2016. Regarding the increased number of incoming cases of this type, there are in absolute numbers very few cases (154) and although there is an increase of more than 20% in comparison to previous year, we think that there is no significant explanation for this, which would affect the trends in following cycles. As for the decrease in the number of resolved "other non-litigious cases", there is no significant explanation for this, but we think that it will not influence the trend in future cycles.

The reason for the decrease of pending civil and commercial litigious cases older than 2 years in second instance courts lays in the fact that in 2017 second instance county courts and the High Commercial Court resolved significant amount of cases in relation to received cases (122%) with special focus on older cases. This led to a decrease of more than 17% of all pending cases and more than 30% of pending cases older than 2 years.

The reason for the decrease of pending non-litigious cases older than 2 years in second instance courts lays in the fact that in 2017 second instance county courts and the High Commercial Court resolved more cases than received (103%) with special focus on older cases. This led to decrease of more than 7% of all pending cases and more than 30% of pending cases older than 2 years (of which they have few in the beginning).The reason for the decrease of pending "general civil and commercial non-litigious cases" older than 2 years in second instance courts lays in the fact that in 2017 second instance county courts and the High Commercial Court resolved more cases than received (103%) with special focus on older cases. This led to decrease of more than 7% of all pending cases and more than 30% of pending cases older than 2 years (of which they have few in the beginning).The reason of the increase of pending registry cases older than 2 years in this category is entirely due to the increase of the number of pending land registry cases older than two years. The reason is already explained - the increase of pending cases in total is due to the difficulty of second instance courts to cope with the income of these cases. Finally, in respect of administrative law cases, due to the decrease of number of pending cases of this type in total, there is also decrease for 8 cases of pending cases older than 2 years (as stated before, we do not think that this is significant change taking into consideration absolute numbers and type of cases).

**Q97 (2016):** Second instance land registry cases, due to introducing separate case registers for certain type of cases on second instance courts,are now traceable as such in case management system. They have been taken out from Other non-litigious cases, where they were presented in previous cycles. The number of administrative cases, both in incoming and pending cases at the end of period is increasing. This is due to the law changes, which have extend jurisdiction of this court and consequently increase income of cases and unresolved cases at the end of period.

**Q97 (2014):** It is noteworthy that in 2012 and 2013, the ICMS could not recognize and divide cases into litigious or non-litigious. In 2014, the ICMS was improved as Croatia introduced updated and a very detailed code table, in order to extract more detailed case types from the system. Therefore, now the distinction between all cases in litigious and non-litigious cases as well as other types of cases can be made very accurately. This change of methodology of categorisation affected the difference between pending cases on 31 December 2013 and pending cases on 1 January 2014 which will disappear in the next cycle.

**Q97 (2013):** In the frame of the 2013 exercise it has been explained that the discrepancies that can be observed in respect of the category "total of other than criminal cases" between the number of pending cases indicated for December 2012 and the number of pending cases communicated for January 2013, result from an administrative correction of a specific small number of cases by the second instance courts after the closure of the statistic period, which the reporting system then generates as a difference concerning previously rendered data.

As to the category "civil and commercial litigious cases", owing to a different methodology of presentation of data, the number of pending cases in the end of 2012 does not coincide with the number of pending cases in the beginning of 2013. The number of pending cases on 31 December 2012 included second instance-civil and commercial courts' cases, bankruptcy cases, general non-litigious cases, enforcement cases, land registry cases and company registry cases. Since 2013, it is possible to provide data on the second-instance civil and commercial litigation cases and bankruptcy cases separately from the general non-litigious cases, enforcement cases, land registry cases and company registry cases.

The variations observed with regard to the category "total of other than non-criminal law cases" for the period 2010-2013 can be explained by the negative economic situation in Croatia, which resulted in the increase of incoming commercial and civil cases before first instance courts and consequently led to the increase of the second instance cases.

**Q97 (2012):** As to the variations observed in respect of the “administrative law cases”, they are justified by the reform related to the administrative justice. Basically, till December 2011, they were adjudicated at the Administrative Court of the Republic of Croatia. Provided that the latter was overburdened, the two-instance administrative adjudication was introduced in January 2012. Four regional administrative courts were established as first instance courts (Zagreb, Osijek, Rijeka and Split), and former Administrative Court became second-instance High Administrative Court (appellate court).

**Q99 (2017):** Regarding the answers in this question, cases dealt with by the Supreme Court of the Republic of Croatia, as the highest instance court in the RoC, have been presented. We are unable to show separately the required categories. The Supreme Court of the RoC is in the process of preparing the implementation of the ICMS, which will in future enable the expression of cases by types. Source for this data is published data by the Supreme Court of the RoC for year 2017 on their website.

**Q99 (2016):** Due to a large influx of revision proceedings and a slower solving of cases in 2014 and 2015, at the beginning of 2016 the number of pending cases continues to increase. However in 2016 the Supreme Court of the Republic of Croatia significantly resolved more cases than in previous cycle and the number of pending cases had decreased compared with 2015 although not when compared with 2014.

**Q99 (2015):** In the table 99. cases dealt by the Supreme Court of the RoC, as the highest most instance court in the RoC, have been presented. We are unable to show separately the required categories. The Supreme Court of the RoC is in the process of preparing the implementation of the ICMS, which will in future enable the expression of cases by types.

**Q99 (2014):** After the new standardization of the audit, the Supreme Court has started to be less up-to-date since the number of received cases is far beyond the number of cases which the existing judges and advisors at the Supreme Court may solve. In resolving the cases at the Supreme Court, advantage is given to urgent cases (determined by laws) and to old cases.

**Q101 (2018):** The reason for decreasing the number of pending insolvency cases lies in the new Bankruptcy Act, which entered into force in September 2015. Since then, and throughout the first half of 2016, many shortened bankruptcy proceedings have been initiated ex officio and finished in relatively short period (that was "unnaturally" large income of simple insolvency cases). Cycles defined in aforementioned Law of initiating these procedures by FINA finished, so 2018. actually reflects regular state of insolvency proceedings regarding income of insolvency cases.

**Q101 (2017):** "Litigious divorce cases" - regarding the decrease in the number of pending cases at the beginning of reference year in comparison to the beginning 2016., the reason lays in the fact that first instance municipal courts resolved significant number of cases in relation to the number of incoming cases (148%!!) during 2016., while the income of these cases, as stated in previous cycle decreased in comparison to the 2015. In 2017, courts resolved less cases than in 2016., but nevertheless more than they received which led to the decrease of pending cases at the end of 2017.

"Employment dismissal cases": Regarding the decrease in the number of pending cases at the beginning of reference year in comparison to the beginning 2016., the reason lays in the fact that first instance municipal courts resolved significant number of cases in relation to the number of incoming cases (133%!!) during 2016. Municipal courts received less cases of this type. The reason lays in the fact that in general, income of labour cases decreased in 2017. with no specific reason in sense of law changes etc. Lower number of received cases and Clearance rate of 137% lead to the decrease of the number of pending cases at the end of 2017.

Insolvency cases: in 2015. new Insolvency act was introduced. Significant number of companies were subject of shortened insolvency proceeding conducted by commercial court. Cycles defined in aforementioned Law of initiating these procedures by FINA finished by the mid of 2016., so 2017. reflects regular „movement“ of insolvency cases.

**Q101 (2016):** Regarding insolvency cases, 2015 was the year when, by introducing new Insolvency act, significant number of companies were subject of shortened insolvency proceeding conducted by commercial courts. Cycles defined in aforementioned Law of initiating these procedures by FINA finished, so 2016 actually reflects regular state of insolvency proceedings regarding income of insolvency cases. Relating the reduced number of incoming divorce cases, the number of divorces with minor children dropped in 2016. Namely, according to the new Family Law which came into force on 1 November 2015, couples with children, before initiating the court proceeding, have to undergo mandatory family mediation at social welfare centres. This fact postpones court proceedings and therefore there are fewer cases in court in 2016.

**Q101 (2015):** Regarding the table 101. - Litigious divorce cases – we point out that in 2015 there have been amendments to the Family Act, due to which a certain number of family cases were no more resolved in a litigious, but in non-litigious proceedings. For this reason, the number of cases in this category for 2015 is presented decreased (e.g. if these cases remained within the same category, the result would be as follows: Pending at the beginning of 2015 – 4 595, Incoming – 9 253, Resolved – 8 756 and Pending at 31.12.2015 – 5 092 cases).

In the same table (101), there is an increase of incoming insolvency cases due to the fact that on 1 September 2015 the new Insolvency Act came into force. The Act stipulates that the court will conduct an shortened insolvency proceedings regarding the legal person if the following conditions are met:

- If it has no employees
- If the FINA Register has unexecuted orders for forced payment for a continuous period of 120 days
- If preconditions for a second proceeding for deletion from the court registry are not fulfilled.

The Financial agency (FINA) is obliged, for legal persons who, on the day of the entry of the Insolvency Act into force, have had unexecuted orders for forced payment in the FINA Register for a continuous period of 120 days submit request to the court to initiate the shortened insolvency proceeding.

In view of the above provisions and the fact that at the time of the entry into force of the Insolvency Act there was more than 20.000 legal persons for which the preconditions were met to initiate the shortened insolvency proceedings, the number of incoming insolvency cases in 2015 increased significantly compared to previous years.

**Q101 (2014):** The increase of the number of pending bankruptcy cases on 1st January 2014 is due to the fact that many companies have gone bankrupt in 2013, thus there were a large inflow in 2013 in relation to other periods, and consequently an increase of the number of unresolved cases in 2014. The same reason is visible also in the 68% decrease of number of incoming bankruptcy cases in 2014, when compared with the outlier in 2013.

**Q101 (2013):** In the frame of the 2013 exercise, it has been indicated that the category “employment dismissal cases” includes dismissal of employment contract cases, determination of employment relationship cases and termination of employment cases.

## Cyprus

**Q91 (General Comment):** The number of litigious and non-litigious cases cannot be separated and constitute one overall category of civil cases.

**Q91 (2018):** The increase in the number of resolved cases is a consequence of the cases tried together. For number of administrative cases, it should be taken into account that cases were consolidated and that 2724 consolidated cases were withdrawn.

**Q91 (2017):** The variation concerning incoming (total) and resolved (total and administrative) cases (decrease) is due to the fact that, in 2016, cases were filed and tried in a bundle but each was considered separately for statistical purposes. Put differently, cases were joined together and therefore there was an increase in the number of resolved cases. Accordingly, we can observe a decrease in the number of resolved cases between 2016 and 2017.

**Q91 (2015):** Variations: The increase in the number of pending cases between 2010 and 2015 is a result of the bail in Cyprus a lot of administrative cases had been filed against that decision.

The reason for the decrease in the number of resolved cases is that the bail in cases had been consolidated and was tried jointly after 31st of December 2014.

**Q91 (2014):** 2014: Variations: The increase in the number of pending cases between 2013 and 2014 is a result of the bail in Cyprus a lot of administrative cases had been filed against that decision.

The reason for the decrease in the number of resolved cases is that the bail in cases had been consolidated and was tried jointly after 31st of December 2014.

**Q93 (General Comment):** In Cyprus the number of cases presented in Q91 includes military court cases, rent tribunal cases, labour court cases and admiralty cases.

**Q97 (General Comment):** Cyprus has a two tier system therefore the supreme court is the second, highest and final instance court.

**Q97 (2016):** The Supreme Court is the appeal court. Accordingly, data is provided under question 99.

**Q99 (General Comment):** Q99 is NAP because Cyprus has a two tier system therefore the supreme court is the second, highest and final instance court.

**Q99 (2018):** Cyprus only has a two tier system. The Court of Appeal is also the Supreme Court, therefore the relevant data could be found in the section on second instance cases.

**Q99 (2017):** appeals filed against decisions of the administrative courts which was established in 2016 should be included in the pending cases on 1.1.2017 as Other cases include family court appeals

Variation between 2016 and 2017 in administrative cases (incoming and resolved): this includes appeals filed against decisions of the administrative court

**Q99 (2016):** The supreme court is the appeal court

**Q101 (General Comment):** The increase in the number of employment dismissal cases since 2010 is the result of the crisis.

**Q101 (2017):** in the litigious divorce cases 192 cases pending on 1.1.16 of the family court of Famagusta were not included Concerning the employment dismissal cases, the variation (decrease) between 2016 and 2017 is due to the fact that in 2016 many cases were filed after companies were closed many of which were later withdrawn.

## Czech Republic

**Q91 (General Comment):** For years 2010, 2012 and 2013, business register cases, administrative cases and insolvency registry cases which are decided by the regional courts (second instance courts) acting as first instance courts, were included in the table concerning the case-load of second instance courts (question 97). On the contrary, since 2014, administrative cases, business registry cases and insolvency cases (and also some litigious cases) which are still decided by the second instance courts acting as first instance courts, are subsumed within the table of question 91 (which was already the case for the 2008 exercise). Methodology has been changed in year 2015 – more case types have been included, which led to the big increment in the number of cases. There are no further changes expected.

**Q91 (2018):** Methodology has been changed in 2.1 and 2. (civil and commercial non-litigious cases) in year 2015 – more case types have been included, which led to the big increment in the number of cases.

**Q91 (2017):** Methodology has been changed in 2.1 and 2. (civil and commercial non-litigious cases) in year 2015 – more case types have been included, which led to the big increment in the number of cases. Generally the number of incoming cases is decreasing, more use of ADR.

In the previous year the number of resolved cases greatly exceeded the number of incoming cases for other non-litigious cases, which led to huge drop in pending cases and discrepancy appeared.

Non-litigious business registry cases are very easy to resolve and the variance between years in the number of cases (incoming, resolved and pending) is quite big in general. Thus the annual change could easily be (and is) greater than 25 %.

Courts have problems with resolving administrative cases. It follows that number of incoming cases was last year much bigger than number of incoming cases. Thus number of pending cases increased greatly cases and discrepancy appeared.

As to Other cases, insolvency cases are reported. This is relatively new and very specific agenda, which usually takes 5 years to resolve. There was an increase in case filings five years ago, which resulted in growth in the number of resolved cases nowadays. On the other hand, for various reasons (including legislative changes) the number of incoming cases is decreasing.

**Q91 (2016):** Methodology has been changed in 2.1 and 2. (civil and commercial non-litigious cases) in year 2015 – more case types have been included, which led to the big increment in the number of cases. Generally the number of incoming cases is decreasing, more use of ADR.

**Q91 (2015):** In all evaluation cycles for Czech Republic it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

Methodology has been changed in 2.1 in year 2015 – more case types have been included, which led to the big increment in the number of cases.

Civil and commercial non-litigious cases include: 2.1 - uncontested payment orders, cases of the upbringing and maintenance of a minor, declaration of admissibility of taking or keeping of a person in a medical (health care) institution, declaration of the death of a person, inheritance proceedings, judicial deposit cases

Category "other includes: insolvency cases and incidence disputes

**Q91 (2014):** In 2014, the high increase of insolvency cases is due to numerous cases of personal bankruptcies as well as to an unfavourable economic situation.

**Q91 (2013):** · On the occasion of the 2013 exercise, it is indicated that for the 2012 evaluation cycle the category of enforcement cases includes data concerning exclusively enforcement done by the court itself. For 2013, this category encompasses also enforcement carried out by private executors. In this procedure, the court is also involved. Namely, it authorizes the private executor to proceed to the enforcement and decides about remedial measures against executor's decision.

· As for the category "other", if in 2012 it includes electronic payment orders and probate proceedings, in 2013 it encompasses only electronic payment proceedings which explains the variation that can be noticed between 2012 and 2013. Moreover, in respect of the electronic payment orders, there was a switchover to another register and 174.067 cases were transferred to the new register of payment orders.

· Accordingly, the evolutions related to both of the categories – "non-litigious enforcement cases" and "other cases" affect the values in respect of the totals.

**Q91 (2012):** In the frame of the 2012 evaluation cycle, it is explained that the observed variations between 2010 and 2012 concerning the number of pending cases on 1st January, the number of incoming cases and the number of pending cases on 31 December stem from the high number of incoming electronic payment orders in 2011. Besides, it is specified that more enforcement cases are handled by private executors.

**Q91 (2010):** In the ambit of the 2010 exercise, it has been emphasized that the continual decrease of pending cases is one of the main goals pursued by the Ministry of Justice. Accordingly, a number of legislative reforms (primarily in civil procedure law), more consequent controls of courts, especially with regard to cases older than 3 years, and other provisions have been approved with the aim of speeding the proceedings and decreasing the number of pending cases.

**Q92 (2014):** For all of the four exercises (2010, 2012, 2013 and 2014) the category of civil and commercial non-litigious cases encompasses cases of upbringing and maintenance of a minor. In 2014, it subsumes also declarations of admissibility of taking or keeping a person in a medical (health care) institution and declarations of death of persons.

**Q93 (General Comment):** For 2010 and 2012 the category "other" subsumes electronic payment orders and probate proceedings, while for 2013, it encompasses only electronic payment orders. By contrast, for 2014, its content covers insolvency cases.

**Q97 (General Comment):** It is noteworthy that the methodology of presentation of data has been changed since the 2014 exercise. In fact, for 2010, 2012 and 2013, business register cases, administrative cases and insolvency registry cases which are decided by the regional courts (second instance courts) acting as first instance courts, were included in the table concerning the case-load of second instance courts (question 97). On the contrary, since 2014, administrative cases, business registry cases and insolvency cases (and also some litigious cases) which are still decided by the second instance courts acting as first instance courts, are subsumed within the table of question 91 (which was already the case for the 2008 exercise). However, this change is not reflected in question 46 concerning the number of second instance judges because it is very difficult to distinguish among them judges working on administrative cases, business registry cases and insolvency cases (and also some litigious cases).

**Q97 (2018):** In "Other cases" category, insolvency cases are reported.

In general, number of incoming cases is decreasing and it follows that the numbers of pending cases and resolved are decreasing as well (the situation is getting better). This may result in some big yearly changes and discrepancies.

**Q97 (2017):** In "Other cases" category, insolvency cases are reported. In this year the number of resolved insolvency cases greatly exceeded the number of incoming insolvency cases, which led to huge drop in pending cases at the end of the year and discrepancy appeared. The changes are connected to changes in first instance insolvency agenda.

**Q97 (2016):** Increase in the number of "other cases" in 2015 and 2016 is due to the change of methodology applied to these data.

**Q97 (2015):** Increases in the number of "other cases" are due to the change of methodology applied to the 2015 data.

**Q97 (2014):** In 2014, the high increase of insolvency cases is due to numerous cases of personal bankruptcies as well as to an unfavourable economic situation.

**Q97 (2013):** For the 2013 exercise, the totals do not include the number of non-litigious business registry cases which is not available.

**Q97 (2012):** For the 2012 exercise, the totals do not include the number of non-litigious business registry cases which is not available.

**Q97 (2010):** For the 2010 exercise, the totals do not include the number of non-litigious business registry cases which is not available.

**Q99 (2018):** The category "other" includes appeals in last (third) instance of insolvency cases and incidence disputes.

**Q99 (2017):** The category "other" includes appeals in last (third) instance of insolvency cases and incidence disputes. This whole agenda is relatively new (since 2008) and it takes quite a long time to resolve a case (several years). Since the agenda is new, it took several years before the number of first-instance incoming cases stopped growing and reach somehow stable level. Of course, the number of appeals (second instance) and incoming case second instance cases started to grow as well, but later. For simplicity, it can be said that Supreme Court deals with appeals in final (third instance). It follows that the number of final instance cases in this agenda also started to grow and again, later than the number of incoming cases in second instance. Thus the number of incoming cases in this agenda (insolvency cases and incidence disputes) is currently growing. The court seems to be struggling to deal with this growth in number of incoming cases, yet it is difficult to understand the reasons behind it, as the growth does not seem to be very high in absolute numbers.

**Q99 (2016):** In 2016 the administrative cases were added and for that reason all numbers show variation. Previously the number of administrative cases on this instance was NA.

**Q99 (2012):** In the frame of the 2012 evaluation cycle, it was specified that the civil and other cases are within the competence of the Supreme Court, while the administrative cases are within the competence of the Supreme Administrative Court.

**Q101 (General Comment):** For all evaluation cycles for the Czech Republic it was not possible to identify the number of pending cases solely on 1st instance since, each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**Q101 (2017):** This is relatively new and very specific agenda, which usually takes 5 years to resolve. There was an increase in case filings five years ago, which resulted in growth in the number of resolved cases nowadays. On the other hand, for various reasons (including legislative changes) the number of incoming cases is decreasing.

There was an amendment of insolvency law in 2017 which introduced e. g. obligatory processing of insolvency motion by specialised entities or broadening of reasons for discontinuance of proceedings due to the lack of, or little, estate.

**Q101 (2013):** In the frame of the 2013 exercise, it is noticed that the increasing trend concerning the category of insolvency cases is due to the economic situation. More particularly, the number of personal bankruptcies is increasing.

## Denmark

**Q91 (General Comment):** As concerns "non-litigious business registry cases", it is important that because of new regulations/laws, it is possible to start a new company with no prior capital. This causes many more companies and many more closures in some categories and also affect number of pending cases, like for non-litigious business registry cases. Besides from that it is important to note that pending cases always may vary a lot as it is a residual figure when pending prior to the period, received and resolved cases are counted. The number of "administrative law cases" which are litigious is encompassed in the number of "civil and commercial litigious cases".

With regard to "non litigious land registry cases", it should be pointed out that due to the high amount of incoming and resolved cases, the residual figure of pending cases prior and after the period may vary.

**Q91 (2018):** As concerns "non-litigious business registry cases", it is important that because of new regulations/laws, it is possible to start a new company with no prior capital. This causes many more companies and many more closures in some categories and also affect number of pending cases, like for non-litigious business registry cases. Besides from that it is important to note that pending cases always may vary a lot as it is a residual figure when pending prior to the period, received and resolved cases are counted. Furthermore, the reason for the discrepancy is that we do not have pending figures from the Maritime and Commercial High Court. The number of "administrative law cases" which are litigious is encompassed in the number of "civil and commercial litigious cases".

With regard to "non litigious land registry cases", it should be pointed out that due to the high amount of incoming and resolved cases, the residual figure of pending cases prior and after the period may vary.

**Q91 (2017):** The figures provided in respect of this question are not fully consistent. The Maritime and Commercial Court only measures incoming and resolved insolvency cases but not pending cases. Accordingly, when the data on processed/resolved cases from this court are included, there will always be a small inconsistency. Therefore, vertical and horizontal figures are not totally consistent.

Concerning the category "land registry cases", the number of pending cases on 1 January 2017 is a residual figure from received, finalized and pending cases ultimo the year; it may deviate from pending cases ultimo 2016, but it is a residual figure. The number of pending cases on 31 December 2017 is an actual figure. Concerning the category "registry cases", it is specified that the Maritime and Commercial Court does not publish pending cases which results in a discrepancy.

**Q91 (2016):** As concerns "non-litigious business registry cases", it is important that because of new regulations/laws, it is possible to start a new company with no prior capital. This causes many more companies and many more closures in some categories and also affect number of pending cases, like for non-litigious business registry cases. Besides from that it is important to note that pending cases always may vary a lot as it is a residual figure when pending prior to the period, received and resolved cases are counted. The number of "administrative law cases" which are litigious is encompassed in the number of "civil and commercial litigious cases".

With regard to "non litigious land registry cases", it should be pointed out that due to the high amount of incoming and resolved cases, the residual figure of pending cases prior and after the period may vary.

**Q91 (2014):** In the ambit of the 2014 exercise, it has been emphasized that due to an improved business situation, courts on all levels receive fewer cases, i.e. civil cases, enforcement cases, forced sales, insolvency cases. Generally speaking, pending cases are also reduced thereby.

The non-litigious business registry cases follow the overall tendency in Denmark.

**Q91 (2013):** In the frame of the 2013 exercise, it has been explained that the successive decrease observed in the number of civil and commercial litigious cases stems from the possibility to reopen cases and the missing data on pending cases before the Maritime and Commercial Court.

As for the land registry cases, following the digitalizing in 2009 of land registry, the number of pending cases decreased markedly.

**Q91 (2010):** In the frame of the 2010 exercise, it has been explained that the increase of the total number of pending cases in January 2010 compared to the previous evaluation cycle was mainly due to the fact that pending cases for land registry cases were not provided in 2008 but included in 2010, following the emergence of the digital Land Registry Court from September 2009.

Besides, it has been indicated that following the so-called financial crisis there has been a marked increase in the number of enforcement cases which resulted also in the increase of the number of pending enforcement cases.

Finally it has been mentioned that pending cases for "others" were not registered in 2008, while they were so in 2010. Among others "others" include insolvency cases and cases in relation to deceased persons (heritage etc.). In 2010 29,923 such cases were pending but the figure was not part of the statistical calculation system in 2008.



**Q92 (General Comment):** Paternity, adoption, guardianship and others in the same category; cases under inquisitorial procedures.

**Q93 (General Comment):** Estate of deceased persons, notary, insolvency cases not included under 2.2.2. above.

**Q97 (General Comment):** It is noteworthy that all appellate cases are considered as "litigious cases" which explains the reply NAP for all the other categories, as well as the fact that the total coincides with the number of civil and commercial litigious cases. The number of "administrative law cases" which are litigious is encompassed in the number of "civil and commercial litigious cases".

Another important remark concerns cases that are not first instance cases before the two High Courts and which are included in question 97. Cases that begin as first instance at one of the two High Courts are not included in the figures in table 97.

**Q97 (2016):** Pending cases may vary a lot depending on the ratio of resolved cases compared to incoming cases. We can observe a decrease of about 30 % of pending cases ultimo the 2016. This is due to this "residual" nature of pending cases. The decrease in the pending cases between 2014 and 2016 is because in both calendar years 2015 and 2016 the number of resolved cases exceed the number of incoming cases.

**Q97 (2014):** In the ambit of the 2014 exercise, it has been emphasized that due to an improved business situation, courts on all levels receive fewer cases, i.e. civil cases, enforcement cases, forced sales, insolvency cases. Generally speaking, pending cases are also reduced thereby.

**Q99 (General Comment):** The number of incoming cases corresponds only to the number of admissible cases (excluding cases declared inadmissible which number is not available)

**Q99 (2018):** In the Danish context, non-litigious cases do not make sense. Pending cases may vary as it is residual in nature and is depending on the number of incoming and resolved cases and the ratio between those two.

It is also important, when we talk discrepancy, that there is a year between previous and present year (2016 - 2018). 2017 is missing, so data - in particular pending cases - may vary.

**Q99 (2017):** Pending cases primo and ultimo 2017 for the Supreme Court is found based on pending cases ultimo 2016, received cases in 2017 and resolved cases in 2017. Put differently, pending cases are now generated based on pending ultimo 2016 and cases in 2017.

**Q99 (2016):** In the Danish context, non-litigious cases do not make sense. Pending cases may vary as it is residual in nature and is depending on the number of incoming and resolved cases and the ratio between those two.

**Q99 (2015):** The number of incoming cases ("other than criminal cases") dropped between 2010 and 2015. Since the instance reform in 2007, the Supreme Court is now almost only a third instance court (instead of being partly a second instance court and partly a third instance court). Indeed, first instance pending cases at the two High Courts in 2007 have gradually already been appealed or finalised.

**Q99 (2014):** In the frame of the 2014 exercise, the attention was drawn on the fact that the number of incoming and resolved cases before the Supreme Court was still falling, since the reform of 1st January 2007. Before 2007, many cases started in one of the two High Courts and could be appealed directly to the Supreme Court as second instance. Since 2007, almost all cases start at the lowest level and consequently, much fewer cases are appealed to the Supreme Court. This effect of still fewer cases appealed to the Supreme Court following the reform could still be seen from 2012 to 2014.

**Q101 (General Comment):** To be sure to have consistent information, pending cases prior to the period in question is calculated based on received, finalized and pending cases ultimo the period in question. In addition, We got pending bankruptcy cases from the Maritime and Commercial Court from the court's annual report enabling us to answer question 101. It should be noticed that all cases from the District Courts regarding marriage and paternity/maternity are considered litigious divorce cases.

**Q101 (2018):** It should be noticed that all cases from the District Courts regarding marriage and paternity/maternity are considered litigious divorce cases.

There is a change of numbers of pending insolvency cases as we succeeded to include the Maritime and Commercial Court's pending insolvency cases in the overall figure.

**Q101 (2016):** Please note concerning insolvency: The number of cases concerning compulsory dissolution of companies has increased markedly due to new regulation where it is possible to start a company without starting capital. Accordingly, more companies are started, but more companies are also then closed. As concerns the number of pending insolvency cases, the data refers only to district courts given that data related to the Maritime and Commercial court is not available.

**Q101 (2015):** A decrease in the number of litigious divorce cases can be observed from 2010, it is most likely due to a change in the administrative proceedings, i.e. fewer cases end up in the courts.

## Estonia

**Q91 (2018):** The variations in total and in the non litigious cases are due to the number of entrepreneurs that has grown every year, so the number of incoming case is also increasing. Furthermore, the number of real estate transactions has increased and the market is active. The number pending cases end of 2017 is different because the numbers are taken later and the data has been corrected.

**Q91 (2017):** There are not any particular reasons to explain variations in the number of non-litigious business registry cases, causing variations in respect of the category "registry cases" and "non-litigious cases". As regards item 2.1 "general civil and commercial non-litigious cases", there is an important discrepancy between the number of pending cases on 31 December 2016 and the number of pending cases on 1 January 2017. The reason is related to the time the numbers have been taken out of the system (see general comment). The fifth column "pending cases older than 2 years", includes cases that are suspended (part 9 of our Code of Civil Procedure, <https://www.riigiteataja.ee/en/eli/506022018001/consolide> ). The proceedings may be suspended for example if the one of the parties dies or falls seriously ill; or if in order to solve the dispute the court needs a resolution of an another case.

**Q91 (2016):** The decrease in the number of incoming administrative court cases is due to the decrease in the number of inmate complaints. The variations in total and in the non litigious cases are due to increase of incoming business and land registry cases.

**Q91 (2014):** In 2014, the increase of incoming cases in administrative courts is due to a rise of complaints of prisoners. The matter is being dealt with by modifying the procedural law that makes it easier to return unfounded complaints.

As to the decrease in the total of pending other than criminal law cases on 1 January 2014, the performance indicators of courts have justified supplementary budget resources. As a matter of fact, there is an ongoing reform concerning the court budgets and judicial performance indicators. Agreements have to be adopted on the occasion of the budget negotiations between the Ministry of Justice and the courts concerning the efforts that need to be undertaken in court to clear the backlog and accelerate proceedings.

For 2014, non-litigious enforcement cases are included in the category "general civil (and commercial) non-litigious cases".

**Q91 (2013):** In respect of the non-litigious business registry cases and the observed decreases between 2012 and 2013, it should be mentioned that in 2012 it was impossible to separate supervisory proceedings from general proceedings and therefore data for 2012 included supervisory proceedings as well.

With regard to the category "civil and commercial litigious cases" and as explained above, the justification of the observed decrease of the number of pending cases over the period 2010-2013 lies in the enhanced efficiency of the first instance courts, while the decrease of the number of incoming cases between 2010 and 2012 is due to the reestablishment of the normal case-flow after the economic crises.

**Q91 (2012):** In the frame of the 2012 exercise, it was explained that the land register (together with the marital property register) and the commercial register (together with the non-profit associations and foundations register, commercial pledge register and ship register) are in the composition of the county courts (first instance). The categories "land registry cases" and "business registry cases" include the registration procedures. The latter includes also supervisory proceedings over undertakings. The judicial disputes arising from the registration procedure are included in the category "general civil (and commercial) non-litigious cases".

With regard to the category "civil and commercial litigious cases", the justification of the observed decrease of the number of pending cases on 1 January and on 31 December over the period 2010-2013 lies in the enhanced efficiency of the first instance courts. As to the decrease of the number of incoming cases between 2010 and 2012, it is due to the fact that the big case-flow during the economic crisis has finished and the normal case-flow has been reestablished.

With regard to the category "civil and commercial non litigious cases" and the noticed variations, it is worthy of mention that the dynamics of this type of cases is influenced to a considerable extent by the payment order proceedings that form the largest part of this category. As there is only one courthouse resolving the payment order cases, the changes in the number of incoming payment order cases have an impact on the efficiency and on the number of pending and resolved cases of all non-litigious civil cases.

With regard to the category "administrative law cases", the observed variations have no specific justification and make part of the normal dynamics of the case-flow.

Statistics provided for 2010 do not include enforcement and business registry cases, and no pending cases statistics with regard to land registry cases. On the contrary, these data were provided in the frame of the 2012 exercise, which explains the observed variations in respect of the totals.

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**Q97 (2015):** In respect of the civil and commercial non-litigious cases, the increase from 2013 in the number of pending cases resulted from the implementation of an efficiency-raising project in 2013 in Harju County Court. Accordingly, the efficiency of the latter increased significantly in civil cases. Owing to the fact that this court is the largest 1st instance court dealing with 1/3 of all of the cases in Estonia, it had an impact on the case-flow of the second instance courts (only 2 appeal courts competent in civil, criminal and administrative matters).

As to the administrative cases, it is noteworthy that as there are only 2 appeal courts in Estonia competent in civil, criminal and administrative matters, every change in the number of 2nd instance judges influences the statistics of the Courts of appeal. Between 2010 and 2012 there were a few vacant administrative judges' positions in one of the appeal courts which had an impact on the number of pending cases

**Q97 (2014):** On the occasion of the 2014 exercise, it has been emphasized that there has been an ongoing reform concerning the court budgets and judicial performance indicators. Agreements have to be adopted on the occasion of the budget negotiations between the Ministry of Justice and the courts concerning the efforts that need to be undertaken in court to clear the backlog and accelerate proceedings.

As to the increase of the total of pending other than criminal cases (beginning and end of the year), the reason is that 1st instance courts started the project of clearing backlogs and accelerating proceeding earlier. As a result, the number of incoming cases in 2nd instance courts increased in 2013 and resulted also in an increase of the number of pending cases by the end of the year 2013.

For 2014, non-litigious enforcement cases are included in the category “general civil (and commercial) non-litigious cases”.

**Q97 (2013):** In the frame of the 2012 and 2013 exercises, several clarifications were provided.

Firstly, in respect of the civil and commercial litigious cases, the observed variations were deemed to be normal, as a part of the ordinary dynamics of the case-flow.

Secondly, in respect of the civil and commercial non-litigious cases, the increase in the number of pending cases resulted from the implementation of an efficiency-raising project in 2013 in Harju County Court. Accordingly, the efficiency of the latter increased significantly in civil cases. Owing to the fact that this court is the largest 1st instance court dealing with 1/3 of all of the cases in Estonia, it had an impact on the case-flow of the second instance courts (only 2 appeal courts competent in civil, criminal and administrative matters). Owing to that, in 2014 one civil judge's position was given to the Tallinn Appeal Court in order to raise their efficiency.

As to the enforcement procedures, they are in the competence of public bailiffs who are completely independent from the judicial system but act as public authorities. The reply NA is justified by the impossibility to distinguish in the bailiffs' information system the enforcement proceedings where the enforcement instrument is court decision from all the other enforcement proceedings where the enforcement instrument is for example a fine made by police, an administrative act made by the tax authority etc.

In respect of the land registry and business registry cases, it should be recalled that they are within the competence of the 1st instance courts. If the decision of the registry is appealed, it goes to the first instance court as a regular civil case.

As to the administrative cases, it is noteworthy that as there are only 2 appeal courts in Estonia competent in civil, criminal and administrative matters, every change in the number of 2nd instance judges influences the statistics of the Courts of appeal. Between 2010 and 2012 there were a few vacant administrative judges' positions in one of the appeal courts which had an impact on the number of pending cases.

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**Q97 (2010):** In 2010, judges benefited of the assistance of extra advisors helping them to prepare the cases for solving.

**Q99 (General Comment):** It is noteworthy that the discrepancies that can be observed between the number of pending cases indicated for December of one year and the number of pending cases communicated for January of the next year, are due to the fact that the statistic system is alive and courts are entitled to modify and up-date data at any time.

Moreover, differences in the horizontal consistency may be explained by the fact that during the proceedings some cases are joined and some are disjoined.

**Q99 (2016):** The number of pending cases has increased because the number of cases where the Supreme Court has decided to open proceedings in the Supreme Court has increased.

**Q101 (General Comment):** It is noteworthy that the discrepancies that can be observed between the number of pending cases indicated for December of one year and the number of pending cases communicated for January of the next year, are due to the fact that the statistic system is alive and courts are entitled to modify and up-date data at any time.

It is possible to observe differences in the horizontal consistency since during the proceedings some cases are joined and some are disjoined.

**Q101 (2015):** The numbers of pending, incoming and resolved employment dismissal cases decreased from 2012 (compared to 2010). This variation is supposedly related to the fact that more cases are effectively resolved by the labour dispute committees, less cases arrive to the courts.

In 2014, the number of resolved litigious divorce cases increased. This is justified by the fact that courts are working more efficiently and have accelerated the proceedings.

**Q101 (2014):** The increase of the number of resolved litigious divorce cases in 2014 is justified by the fact that courts are working more efficiently and have accelerated the proceedings.

**Q101 (2012):** The decrease in the numbers of pending, incoming and resolved employment dismissal cases in 2012 is supposedly related to the fact that more cases are effectively resolved by the labour dispute committees less cases arrive to the courts.

## Finland

**Q91 (2018):** The number mentioned in category 3 includes cases dealt by the administrative courts, the Market Court and the Insurance Court.

The number of administrative cases increased dramatically in 2016 due to the asylum crisis. Accordingly, more judges were hired to deal with cases and make the procedure more effective. The limits in which cases have to be handled have also been shortened in order to reduce the number of pending cases. To tackle this crisis, a legislative reform decentralized the asylum cases from one administrative court (Helsinki) to three other administrative courts as well.

As to "civil and commercial litigious cases", we can notice a very high Clearance Rate for 2016 due to the fact that in 2016 the number of incoming civil cases decreased and courts were able to deal with pending cases. Accordingly, the number of pending cases decreased between 2016 and 2018.

**Q91 (2017):** 1. Civil (and commercial) litigious cases: in 2016 the number of incoming civil cases decreased and courts were able to deal with pending cases; accordingly, the number of pending civil litigious cases at the beginning of 2017 has decreased. 2.2.1 From the beginning of the year 2010 Land register cases were transferred to National Land Survey of Finland.

3. Administrative law cases: On appeal, the administrative court reviews the legality of the decision of the authority. The number mentioned in category 3 includes cases dealt with by Administrative Courts, Market Court and Insurance Court.

It is worth mentioning that in 2016 the number of administrative cases increased dramatically due to the asylum crisis. As a result, the number of pending administrative cases at the beginning of 2017 increased considerably. Against this background, Finland had adopted different measures to face the asylum crisis (e.g. decentralisation of the competence in respect of asylum cases from one administrative court (Helsinki) to three other administrative courts). Accordingly, the number of incoming administrative cases for 2017 decreased (28%).

**Q91 (2016):** In 2016 the number of incoming civil cases decreased and courts were able to deal with pending cases. The number of administrative cases increased dramatically due to the asylum crisis. Accordingly, more judges were hired to deal with cases and make the procedure more effective. The limits in which cases have to be handled have also been shortened in order to reduce the number of pending cases. To tackle this crisis, a legislative reform decentralized the asylum cases from one administrative court (Helsinki) to three other administrative courts as well. For that reason, statistics show variations as concerns the number of pending administrative law cases in 2016. The number of pending administrative law cases on 1.1.2016 was 20 4775, but due to the decentralization around 5000 cases were transferred from Helsinki to these other courts. In the statistics, these cases do not appear as pending anymore. It is not possible to say how many of them have been resolved, but they are included in the number of resolved administrative law cases.

**Q91 (2014):** In the frame of the 2014 exercise, it has been specified that the non-litigious enforcement cases are subsumed in the category "general civil (and commercial) non-litigious cases". The enforcement is of the competence of the enforcement authorities, not of this of courts. Cases mentioned here are appeals in execution proceedings before district courts in accordance with the Execution Act.

**Q91 (2012):** As for the category of civil and commercial litigious cases, the important increases noticed between 2010 and 2012 in respect of the items pending cases on 1 January and pending cases on 31 December are the result of an exceptionally high number of incoming litigious civil cases in 2011.

**Q91 (2010):** The significant difference observed with regard to the total number of pending other than criminal law cases between 2008 and 2010 is due to the structural change of the district courts network which resulted in the transfer of land registry cases to the National Land Survey of Finland.

**Q97 (2018):** In 2017, the number of incoming cases has decreased for example due to some procedural changes and the courts have been

able to resolve more pending cases. Accordingly, the number of pending cases at the beginning of 2018 has decreased.

**Q97 (2017):** In 2016, the number of incoming cases has decreased (for example due to some procedural changes) and the courts have been able to resolve more pending cases. Accordingly, the number of pending cases at the beginning of 2017 has decreased.

**Q97 (2016):** The number of incoming cases has decreased (for example due to some procedural changes) and the courts have been able to resolve more pending cases.

**Q97 (2013):** The category of civil and commercial non-litigious cases includes petitions for the 2012 exercise, divorce cases and petitions (without cases included in the other sub-categories) for the 2013 exercise. As for the category "other", according to the provided comments, in 2012 it encompasses cases, which Appeal Courts resolve as 1st instance, military justice cases and cases concerning prisoners. In 2013 it subsumes temporary procedural remedy cases, adjustment of the debts of a private individual - cases, restructuring of enterprises cases and bankruptcy cases and complaints.

**Q97 (2012):** The category of civil and commercial non-litigious cases includes petitions for the 2012 exercise, divorce cases and petitions (without cases included in the other sub-categories) for the 2013 exercise. As for the category "other", according to the provided comments, in 2012 it encompasses cases, which Appeal Courts resolve as 1st instance, military justice cases and cases concerning prisoners. In 2013 it subsumes temporary procedural remedy cases, adjustment of the debts of a private individual - cases, restructuring of enterprises cases and bankruptcy cases and complaints.

**Q99 (2018):** The total of incoming other than criminal cases decreased slightly in 2018 compared to 2017. The number of administrative law cases decreased slightly in 2018 but is still high. The general increase is mostly a consequence of the asylum crisis and the fact that cases from the administrative courts have reached the highest instance in 2017 and 2018.

**Q99 (2017):** The total of incoming other than criminal cases increased for the period 2016-2017. This increase is mostly due to the increase in the number of administrative law cases as a consequence of the asylum crisis and the fact that cases from the administrative courts have reached the highest instance in 2017 (which was not the case in 2016).

**Q99 (2016):** Courts were able to resolve more cases because the number of incoming cases decreased. The Supreme Administrative court got more resources and personnel due to the asylum crisis, but cases from the administrative courts have still not reached the highest instance.

**Q99 (2014):** In respect of the variations observed between 2012 and 2014 data, it is noteworthy that the statistics system has changed. Data is not received any more from the Central Statistical Office of Finland. Instead, the Ministry of Justice receives information directly from processing systems. This method of compilation of statistics does not quite support answering the question, as the information is run periodically and not daily. As a result, some discrepancies occur. As the system does not provide the numbers for 1 January 2014, it is necessary to calculate them separately from the correct data obtained on a later date.

**Q101 (General Comment):** The answers provided for the question 101 are based on the information from the courts' case management systems gathered by the Ministry of Justice. It is worth noticing that the abovementioned systems are in real-time which means the number of cases constantly changes and courts can modify the data. Accordingly, it is possible to observe discrepancies between the number of pending cases on 31 December of the year and the number of pending cases on 1 January of the next year. Basically, information concerning the number of pending cases at the end of a given year is collected in the beginning of the next year, but courts can make changes to the statistics afterwards. Besides, as the system does not provide the number of cases for 1 January, the correct number of cases has to be calculated separately from the data later.

**Q101 (2018):** In 2016, the number of incoming cases relating to asylum seekers increased dramatically due to the asylum crisis. In 2018, the number of incoming cases relating to asylum seekers was considerably lower than in 2016.

For the decreased number of resolved cases relating to the right of entry and stay for aliens, the only explanation is the general bigger case load in the administrative courts.

**Q101 (2017):** Cases relating to the right of entry and stay for aliens: includes the cases concerning deportation, permits of residence and removing from the country.

Cases related to Asylum seekers: the number of pending cases at the beginning of 2017 increased drastically as a consequence of the important number of incoming cases in 2016; the number of incoming cases in 2017 decreased compared to 2016 which allowed courts to better deal with pending cases (the number of resolved cases increased considerably in 2017, while the number of pending cases at the end of 2017 decreased).

**Q101 (2016):** The number of resolved cases pertaining to intentional homicide has decreased for the period 2014 - 2016. The category "Cases relating to the right of entry and stay for aliens" includes cases concerning deportation, permits of residence and removing from the country.

**Q101 (2013):** In the frame of the 2013 exercise, it was specified that the category "insolvency cases" includes only bankruptcy cases dealt with by District Courts and not restructuring of enterprises cases.

## France

**Q91 (General Comment):** Non-litigious cases related to the commercial registry are handled by the registry of the commercial court. The activity of the latter is not included in the Ministry of Justice's perimeter.

**Q91 (2018):** With regard to the reduction of the number of non-contentious cases, this corresponds both to the impossibility of including data relating to adults under protection in 2018, due to a technical problem, and to the abolition of the approval of over-indebtedness plans by the judge of the Court of First Instance, the proceedings before which are processed by the Over-indebtedness Commission, as from 1 January 2018. Act No. 2016-1547 of 18 November 2016 on the modernization of 21st century justice, known as the "Justice 21 Act" and the Act of 9 December 2016, abolished judicial approval of the measures recommended by the over-indebtedness commission. As a reminder, divorces by mutual consent no longer fall within the competence of the family court.

**Q91 (2016):** The important increase in the number of pending non-litigious cases is due to the increased number of requests for ending unions - 60% (especially in 2016) and the increased number of pending cases before execution judges within the TGI in respect of a third party (without significant increase in the number of incoming cases, but a regular increase, namely for the last two years in the number of cases under consideration).

**Q91 (2014):** In civil litigation, cases relating to the activity of the liberty and custody judge amount to 98 300 cases in 2014 and have increased by 6.8% compared to 2013. These cases have significantly increased in 2012 (+ 65.5%), due to the law No. 2011-803 of July 2011 on the rights and protection of persons under psychiatric care. The reform systematised the control of psychiatric hospitalisations without the consent of the liberty and custody judge.

**Q92 (General Comment):** Other non-litigious civil cases include: divorce by mutual consent, legal separation, change of matrimonial regime, applications relating to parental authority, adoption, medically assisted procreation, incapacity of a minor, inheritance, compensation for invasion of privacy, change of name, civil status, nationality, operation of a grouping and discipline of notaries and ministerial officers.

**Q92 (2014):** In 2014, the category civil cases (and commercial) non-litigious are also included in non-litigious cases relating to enforcement.

**Q92 (2010):** 2010: The civil judge may rule in non-contentious matters, when in the absence of dispute it receives a request that the law requires to be under its control. In this context, the judge intervenes to check the acts and give them an authenticity (such is the case of approval of agreements resulting from alternative dispute resolution such as mediation, conciliation, compromise or participatory procedure) . Resort to the judge may also have to objective to ensure the protection of minors or incapacitated adult (approval of the deliberations of the family council on an amicable sharing for example), protection of the family (adoption order, change of matrimonial regime or divorce on joint petition, for example) or the protection of private individuals (provisional administrator nomination).

**Q97 (2017):** As regards administrative law cases, the Council of State report indicates that it is a coincidence to have the same number for incoming and resolved cases.

**Q97 (2013):** 2012, 2013: The 'non-litigious matters relating to the implementation' (which answer is NA) exist but are included in the category 'non-litigious civil cases'.

**Q97 (2012):** 2012, 2013: The 'non-litigious matters relating to the implementation' (which answer is NA) exist but are included in the category 'non-litigious civil cases'.

**Q99 (2014):** 2014: The statistics of the Court of Cassation are not based on the same information system as the ones of courts of first instance and appeal courts. If discontinued cases of the category non-litigious cases may be subject to an appeal, it is not possible to identify them, they are included in the figure given for civil litigious cases. Thus, the total figure is the one retained.

**Q101 (2018):** The particular context of asylum applications in France and the sustained activity of the French Office for the Protection of Refugees and Stateless Persons (OFPRA) explain the high number of applications before the National Court of Asylum. Indeed, the CNDA's exclusive mission is to rule on appeals against decisions taken by OFPRA that do not satisfy asylum seekers. In addition, the number of appeals has tended to increase over the past ten years, increasing by a factor of 2.7 between 2008 and 2018.

Asylum seekers: National Court of Asylum

Data on the right of entry and residence of foreigners: data provided by the report of the Council of State on the number of proceedings processed by the administrative courts

For bankruptcies, business bankruptcies were used. The decrease in redundancies is explained by the increase in the number of contractual breaches of employment contracts.

**Q101 (2017):** With regard to cases concerning asylum seekers and cases concerning the right to entry and residence of aliens, migration phenomena explain this evolution.

**Q101 (2016):** The category "insolvency" refers to business bankruptcies (opening of receivership proceedings, opening of immediate judicial liquidation, recovery plans pronounced after protection, judicial liquidation pronounced after protection) have been taken into account. 2016 data on asylum seekers: National Court of Asylum at the State Council (Conseil d'Etat); 2016 data on the right of entry and residence of foreigners: Judge of freedoms and detention.

## Germany

**Q91 (2018):** The high number of administrative pending cases on January 1st and December 31st is a result from the numerous unresolved cases in 2017 due to the rise of asylum seekers since 2015.

Cases of guardianship law in 2018 are not included in the "other cases " category, because changeover of data collections by the Lander.

**Q91 (2017):** Source: Federal Statistical Office (DESTATIS)

**Q91 (2016):** Source: Federal Statistical Office (DESTATIS)

**Q91 (2015):** For civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office for 2015. As for the category "other", it refers to the most recent available data at the closing date of the CEPEJ data collection and encompasses information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. However, some of the Länder were unable to provide complete data regarding this category. Accordingly, the information for this category remains incomplete. The category "other" refers to: local court family cases; guardianship and curator cases at the family court; custodianship cases; curator cases at the custodianship court; proceedings regarding judgments and orders at the labour court.

**Q91 (2014):** For civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office for 2014. As for the category "other", it refers to the most recent available data at the closing date of the CEPEJ data collection and encompasses information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. However, some of the Länder were unable to provide complete data regarding this category. Accordingly, the information for this category is incomplete and is not comparable. The category "other" includes: local court family cases; guardianship and curator cases at the family court; custodianship cases; curator cases at the custodianship court; proceedings regarding judgments and orders at the labour court.

**Q91 (2013):** In the frame of the 2013 exercise, two Landers did not provide data with regard to the number of other than criminal law cases. Besides, one land (Baden-Württemberg) did not provide information for the number of non-litigious land registry cases.

It was explained that the lack of horizontal consistency was due to adjustments. Unfortunately consistent and/or complete data did not exist for all legal cases that should be considered. To some extent information exists only as to new cases and/or cases pending at year end. To some extent there is a lack of more detailed information from some federal states. Thus, the information is incomplete. Accordingly, the following legal cases were not taken into consideration in the information provided for question 91:

Incoming cases:

- payment order procedure: civil courts: 4 751 355; labour courts: 56 053;
- insolvency cases: 143 662;
- cases concerning the civil registry office, wills, estates, accommodations, agriculture, escrow, and public notice proceedings: 1 469 273;

Pending legal cases on 31 December 2013:

- guardianship and curator cases: 12 795;
- insolvency cases: 303 654.

**Q91 (2012):** In the frame of the 2012 evaluation it was stressed that the values regarding questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 108 corresponded to data of the year 2011. Four Landers indicated that the information provided for question 91 was incomplete and one land stated it did not have the information available.

**Q91 (2010):** For 2010, figures do not include 1 762 104 legal matters dealt with regarding Labour Court payment demand proceedings and legal advice aid cases on which new cases, cases pending at the beginning of the year and those at the end of the year are not covered.

**Q92 (2012):** In 2012, the value entered was calculated by deducting the contentious judgments from of all sets of proceedings that were resolved before the Local and the Regional Court in civil cases (not including those passed on within the court). Those sets of proceedings that are resolved other than by contentious judgment were particularly resolved by default, acknowledgement or waiver judgments, settlements, withdrawal of the charge or of the motion, staying of the proceedings or non-pursuance and orders in accordance with section 91a of the Code of Civil Procedure.

**Q92 (2010):** In 2010, the value entered was calculated by deducting the contentious judgments from of all sets of proceedings that were resolved before the Local and the Regional Court in civil cases (not including those passed on within the court). Those sets of proceedings that are resolved other than by contentious judgment were particularly resolved by default, acknowledgement or waiver judgments (369 185), settlements (259 591), withdrawal of the charge or of the motion (182 384), staying of the proceedings or non-pursuance (73 392) and orders in accordance with section 91a of the Code of Civil Procedure (53 604).

**Q93 (2014):** For the 2013 and 2014 exercises, the category "other" includes: Local Court family cases; guardianship and curator cases at the family court; custodianship cases; curator cases at the custodianship court; proceedings regarding judgments and orders at the labour court.

**Q93 (2013):** For the 2013 and 2014 exercises, the category "other" includes: Local Court family cases; guardianship and curator cases at the family court; custodianship cases; curator cases at the custodianship court; proceedings regarding judgments and orders at the labour court.

**Q93 (2012):** In the ambit of the 2012 exercise the category "other" includes: family-court jurisdiction, labour courts (proceedings leading to a judgment or a decision) as well as guardianship and custodianship courts. The figures do not include 1 426 805 new legal matters related to payment proceedings before labour courts, registry office cases, inheritance cases, custody, agriculture, legal aid, deposit cases and public notice proceedings with regard to which resolution or the number of cases pending at the beginning and at the end of the year are not recorded. The figures also do not include 202 106 new legal cases related to insolvency proceedings with regard to which only resolution is recorded (292 821).

**Q93 (2010):** In the ambit of the 2010 exercise, the category “other” includes: family-court jurisdiction, labour courts and guardianship and custodianship courts. The figures do not include 1 983 931 new legal matters related to registry office cases, declarations of death, inheritance cases, custody, agriculture, legal aid, deposit cases, public notice and insolvency proceedings with regard to which resolution or the number of cases pending at the beginning and at the end of the year are not recorded.

**Q97 (2015):** Question 97: A substantial number of the Länder was unable to provide information, meaning that any amount cited would not be meaningful in substantive terms.

**Q97 (2014):** The 2014 data are the same as those that have been provided in 2013. No update was available.

**Q97 (2013):** For 2013, two Landers did not provide any information.

The category “other “ includes proceedings on complaints on appeal in family cases at the Higher Regional Courts and appellate proceedings on fact and law and proceedings on complaints on appeal at the Regional Labour Courts. In addition, given a lack of complete data, a total of 164 272 new legal cases or proceedings on complaints on appeal (in custodianship, accommodation, insolvency, estate, and costs cases, along with other complaints on appeal) were not considered in the category “other”.

Regarding the slight horizontal inconsistency for the category “administrative law cases”, it can partly be explained by the federal State structure of Germany. Moreover, data regarding incoming administrative law cases also reflected the number of appeals against decisions to grant provisional legal protection in the higher administrative regional courts and in the higher social courts; and appeals in matters of legal aid and other proceedings. In comparison with the previous years, the 2013 data are more accurate. The same applies regarding resolved cases even though no data was available for the appeals in matters of legal aid and other proceedings.

With regard to the sub-category “civil and commercial litigious cases” and the meaningful increase of the number of resolved cases, it should be noticed that in the frame of the 2013 exercise, the indicated figure encompassed the number of resolved civil and commercial litigious and not-litigious cases. For this cycle, it was impossible to distinguish between these two sub-categories.

**Q97 (2012):** In the frame of the 2012 evaluation it was stressed that the values regarding questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 108 corresponded to data of the year 2011.

**Q99 (2015):** Question 99:

The data provided date from 2014. At present, no data are available for 2015.

It is not possible to distinguish between litigious civil cases, respectively commercial cases, and those that are non-litigious. Accordingly, number 1 of the answer to question 99 includes all appeals on points of law brought in the civil matters before the Federal Court of Justice (Senates for civil matters including family law matters). However, the number of proceedings dealt with and concluded by litigious rulings in 2014 amounts to 600.

**Q99 (2014):** The 2014 data are the same as those that have been provided in 2013. No update was available.

**Q99 (2013):** For 2013, two Landers did not provide any information. Data provided for the civil (and commercial) litigious cases include all appeals lodged encompassing litigious and non-litigious cases as well as family law cases.

**Q99 (2012):** In the frame of the 2012 evaluation it was stressed that the values regarding questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 108 corresponded to data of the year 2011.

**Q101 (2018):** Regarding the number of cases relating to asylum seekers, there were many unresolved cases in 2017 (see Scoreboard data 2017 (rise of asylum seekers since 2015)). Schleswig-Holstein: With regard to this question, no data are available for 2018 for Employment dismissal cases for pending cases on 31 Dec ref. year. The data from 2017 have therefore been included.

With regard for all Länder, no data are available for 2018 for the cases of Robbery and Intentional homicide (resolved cases) yet. The data from 2017 have therefore been included.

**Q101 (2016):** Employment dismissal cases: The variation between this cycle and the previous cycle for resolved cases is not explained.

**Q101 (2015):** Question 101:

A substantial number of the Länder was unable to provide information, meaning that any amount cited would not be meaningful in substantive terms.

**Q101 (2014):** The 2014 data are the same as those that have been provided in 2013. No update was available.

**Q101 (2013):** For 2013, two Landers did not communicate any reply. Given that for the previous years, seven Landers did not provide complete information, the 2013 data is more accurate.

As to dispute divorce cases only the number of conclusions by way of an order of divorce was provided. As to divorce proceedings (2013) overall, the following data were available:

Pending on 1 January 2013: 85 780;

Incoming cases: 119 123;

Resolved: 156 951;

Pending on 31 December 2013: 85 124.

As to insolvency cases only data on incoming cases was provided as well as on legal cases still pending at year end. Nevertheless not all Landers were able to give information on both of these points. Insofar as the Landers communicated complete data it was added to the sums indicated above. To this extent the information is incomplete.



**Q101 (2012):** In the frame of the 2012 evaluation it was stressed that the values regarding questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 108 corresponded to data of the year 2011.

The number of resolved litigious divorce cases refers to resolution by divorce decree only. However, the data in respect of the total number of divorce cases (2011) are complete:

Pending on 1 January 2011: 63 363;

Incoming cases: 66 194;

Resolved cases: 215 769 (of which 190 258 by divorce decree);

Pending on 31 December 2011: 58 773.

## Greece

**Q91 (2017):** The divergence between 31.12.2016 and 1.1.2017 regarding the Civil and Commercial cases (First column of this year's data) is mainly due to the recent operation of the NEW system (integrated Civil and Criminal Court case management system -OSDDY PP) in the Court of First Instance of Piraeus (1587 more cases on 1.1.2017 than those on 31.12.2016). In 2017, the number of "incoming" and "resolved" civil and commercial litigious cases at first instance courts increased due to the fact that in 2017 the function of the courts was not affected by the strike of lawyers, which took place in 2016. The horizontal consistency of the table is not ensured with regard to civil and commercial litigious cases because in 2017 some of the courts which do not yet have an automated system had to make minor adjustments in the statistical data provided to the MoJ. Concerning administrative law cases, any deviations from the 2016 figures, regarding the number of cases on 31.12.2016 and of 1.1.2017 (240650) are due to a number of factors that the General Commission of the State is trying to track down and gradually eliminate. A slight deviation has been noticed for the 2017 data of the administrative first instance courts of Athens and Piraeus, which is due to the data migration to a new information technology (IT) system called "Integrated Court Management System for the Administrative Justice (OSDDY-DD)". This deviation that has already been taken into account by the Central Organizational Committee for the due implementation of OSDDY-DD, is expected to lapse gradually within the next years. Furthermore, deviations have also emerged from the new way of collecting statistical data that the central Organizational Committee is trying to establish in order to ensure the uniform input of data by each court and from recent verifications of relevant numerical data that were subsequently sent by the courts. Finally, discrepancies are also due to errors of the information system itself, for which an effort is being made to identify and inform about, the contractor of the system. The deviation regarding the Number of resolved cases of 2017 from 2016 is due to the fact that in 2017 the function of the courts was not affected by the strike of the lawyers, which took place in 2016. Regarding the new integrated court management system, for administrative cases it has been implemented at all court levels since autumn 2016 and for civil and commercial cases and more especially in the Court of First Instance of Piraeus, the integrated court management system was gradually implemented from March 2016 resulting to an accurate calculation of pending cases of 1/1/2017.

**Q91 (2016):** Any deviations from the 2015 figures are due to a new way of collecting statistics. In fact, in 2016, a working group was set up to update and simplify the content of the statistical data requested by the judicial services of the country. The working group created tables followed by detailed instructions and training in relation to the requested information. According to the instructions given to the courts, some procedures they handle, in those which there is no participation of a judge, are not included in the data collected. In addition, in 2016 a long-term abstention by the lawyers of the country took place, resulting in reduction in the number of cases (especially civil and commercial litigious cases).

The number 79.872 of resolved administrative law cases does not include joint cases, i.e. decisions that refer to more than one case. Furthermore, for the 2016 data of the administrative First Instance Courts of Athens and Piraeus a slight deviation has been noted which is due to the data migration to a new information technology (IT) system called "Integrated Court Management System for Administrative Justice (OSDDY-DD)". This deviation that has already been taken into account by the Central Organizational Committee for the due implementation of OSDDY – DD is expected to lapse gradually within the next years.

As concerns the category "civil and commercial litigious cases" - incoming and resolved - in 2016 a long-term abstention by the lawyers of the country took place, resulting in reduction of numbers regarding the cases.

**Q91 (2014):** The significant increase in the number of pending cases on 1 January for the total of "other than criminal law cases" between 2012 and 2014 was due to lawyers' abstention for a long time in the years 2013 and 2014.

**Q91 (2012):** In the ambit of the 2012 exercise, it has been stressed that, as far as the statistical information provided by the courts is concerned (e.g. replies to questions 91 and 97), the system of collecting data could not comply with the CEPEJ methodology because it was planned having altogether different national needs in mind. Thus, schematically, a case brought into the Greek judicial system gets an initial reference number. However, in the process of being tried, it gets more than one reference number according to the laws. As a result the numbers of incoming and resolved cases do not match.

Moreover, the Ministry of Justice, Transparency and Human Rights was not able to verify the accuracy of the replies, due to the lack of IT system.

Besides, recent law changes have altered the jurisdiction of courts, so the figures communicated for 2012 could not be compared with these provided for the previous evaluation cycles.

**Q91 (2010):** The increases observed in respect of the number of "other than criminal law cases" in 2010 are explained by the fact that for 2008, the performance of the administrative courts was not reflected within this question.

**Q97 (2017):** Concerning Civil and Commercial litigious cases but also administrative law cases, the numbers are different from those provided in the 2016 questionnaire due to the recent operation of the OSDDY-PP and OSDDY-DD Integrated Management Systems (please see the comments provided for Q91).

Variations in the number of resolved cases are explained by the fact that in 2017 the function of the courts was not affected by the strike of the lawyers, which took place in 2016.

**Q97 (2016):** Any deviations from the 2015 figures are due to a new way of collecting statistics. In fact, in 2016, a working group was set up to update and simplify the content of the statistical data requested by the judicial services of the country. The working group created tables followed by detailed instructions and training in relation to the requested information. According to the instructions given to the courts, some procedures they handle, in those which there is no participation of a judge, are not included in the data collected. In addition, in 2016 a long-term abstention by the lawyers of the country took place, resulting in reduction of numbers regarding the cases.

**Q97 (2012):** In the ambit of the 2012 exercise, it has been stressed that, as far as the statistical information provided by the courts is concerned (e.g. replies to questions 91 and 97), the system of collecting data could not comply with the CEPEJ methodology because it was planned having altogether different national needs in mind. Thus, schematically, a case brought into the Greek judicial system gets an initial reference number. However, in the process of being tried, it gets more than one reference number according to the laws. As a result the numbers of incoming and resolved cases do not match.

Moreover, the Ministry of Justice, Transparency and Human Rights was not able to verify the accuracy of the replies, due to the lack of IT system.

Besides, recent law changes have altered the jurisdiction of courts, so the figures communicated for 2012 could not be compared with these provided for the previous evaluation cycles.

**Q97 (2010):** The increases observed in respect of the number of "other than criminal law cases" in 2010 are explained by the fact that for 2008, the performance of the administrative courts was not reflected within this question.

**Q99 (2018):** "the discrepancy between the number of the resolved cases of 2017 and of 2018 for administrative law cases is due to the combination of the following factors:

- in 2018 a number of difficult cases, that had to do with the system of social insurance, was about to be completed
- lawyers become familiar with the filters regarding the cassation and its strict prerequisites, which lead to less rejections of cases as inadmissible and subsequently to a higher number of cases being discussed as far as their real facts are concerned.
- for the abovementioned reason the fast procedure provided for by the relevant code of procedure is not so often implemented
- there are still vacant places of councillors of state, i.e. of the highest rank."

**Q99 (2017):** "Administrative law cases": the number of incoming cases decreased in mainly two sections of the Council of State (i.e. section b for tax issues (-239 cases) and section d for general issues (-692)).

**Q99 (2016):** Previous data concerning the total did not include administrative law cases.

**Q101 (2017):** "cases relating to asylum seekers": the number of incoming cases and the number of resolved cases increased compared to 2016 due to an increased inflow of cases. As regards the number of pending cases at the end of the year: the deviation between the respective data of 2016 is due to the transition of the data from hard copy to a new information (IT) system called "Integrated Court Management System for the Administrative Justice (OSDDY-DD)". This deviation that has already been taken into account by the Central Organizational Committee for the due implementation of OSDDY-DD, is expected to lapse gradually within the next years. Furthermore, deviations have also emerged from the new way of collecting statistical data that the central Organizational Committee is trying to establish in order to ensure the uniform input of data by each court and from recent verifications of relevant numerical data that were subsequently sent by the courts. Finally, discrepancies are also due to errors of the information system itself, for which an effort is being made to identify and inform about, the contractor of the system. Cases relating to the right of entry and stay for aliens: the number of acts of removal/expulsion of foreigners has been reduced, since most of them who are now entering the county, seek asylum, something that explains the respective increase in asylum cases within 2017.

**Q101 (2016):** Except for the categories "cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)" and "cases relating to the right of entry and stay for aliens", the relevant data are not available electronically for the moment, therefore their extraction is not possible.

## Hungary

**Q91 (2018):** One of the reasons of the decreasing number of incoming cases is the new civil procedural code coming into force on the 1st of January 2018. This resulted that many of those parties (especially those who were represented by lawyer) who had the chance to do so, filed their petition before the end of 2017 under the scope of the old and well-known procedural code. Regarding the discrepancy between 2017 and 2018 in the number of registry cases, it is due to the fact that for the first time in 2018, the number of non-litigious business registry cases is available.

**Q91 (2017):** Regarding the categories “2.1 general civil (and commercial) non-litigious cases”, and “4. other cases” the number of pending cases on 1st of January differ from the closing number of the previous year because of data collection problems at certain regional courts.

In the category “registry cases” the higher number of incoming and resolved cases in 2016 was the result of a large number of involuntary dissolution cases. As the courts finished these cases and backlog cases from previous years the number of resolved cases in 2016 was higher than incoming cases in contrast with 2017.

**Q91 (2016):** In category “4. other cases” there is a difference between the number of pending cases on 31 December 2015 and the number of pending cases on 1 January 2016. The cause of this difference is the change of the IT system and the cleansing of the database.

2.1 General civil and commercial non-litigious cases: there was a change in the statistical methodology at the largest regional court that caused a difference in the figures pertaining to pending cases on 1 January 2016.

2.2.3. “other registry cases” include registration of civil societies.

The increase in the number of general civil (commercial) non litigious cases pending on 1 January 2016 is due to the change in the statistical methodology at the largest regional court that caused a difference in the figures.

The number of incoming “other registry cases” increased between 2014 and 2016 because of the increasing number of registry cases of civil societies. Accordingly, the number of resolved “other registry cases” increased also for the same period. With regard to the category “other non-litigious cases”, the increased numbers characterizing the period 2014-2016 are the consequence of the increasing number of court mediation cases and non-litigious labour cases.

**Q91 (2015):** 2.1. There is a difference between the number of pending cases on 31 December 2014 and the number of pending cases on 1 January 2015. The cause of this difference is the change of the calculation method at some regional courts.

2.2.2. The number of pending non-litigious business registry cases cannot be given as the data is not available in the data management system of the courts, only at the system of the Ministry of Justice.

2.2.3. “other registry cases” include registration of civil societies.

2.3. “other non-litigious cases” include court mediation and non-litigious labour cases.

Civil and commercial non-litigious cases include all of those cases that are not concluded through the rules of the civil procedure, but through a more or less simplified procedure:

- exclusion of a judge,
- preliminary verification,
- issuance of a restraining order and review of that,
- declaring sy legally dead,
- revision of the medical care of mentally disordered patients,
- deposit at the court
- hearing sy on the request of another court
- etc.

Category “other” include: Insolvency cases, labour cases

**Q91 (2014):** In 2014, in contrast with the 2013 evaluation, some registration cases were also included within the category “civil and commercial non-litigious cases”. The item “other registry cases” includes registration of civil societies. The item “other non-litigious cases” includes court mediation and non-litigious labour cases.

Variations observed in respect of the category “general civil (and commercial) non-litigious cases” over the years are explained by the change of the methodology of presentation of data in 2013. Before 2013, the non-litigious administrative law cases were counted within the category “non-litigious civil and commercial cases”. Since 2013, non-litigious and litigious administrative law cases are given together. In 2014, non-litigious enforcement cases were also included in the category “general civil (and commercial) non-litigious cases”.

One of the reasons for the increase of the number of incoming administrative law cases over the period was the increase of the number of investigations conducted by administrative authorities (e.g. tax authorities), which resulted in an increased number of reviews against these decisions.

**Q91 (2013):** In the frame of the 2013 exercise, several explanations were provided in respect of the observed variations between 2013 and the previous cycles.

Till 2013, the data-provider for non-litigious enforcement cases was the Ministry of Justice. Since 2013, the data-collecting system of courts covers also this group of cases (general non-litigious cases).

Before 2013, the non-litigious administrative law cases were counted within the category “non-litigious civil and commercial cases”. Since 2013, non-litigious and litigious administrative law cases are given together.

As for the subcategory “civil (and commercial) litigious cases” the misinterpretation of the question resulted in the inclusion of different case categories in 2012 and 2013. This could have caused different figures for the ending number of pending cases in 2012 and the starting figures in 2013.

**Q93 (2013):** In 2010, 2012 and 2014 the category “other” encompasses insolvency registry cases and labour litigious cases. In 2012, additionally it includes misdemeanour cases. In 2013, the category subsumes insolvency cases and non-litigious labour cases.

**Q97 (2017):** With regard to variations observed in the numbers of “registry cases” and “other registry cases”, it is noteworthy that the content of these categories is the same for the last four cycles. As the legislation on civil societies was amended in 2014 this resulted in an increased number of registry cases, but since then the number of incoming cases is decreasing.

**Q97 (2016):** With regard to the pending cases, it is noteworthy specifying that the decrease of the “backlog” of the courts is an overall trend in the Hungarian judiciary.

As for the other variations observed within the frame of question 97, the “raw” figures in most of the categories can be considered as relatively low figures (e.g. some hundreds in the whole country), so even a not so huge increase or decrease result in a large percentage change.

**Q97 (2014):** In 2014, in contrast with the 2013 evaluation, some registration cases were also included within the category “civil and commercial non-litigious cases”. The item “other registry cases” includes registration of civil societies. The item “other non-litigious cases” includes court mediation and non-litigious labour cases.

The category “other” encompasses insolvency cases and labour cases.

**Q99 (2017):** The number of incoming cases decreased in most of the observed categories at the Supreme Court. This also resulted in a decrease in the number of resolved cases thus the number of pending cases increased.

**Q99 (2016):** Generally, the increase in the number of incoming cases at the Kúria (Hungarian Supreme Court) for 2016 is the result of the increasing use of extraordinary remedies by the parties. As the number of incoming cases increased, it resulted in an increase in the other categories as well.

**Q99 (2014):** In 2014, in contrast with the 2013 evaluation, some registration cases were also included within the category “civil and commercial non-litigious cases”. The item “other registry cases” includes registration of civil societies. The item “other non-litigious cases” includes court mediation and non-litigious labour cases.

The category “other” encompasses insolvency cases and labour cases.

On the occasion of the 2014 exercise, it has been stressed that one of the main aims of the judicial reform of January 1, 2012 was that the President of the Supreme Court (Kúria) and the Supreme Court itself should focus more on the quality of judicial work. As the President of the Supreme Court was released from the burden of the central administration of the court system, the Kúria was able to reduce its backlog as well as to focus more on the consistency of the national jurisdiction.

**Q101 (2017):** Regarding the categories “insolvency”, “robbery” and “intentional homicide” the number of pending cases on 1st of January differ from the closing number of the previous year because of data collection problems at certain regional courts.

**Q101 (2016):** With regard to the category “employment dismissal cases”, as the number of incoming cases decreased it resulted in a decrease in the other categories as well. The reason of the decrease in the number of incoming cases might be outside of the court system. With regard to the category “insolvency cases”, the methodology of data collection changed from the year 2015 to 2016. Accordingly, there is a discrepancy between the number of insolvency cases pending on 31 December 2015 and the number of insolvency cases pending on 1 January 2016.

With regard to “robbery cases” and “intentional homicide”, currently the database contains some invalid data for these categories, so before solving this problem no valid data may be given.

**Q101 (2015):** Regarding the category “litigious divorce cases”, the data provided for 2015 cannot be compared with the previous years as the statistical system has changed. As a result of an amendment of the code of civil procedure, litigious divorce cases were included in a new statistical category. This resulted in a starting number of “0” litigious divorce case at the beginning of the year 2015.

**Q101 (2014):** The decrease of the number of pending employment dismissal cases on 31 December over the period 2012-2014 is a consequence of the decrease of the number of incoming cases. Another reason was the establishment of 20 Administrative and Labour courts and 6 Regional Administrative and Labour Divisions in January 2013, that made the work of these courts more effective.

Administrative and Labour Courts are specialized first instance courts in cases concerning the review of administrative decisions and employment relationships. The Regional Administrative and Labour Divisions are special departments that coordinate the professional work of Administrative and Labour Courts. Their main function is to provide a professional platform for the judges to discuss the actual issues in administrative and labour matters.

## Ireland

**Q91 (General Comment):** Historically, the number of pending civil cases has not been recorded in caseload data, as many cases initiated before the Irish courts either settle out of court or are not proceeded with by the plaintiff/applicant without there being any procedural requirement that the parties inform the court of either a settlement or an intention not to proceed with the case. Civil (and commercial) non-litigious cases include proceedings not resolved inter partes, such as undefended pecuniary claims, deed poll applications, probate (grants of representation), wardship proceedings, registrations of enduring powers of attorney, appointment of care representatives, unopposed personal and corporate insolvency proceedings, liquor licencing applications and marriage notice exemption applications.

Category "other" includes: Taxation of bills of costs, Appointment by Chief Justice of Commissioner for Oaths and Notaries Public, Persons called to the Bar; Declarations by newly appointed Judges; Extensions of service granted to District Court Judges/County Registrars; Certificates of Authentication issued.

**Q91 (2017):** We are not in a position to offer further comment on the figure for resolved Civil (and commercial) litigious cases. We are not in a position to offer further comment on variations in the number of incoming and resolved "other" cases.

**Q91 (2016):** The decrease in the number of incoming and resolved "other cases" observed for the period 2014 - 2016 is due to a sharp reduction on taxations of legal costs since 2014.

**Q91 (2015):** Category "other" includes: Taxation of bills of costs.

**Q91 (2014):** 2014 Please note that unless a case has been listed in the court's calendar for the purposes of trial or the fixing of a trial date, parties to civil proceedings in Ireland are not generally required to notify the court either that a case has been settled or that a case is not being pursued further by the plaintiff. Hence, a substantial number of cases which have been completed (through settlement or non-pursuit of the case by the plaintiff without notice to the court) are not recorded and counted as completed. Consequently, the clearance rate appearing from the case flow data provided is considered to understate significantly the actual case clearance rate.

**Q91 (2013):** 2013: Variations: From 2013, as part of the efforts being made by the Courts Service to improve its caseload reporting data, the number of enforcement cases has been reported for the first time this year to meet the request for data under the heading. The Courts Service has sought to create a category of cases under the Irish system that would be equivalent to non-litigious enforcement cases under other justice systems. The figure consists of the following steps leading to enforcement measures by court judgments and orders: Execution orders, Registered Judgments, Judgment Mortgage Certificates.

**Q92 (2014):** Starting 2014 the category: "Appointment of care representatives" was added to the "Civil (and commercial) non-litigious cases"

**Q93 (2014):** From 2014, the range of 'Other cases' has been revised to incorporate the category 'certificates of taxation of legal costs issued'. This can explain the fact that different elements have been included in the category 'other' in 2013 and 2014.

**Q97 (2017):** The number of resolved civil and commercial litigious cases reflects a significant reduction in disposal of second instance appeals by comparison with that returned in the previous reporting cycle.

**Q97 (2016):** As concerns the number of resolved "Civil and commercial litigious cases", 2016 data reflects a significant increase in disposal of second instance appeals over that in the previous reporting cycle. Accordingly, the total of resolved cases is affected.

**Q99 (2018):** There has been an overall increase in the appeals in civil matters to the Supreme Court from 2016 and it is expected at this stage that this trend will continue into 2019.

**Q99 (2017):** Since the establishment of the Court of Appeal in 2014, the number of pending cases at third instance has fallen. However, the number of incoming cases at third instance has slightly increased between 2016 (164) and 2017 (190).

**Q99 (2016):** The reduced number of incoming and resolved cases reflects the consequences of the establishment of the new Court of Appeal which came into operation in October 2014.

**Q99 (2015):** The reduction in the number of incoming cases to the Supreme Court substantially reflects the change in the jurisdiction of the Supreme Court from that of a second instance appeal court to an appeal court which is primarily third instance in nature

**Q99 (2014):** 2014: Variation: The significant increase in the number of resolved civil (and commercial) litigious cases between 2012 and 2014 reflects a significant exercise undertaken by the Supreme Court in reviewing its caseload in preparation for the establishment in 2014 of the new Court of Appeal (which has assumed the previous second instance jurisdiction of the Supreme Court), which resulted in the striking out or withdrawal of a significant number of appeals then pending before the Supreme Court.

**Q101 (General Comment):** Under the Insolvency category above the figures reflect both corporate and personal insolvency cases. Insolvency figures include both litigious and non-litigious cases.

**Q101 (2018):** There was a decrease in bankruptcy and alternative personal insolvency application by debtors and to bankruptcy as a remedy by creditors in 2018. The overall amount of personal insolvency cases fell from 2,909 in 2016 to 1,526 in 2018"

**Q101 (2017):** The entered under "Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)" represent judicial review applications relating to asylum cases generally. We are not in a position to provide definitive data on the specific case category indicated on "Cases relating to the right of entry and stay for aliens".

"Employment dismissal cases": we regret that we cannot definitively explain the reason for the decrease: there is no necessary connection between improvement in the economy and the number of disputes arising from employment dismissal.

**Q101 (2016):** With regard to the category "insolvency cases", 2016 data on incoming and resolved cases reflect a significant increase in recourse to personal insolvency procedures by debtors (there were 2730 personal insolvency and bankruptcy proceedings in 2016 compared to 941 in 2014).

**Q101 (2015):** 2015 figure should be 2368. The large increase is substantially due to a large increase in the number of applications for Debt Relief notices, Debt Settlement Arrangements and Personal Insolvency Arrangements

**Q101 (2014):** 2014: Variation: The significant increase in the number of incoming and resolved insolvency cases between 2013 and 2014 reflects the introduction of a new range of statutory personal insolvency remedies since the previous return was made.

## Italy

**Q91 (General Comment):** A different methodology of classification of civil cases is used since 2012. The result is an improved classification and a better split between litigious and non-litigious cases. For 2010, 2012 and 2013, the category of civil and commercial non-litigious cases has an identical content, namely: separation and divorce by mutual consent, interdiction and incapacitation, protective measures for underage, guardianship and trusteeship etc. Since 2014, it subsumes uncontested payment orders, uncontested divorces, technical appraisals, judicial interdiction and incapacitation, hereditament, etc.

**Q91 (2018):** Administrative cases. – It should be noted that fast-track simplified proceedings are available for dispute resolution in important areas of administrative law, such as public procurement ("rito appalti"). In 2018, the disposition time for such disputes was 237 days in the first instance and 274 days before the Consiglio di Stato (CDS). Furthermore, requests of interim measures are frequent in administrative law cases (about one third of the cases in first instance and half of the cases before the CDS). They provide fast legal protection of the claimant's rights, often anticipating the final judgment on the merits.

**Q91 (2015):** Figures at Q.91 (points 1 and 2) have been extracted from a new IT system called "Civil Data warehouse". This new system allows us to get in-depth information on single proceedings. Before the implementation of such data warehouse, statistics were based on aggregated variables that only partially could distinguish between litigious and non-litigious cases.

As far as figures at Q.91 (point 3), please consider that Administrative Justice doesn't fall under the umbrella of the Ministry of Justice as it is administered by the Council of State (Consiglio di Stato). However, figures at Q.91 (point 3) were not provided by the Council of State, they were rather taken from a public document available online at [https://www.giustizia-amministrativa.it/cdsintra/cdsintra/Notiziasingola/index.html?p=NSIGA\\_3826149](https://www.giustizia-amministrativa.it/cdsintra/cdsintra/Notiziasingola/index.html?p=NSIGA_3826149)

Since the administrative cases (Q.91 point 3) refers to a different administration, it wouldn't be reasonable to compare these numbers against the number of judges provided at Q.46.

Civil and commercial non-litigious cases include: Uncontested payment orders, uncontested divorces, technical appraisals, judicial interdiction and incapacitation, hereditament, etc.

**Q91 (2014):** In the ambit of the 2014 exercise, figures for the category "administrative law cases" have been submitted for the first time. As mentioned above, the administrative justice doesn't fall under the umbrella of the Ministry of Justice as it is a completely different administration. For this reason it wouldn't be reasonable to compare these numbers against the number of judges provided at Q.46.

**Q91 (2013):** During the second half of 2013 and the beginning of 2014, the Italian judicial system has gone through a historical geographic reorganization with the closing of almost 1.000 courts. As a consequence, the statistics regarding flows of cases at the end of 2013 may show some anomalies that will be adjusted with the following data gathering.

Besides, the variations noticed between 2010 and 2013 in respect of the category of civil and commercial litigious cases and this of civil and commercial non-litigious cases, a constant reduction in the incoming cases is observed from the end of 2009. Additionally, the number of ADR cases is constantly increasing with a filter effect on the litigious incoming files.

**Q91 (2010):** In 2010, the obligation to pay court taxes was extended to a particular type of proceedings related to traffic fees (the so called "opposition to administrative sanctions"). Accordingly, since 2010, people who got a fine are less likely to start a proceeding than before. As a result, the number of incoming cases dropped drastically, which led to a significant improvement of the clearance rate and thus of the case-flow at the level of first instance courts.

**Q93 (2014):** In the ambit of the 2014 exercise, the category "other" encompasses the number of enforcement cases.

**Q97 (General Comment):** · Non-litigious enforcement cases are not in the competence of the Courts of Appeal.

· With regard to the administrative cases (which number is provided only since 2014), the appeals are dealt with by the Council of State (Consiglio di Stato) which is a legal-administrative consultative body ensuring the legality of public administration in Italy. The Council has jurisdiction on acts of all administrative authorities, except when these authorities lack discretionary power, in which case the dispute is considered to be one of civil law. Figures referring to the activity of the Council of State are inserted in the frame of question 99 and not question 97.

**Q97 (2017):** The number of pending “civil and commercial non-litigious cases”, older than 2 years, decreased between 2016 and 2017. Generally speaking, pending cases older than 2 year have priority. However, in this specific case, the important reduction (in %) is mainly due to the fact that the numbers are small.

**Q97 (2016):** As regards the variations concerning the category “general civil (and commercial) non litigious cases”, it should be noted that the Ministry of Justice has recently implemented a data warehouse system that can collect a huge number of data and events pertaining to millions of civil cases. The new DWGC (Data Warehouse for Civil Justice) is now fully operational and it represents a major improvement in terms of statistics and quality. Since 2015, data pertaining to Q.97 is extracted from the above Datawarehouse and it is to be considered more accurate than the figures provided in the past.

It should be noted that in 2014 for many cases it was not possible to distinguish between litigious and non-litigious cases because they were coming together in a bundle. With the data warehouse it is possible to tell whether any given procedure has either litigious or non-litigious nature. Besides, when comparing pending cases on 31 Dec 2014 with pending cases on 1 Jan 2016, the variations are less important.

**Q97 (2015):** The appeal of administrative case is dealt by the Council of State (Consiglio di Stato) which is a legal-administrative consultative body that ensures the legality of public administration in Italy. The council has jurisdiction on acts of all administrative authorities, except when these authorities lack discretionary power, in which case the dispute is considered to be one of civil law.

Figures referring to the activity of the Council of State (second instance of administrative justice) have been submitted to Q.99 rather than Q.97.

Figures on Q.97 (points 1 and 2) have been extracted from a new IT system called “Civil Data warehouse”. This new system allows us to get in-depth information on single proceedings. Before the implementation of such data warehouse, statistics were based on aggregated variables that only partially could distinguish between litigious and non-litigious cases.

All cases dealt by the Supreme Court of Cassation has always a litigious nature.

**Q99 (General Comment):** · With regard to the administrative cases (which number is provided only since 2014), the appeals are dealt with by the Council of State (Consiglio di Stato) which is a legal-administrative consultative body ensuring the legality of public administration in Italy. The Council has jurisdiction on acts of all administrative authorities, except when these authorities lack discretionary power, in which case the dispute is considered to be one of civil law. Figures referring to the activity of the Council of State are inserted in the frame of question 99 and not question 97. · In Italy, non-litigious enforcement cases are not heard by the highest instance court. The latter only hears litigious enforcement cases.

**Q99 (2018):** The increase of the incoming civil litigious cases is ascribed to proceedings related to immigration matters. There is no specific explanation for the increase of resolved administrative cases. Other cases represent residual cases, such as cases regarding the competence or jurisdiction of the courts, correction of material errors.

**Q99 (2017):** The category “other cases” at Q.99 (Supreme Court) represents residual cases such as cases regarding the competence/jurisdiction of the court, corrections of material errors, etc. The 25% variation (in terms of number of resolved cases) has no particular explanation. Please also note that this category do not exist at first and second instance.

**Q99 (2016):** “Other cases” represent residual cases such as cases regarding the competence/jurisdiction of the court, corrections of material errors, etc. In respect of this category, the numbers are small and the observed variations should be put into perspective.

**Q99 (2014):** · In the frame of the 2014 exercise, it has been indicated that figures subsumed within the category “other” represent really residual cases (such as cases regarding the competence/jurisdiction of the court, corrections of material errors, etc.).

· As to the increases observed in respect of the “total of other than criminal law cases” with regard to all the items (pending, incoming, resolved cases), it is noteworthy that in 2014 for the first time “administrative law cases” dealt with by the Council of State were considered. If looking only to “civil (and commercial) litigious cases”, the differences are not that big. In general terms the Supreme Court of Cassation resolves fewer cases than incoming cases.

**Q99 (2012):** In the frame of the 2012 exercise, it has been specified that non-litigious enforcement cases are not heard by the highest instance court which hears only litigious enforcement cases. Before 2012, only litigious enforcement cases have been provided. For 2012, data related to litigious enforcement cases are the following: initially pending: 1090; incoming: 221; resolved: 413; finally pending: 898.

**Q101 (General Comment):** With regard to the insolvency cases, the peculiarity of the Italian system consists in distinguishing between “insolvency applications” and “insolvency cases”. The former category concerns the litigious part of the proceeding where creditors and debtors have different goals (dispute). The latter category concerns the part of the proceeding where the judge has already established the insolvency / bankruptcy of the debtor and the case is all about the management of the assets and proceeds of the debtor. Figures at questions 101 and 102 refer to “insolvency applications” rather than “insolvency cases”.

**Q101 (2018):** Employment dismissal cases are strongly correlated with the economic trend. The number of employment dismissal cases used to be very high when the economic crisis was at its peak. Now the economy is getting better and therefore the number of these cases is going down.

The strong increase of cases related to asylum seekers was even addressed by the president of the Supreme Court during his speech on the occasion of the inauguration of the judicial year. The reason of such increase depends on the immigration flow. Cases related to the right of entry and stay for aliens are dealt by the administrative justice and for this reason they were not considered in 2016.

**Q101 (2017):** Asylum seekers cases represent a growing phenomenon. For this reason, a new piece of legislation (L.46/2017) which came into force in 2017, introduced a series of procedures with the aim of speeding up this kind of proceedings. In particular, the main innovations of the above regulatory intervention include the establishment of specialized sections within the courts. Such specialized sections deal exclusively with immigration and international protection cases. The Italian courts are not involved in the activities concerning the right of entry and stay of aliens. The competent body is the Ministry of internal affairs. For further information about this topic please visit [http://poliziadistato.it/articolo/10618-Entering\\_Italy](http://poliziadistato.it/articolo/10618-Entering_Italy)

**Q101 (2016):** With the introduction of the data warehouse system we can now identify specific types of proceedings (e.g. employment dismissal cases) more precisely.

The figures provided for both litigious divorce and insolvency cases (year 2016) are correct but there is no particular reason explaining the observed variations. With regard to the insolvency cases, the peculiarity of the Italian system consists in distinguishing between “insolvency applications” and “insolvency cases”. The former category concerns the litigious part of the proceeding where creditors and debtors have different goals (dispute). The latter category concerns the part of the proceeding where the judge has already established the insolvency / bankruptcy of the debtor and the case is all about the management of the assets and proceeds of the debtor. The figures at questions 101 and 102 refer to “insolvency applications” (the litigious part of this kind of proceedings) rather than “insolvency cases”.

**Q101 (2015):** Insolvency cases. The Italian system distinguish between “Insolvency applications” and “Insolvency cases”. The “Insolvency application” is the litigious part of the proceeding where creditors and debtors have different goals (dispute). On the other hand “Insolvency cases” is the part of the proceeding where the judge has already established the insolvency / bankruptcy of the debtor and the case is all about the management of the assets and proceeds of the debtor. Figures at Q.101 refers to “Insolvency cases” rather than “Insolvency applications”.

Litigious divorce case in 2015 have been extracted from the “Civil Data warehouse”. While in 2014 they were taken from the previous system. To harmonise the data between the cycles the 2014 was updated with the values derived from the data warehouse too

**Q101 (2014):** · In the frame of the 2014 exercise, it has been stressed that the project called “Civil Datawarehouse”, Italy was working on for years, and supposed to enable to look at each single procedure individually, has been implemented. However, the output of the Datawarehouse is still under “test phase”. It is likely that the number of “employment dismissal cases” is available for the next evaluation.

**Q101 (2012):** On the occasion of the 2012 exercise, it has been stressed that the number of litigious divorce cases, has been affected by the implementation of a different classification of civil cases. Therefore the comparison between 2010 and 2012 might lead to misinterpretation.

## Latvia

**Q91 (General Comment):** Within the Court Information System, submissions received in the previous year but registered the next year are considered as incoming cases for the new year. “Non-litigious enforcement cases” and “non-litigious business registry cases” are not defined in the Civil Code and both are not within the competence of courts in the first instance (similar to “non-litigious land registry cases”).

The category “civil and commercial non-litigious cases” encompasses: applications for securing claim prior to initiation of the matter in a court; applications for securing of evidence prior to initiation of the matter in a court; applications for execution of obligations through the court; undisputed compulsory execution of obligations; execution of obligations in accordance with warning procedures; voluntary sale of immovable property at auction through the court; submitting the subject-matter of an obligation for safekeeping in the court; applications for Commercial Court adjudication execution procedures; applications for arbitrary court decision compulsory execution; applications for property protection if there is no inheritance case; applications concerning execution of court adjudications.

**Q91 (2018):** In 2018 there were several stages of court system reform. Several District courts were merged, and The Land Register offices appended to the District courts. Partially due to court system reform, Court Information System database has undergone several error checks and data clean-ups, that has affected amount of cases, especially – unresolved.

**Q91 (2017):** Data updated after court reorganisation in 2018.

**Q91 (2016):** Data updated after court reorganisation in 2018.

**Q91 (2014):** The variations concerning administrative law cases over the period 2012-2014 are due to a change in the legislation. Namely, from July 1st of 2012, appealed administrative decisions of institutions are handed to District courts.



**Q91 (2013):** As concerns the variation of the clearance rate and the disposition time in respect of different types of other than criminal law cases between 2010 and 2013, namely as regards the disposition time for the category “civil and commercial non-litigious cases”, the justification is based on internal and external factors.

o The internal factors concern changes in the Civil Procedure Law (creation of new long-pending forms for insolvency cases such as judicial protection proceedings, insolvency proceedings for individuals, etc., whose proportion increased). In Latvia, the insolvency process begins with a court ruling but the case cannot be closed until the end of the insolvency process. Besides, quick pending cases have been transferred from courts to the Land Registry offices due to changes in the Civil Procedure Law from 1 January 2012.

o As for the external factors, the micro-enterprise development opportunities have increased the number of long-pending insolvency cases in the court (following the above described amendment of the national legislation).

• The variations concerning administrative law cases over the period 2012-2014 are due to a change in the legislation. Namely, from July 1st of 2012, appealed administrative decisions of institutions are handed to District courts.

**Q91 (2012):** The total number of incoming, resolved and pending cases on 1 January and on 31 December 2012 has mostly decreased under the influence of external (socio-economic) and internal (court system) factors:

1) the gradually exit from the economic crisis 2010-2014 (gradual decrease of the economic disputes and greater public satisfaction with regard to the authorities);

2) with the aim to improve the effectiveness of the court system, since 1st January 2012, the majority of the non-litigious civil cases (land registry, business registry and non-litigious enforcement cases) were transferred from first instance courts for consideration by the competent Land Registry Department and are not subsumed in the table;

3) with the aim to improve the effectiveness of the court system, since 1st July 2012, the appealed decisions against administrative authorities were transferred from the Administrative court jurisdiction to the Regional courts of general jurisdiction for consideration by judges of the Criminal College. These cases are not included in the table and only cases of the special jurisdiction of the administrative courts are encompassed.

**Q91 (2010):** In 2010, the total number of other than criminal cases increased (pending, incoming, resolved, pending) as a result of the increase of the number of administrative law cases on the one hand, and the number of civil cases on the other hand.

As to the administrative law cases, this evolution is due to several factors. Firstly, owing to the financial crisis, the volume of pending complicated administrative cases in first instance courts and the Administrative Regional court increased. Secondly, the relevant legislation has been changed and since 2009, appealed court rulings in administrative matters are handled by administrative district courts. The last reason is the insufficient capacity of administrative courts between 2008 and 2010.

As to the civil cases, the main explanation lies in the financial crisis which resulted in the increase of the number of complicated cases such as insolvency, bankruptcy, employment, etc.

**Q97 (General Comment):** In accordance with the provisions related to data gathering, all information must be recorded in the Court Information System within 3 days. However, the Court Information System functionality for the statistical reports provides in the System recorded figures at the end of the year. Consequently, submissions received in the previous year but registered the next year are considered as incoming cases for the new year.

Justice statistics do not distinguish between “non-litigious enforcement cases” and “non-litigious business registry cases” because such types of cases are not defined in the Civil Code. Accordingly, the reply in their respect is NAP. At any rate, both of these sub-categories of cases are not within the competence of courts neither in first instance (similar to the “non-litigious land registry cases”), nor in second instance. By contrast, the “non-litigious land registry cases” are dealt with by the regional courts in second instance and they are within the competence of the Land Registry Office only in first instance.

**Q97 (2018):** Partially due to court system reform, Court Information System database has undergone several error checks and data clean-ups, that has affected amount of cases, especially – pending. Data on court statistics are being calculated by automated systems and records on changes that affect data in database are not available. Any changes to the Court Information System can affect the data.

**Q97 (2017):** As regards the decrease from 2016 in administrative law cases pending on 1 Jan, it can be explained as there were much more resolved cases than incoming in previous cycle. As regards the decrease in the total of other than criminal pending cases, it can be explained as there was a change of pending civil law cases in second instance. This might be an issue due to reclassifying the starting moment of a court case. Also, much more resolved cases than incoming cases has decreased the amount of unresolved cases on 31 Dec.

**Q97 (2016):** The increase in pending civil cases is due to fewer resolved cases in 2015. Decrease in pending Administrative cases is due to more resolved cases in 2015.

**Q97 (2014):** In the frame of the 2013 and 2014 exercises it has been indicated that the category “other” includes the following types of cases from the Supreme Court : cases related to moral and physical damages; copyright related cases; family relationship; deprivation of citizenship; labour law cases; cases in respect of inheritance rights.

**Q97 (2013):** In the frame of the 2013 and 2014 exercises it has been indicated that the category “other” includes the following types of cases from the Supreme Court : cases related to moral and physical damages; copyright related cases; family relationship; deprivation of citizenship; labour law cases; cases in respect of inheritance rights.

**Q97 (2012):** The decreases observed in 2012 with regard to the totals in respect of the different items (pending, incoming and resolved cases) are the consequence of the evolutions noticed for each of the sub-categories in respect of the number of incoming cases. The decrease of the latter and the improvement of the judicial efficiency resulted in a decrease of the number of pending cases. The end of the economic crisis and the strengthening of the courts’ capacity are general factors which have to be taken into account when analysing this positive trend.

As to the sub-category “civil and commercial litigious cases“, the increase of the number of pending cases on 1 January 2012 is due to the increase of the number of incoming cases in different categories of cases such as different types of bankruptcy cases which know a long processing time. The duration of these special types of bankruptcy cases cannot be shortened by improving the efficiency of the judiciary. The increase of the number of resolved cases can be explained by the improvement of the work capacity of courts.

As to the sub-category “civil and commercial non-litigious cases“, the decrease of the number of resolved cases and pending cases on 1 January 2012 and 31 December 2012 can be explained by the transfer of a part of the cases from the first instance courts to the Land Registry Department, following the legislative reform of 1 January 2012. The number of incoming cases has decreased essentially due to external (socio-economic) factors, namely the gradual exit from the economic crisis during 2010-2013.

As to the sub-category “non-litigious land registry cases“, the increase of the number of resolved cases between 2010 and 2012 can be explained by the courts work reviewing a large number of cases in the law limited time because of external factors causing an increase of the number of incoming cases before the entry into force of the new provisions of the Civil Procedure Law on 1 January 2012.

As to the sub-category “administrative law cases“, the decrease of the number of pending cases on 1 January 2012 can be explained by the courts work, namely the improvement of the judicial capacity and the decrease of the number of incoming cases due to external factors as public activity resubmission to the Administrative Court and internal factors. The decrease of the number of resolved cases can be explained by the limited capacity of courts work, the complexity of the cases, the parties’ failure to appear for court hearings, etc. The decrease of the number of pending cases on 31 December can be explained by the improvement of the judicial capacity of courts and decrease of incoming cases due to external factors.

There are no cases in the sub-category “other“. All cases are distributed among the mentioned categories No.1, No.2 and No.6.

The decreases observed with regard to the totals in respect of the different items (pending, incoming, resolved cases) are the consequence of the evolutions noticed for each of the sub-categories in respect of the number of incoming cases. The decrease of the latter and the improvement of the judicial efficiency resulted in a decrease of the number of pending cases on 1 January and 31 December. The end of the economic crisis and the strengthening of the courts’ capacity are general factors which have to be taken into account when analysing this positive trend.

As to the sub-category “civil and commercial non-litigious cases“, the increase of the number of resolved cases between 2012 and 2013 can be explained by the long pending backlog of complex cases before the courts of the second instance.

**Q97 (2010):** The variations concerning figures provided for 2010 are the consequence of these explained in the frame of question 91.

**Q99 (2018):** Supreme Court does not rely only on data in the Court Information System, they keep separate sheet for statistics

**Q99 (2017):** Supreme court has provided data for questions 1 & 2. As regards the decrease of Civil (and commercial) litigious cases, there was a major performance raise in 2016. Also, the Supreme court has only recently begun to collect statistics on their work performance and thus there was and still are some NA answers for CEPEJ questionnaire

**Q99 (2016):** Supreme court had accumulated too many unresolved cases and 1/3 of those are older than 2 years so they have made some changes and achieved progress.

**Q99 (2015):** An explanation for the rather large difference in case count for general civil and commercial non-litigious cases are changes in civil proceedings - while in 2014 undisputed compulsory execution cases were also heard by Supreme Court, in 2015 it was tasked with hearing decisions from Land registry, sworn bailiffs and notaries only.

**Q99 (2012):** In 2012, the decrease of the total of cases before the higher instance courts correlates with the general decrease of the number of civil cases.

**Q99 (2010):** In the frame of the 2010 exercise, it has been explained that the increase of the total number of pending and incoming cases was due to the increase of the auctions of immovable property. As to the increase of the total number of resolved cases, it is a result of the higher work load and the augmentation of the number of judges.

**Q101 (2018):** Partially due to court system reform, Court Information System database has undergone several error checks and data clean-ups, that has affected amount of cases, especially – unresolved. Data on court statistics are being calculated by automated systems, we do not keep track on any changes that affect data in database. Any changes to the Court Information System can affect the data.

**Q101 (2016):** Data updated after court reorganisation in 2018.

**Q101 (2013):** In 2013, several explanations have been provided with regard to the category “insolvency cases”. Firstly, the number of pending cases on 1 January increased because of the special handling procedures for insolvency cases set forth by the Civil Procedure Law. As a matter of fact, the duration of insolvency proceedings is mostly affected by external economic factors and do not depend on the courts work capacity. Secondly, the increase of the number of incoming cases was justified by external factors such as public activity submitting applications before the Court on the legal protection of individuals in cases of insolvency. Thirdly, the increase of the number of resolved cases was due to the gradual improvement of the capacity of the courts work following the adoption of the new provisions of the Civil Procedure Law on 1 January 2012. Lastly, the increase of the pending cases on 31 December 2013 resulted from the special handling procedures for insolvency cases according to the Civil Procedure Law.

**Q101 (2012):** In the ambit of the 2012 exercise, it has been explained that the decrease of the number of “litigious divorce cases” in respect of all the items (pending, incoming, resolved cases) was due to the decrease of the incoming cases owing to the impact of external factors such as depopulation, decline in the number of marriages etc.

As to the category “employment dismissal cases”, the decreases noticed in respect of all the items (pending, incoming, resolved cases) can be explained by external socio-economic factors such as the decrease of the unemployment in the country after the end of the economic crisis. This factor has affected the number of incoming employment dismissal cases and consequently the other statistical indicators.

## Lithuania

**Q91 (General Comment):** In Lithuania, statistical data on case flow and their classification are made according to the specific regulations and are mainly based on the institutes of Civil, Criminal Codes and the codes of Civil and Criminal procedures, as well as the Code of Administrative Offences and the law on Administrative procedure. Therefore, figures for some of the types of cases are unavailable because there is no such classification while making statistical reports. In respect of the variations that can be observed between figures provided for the different evaluation cycles and in the light of the above described peculiarity of the statistic system of Lithuania, it is noteworthy that cases the number of which is not available are included in other categories, i.e. “civil litigious”, “civil non-litigious”. Accordingly, the indicated totals are relevant. The changes mainly are influenced by changes in number of incoming cases (developments of constitutional doctrine or amendments in law, etc.).

**Q91 (2018):** The decrease in general civil (and commercial) non-litigious cases (2.1.) may have been due to the overall decrease in debtors' natural persons in 2017 and 2018. The latter suggestion is based in data from the credit bureau Creditinfo (1 January, 2019 number of debtors natural persons was 177,055; 1 January - 207,000; 1 January, 2017 - 252 479). Credit Bureau “Creditinfo” stores information about credit risk for businesses and private entities, forms the credit history and establishes credit ratings.

The decrease in “other non-litigious cases” (2.3.): civil cases in process of enforcement (execution) in all district courts was due to changes in the law that came into effect in 2017 July 1, on the basis of which the bailiff, rather than the court of first instance, is responsible for dealing with the succession in enforcement proceedings.

The decrease in “other cases” (4): administrative offence cases (including cases in process of enforcement (execution) in 2017-2018 period was due to the entry into force of the Code of Administrative Offences on 1 January, 2017 which left the handling of a large proportion of administrative misconduct and the imposition of penalties to various public administration entities (out of court). This could also be due to the expanded list of circumstances in which the person is not prosecuted under the Code of Administrative Offences. The decrease in these cases was also influenced by the Amendments to the Criminal Code (on 1 January, 2017) that criminalized persons who drove a road vehicle or taught practical driving while under the influence of alcohol with more than 1.5 ounces of alcohol. In 2018, compared to 2017, the number of cases of administrative offences investigated in district courts decreased by 15.66%, compared to 2016, a decrease of 75.83%. Concerning administrative cases (3): in 2018, the number of cases received increased by 27.35% compared to 2017 (e.g. the number of cases concerning conditions and detention of prisoners, cases concerning the legal status of aliens have significantly increased) and this led to the growth in the number of pending cases at the end of the reference year.

**Q91 (2017):** Other non-litigious cases: civil cases in process of enforcement (execution).

Concerning the category "non-litigious cases" the number of pending cases on 1 January 2017 increased considerably compared to their number on 1 January 2016. The same increase characterises the categories "general civil and commercial non litigious cases" and "other non- litigious cases" (pending cases at the beginning of 2017). However, we can observe that at the end of 2017 the number of pending cases decreased concerning the category "non-litigious cases" and the sub-category "other non-litigious cases". Only with regard to "civil and commercial non-litigious cases" the number of pending cases at the end of 2017 increased. We can see that these variations are the result of variations in the number of incoming cases for the period 2015-2017. Besides, as the numbers are small, variations appear important. The main reason for increased pending cases is the increased number of incoming other non-litigious civil cases, i.e. enforcement cases, in 2017. More precisely, in 2017, the number of civil cases in enforcement procedure – requests to change the recoverer, increased. There is no particular reason, besides the fact that some companies were buying the recoverers' rights from other natural persons or legal entities.

As regards the category "other cases", it refers to cases of administrative offences and cases of administrative offences in process of enforcement (execution). Following the entry into force of a new Code of Administrative Offence (1 January 2017), the number of incoming cases of administrative offences decreased. The decrease in the number of incoming administrative law cases in 2017 is explained by the increased number of incoming administrative cases in previous years (due to the decisions of the Constitutional Court).

Registry cases cannot be identified among the overall number of general civil cases.

Administrative law cases: courts received less administrative cases; they are fighting backlogs from previous years.

**Q91 (2016):** Administrative law cases - courts are fighting backlogs. This led to the growth in the number of resolved cases and consequently to the decrease in the number of pending cases 31 December 2016.

Other non-litigious cases: civil cases in process of enforcement (execution). The increased number of these incoming cases also results in the increase of number of incoming non-litigious cases. The number of increased incoming other non-litigious cases (enforcement) may be due to the number of the resolved civil cases in 2015 (the number of pending cases on 1 January 2016 decreased). As regards registry cases: the answer should be NA, the NAP was chosen for the calculation purposes: it is not possible to identify those cases among all other general civil cases.

**Q91 (2015):** Civil and commercial non-litigious cases include court orders

Category "other" includes: Cases of administrative offences and cases of administrative offences in process of enforcement (execution).

**Q91 (2014):** The increase between 2013 and 2014 in number of cases can be explained by the increase in the number of incoming administrative cases and cases of administrative offence. They were mostly cases on remuneration of public servants in 2013 due to the decision of the Constitutional Court of the Republic of Lithuania, which recognized the laws on the reduction of the remuneration of State servants and judges unconstitutional. This also had an effect on the significant increase of the category "other cases" since this situation resulted also in the increase of the number of cases of administrative offence (in execution process).

The significant decrease of 58% of general civil (and commercial) non-litigious cases (pending 31 Dec) in 2014 has been explained by the fact that civil cases on deliver of judicial orders are resolved quickly and such residues are normal.

**Q91 (2010):** The increase of the total number of other than criminal cases in 2010 was due to the financial situation of 2009-2010 when a lot of litigants turned to courts in order to secure their financial interests. Such amount of new incoming cases also determined the bigger workload of the judges and all the judicial staff.

As for the category "land registry cases", issues related to land registering are managed by the Real Property Register and Cadastre.

**Q92 (2014):** For 2013 and 2014, the category "civil and commercial non-litigious cases" includes court orders.

**Q92 (2013):** For 2013 and 2014, the category "civil and commercial non-litigious cases" includes court orders.

**Q93 (2013):** For 2010, this category encompasses only cases of administrative offence, while since 2012 it subsumes also the administrative offence cases in the process of execution.

**Q97 (General Comment):** In Lithuania, statistical data on case flow and their classification are made according to the specific regulations and are mainly based on the institutes of Civil, Criminal Codes and the codes of Civil and Criminal procedures, as well as the Code of Administrative Offences and the law on Administrative procedure. Therefore figures for some of the types of cases are unavailable because there is no such classification while making statistical reports. In respect of the variations that can be observed between figures provided for the different evaluation cycles and in the light of the above described peculiarity of the statistic system of Lithuania, it is noteworthy that cases the number of which is not available are included in other categories, i.e. "civil litigious", "civil non-litigious". Accordingly, the indicated totals are relevant.

**Q97 (2018):** The decrease in "other cases" (4), i.e. administrative offence cases (including cases in process of enforcement (execution), at second instance courts (appeal) in 2017-2018 period was related to the decreased number of resolved administrative offence cases in the first instance courts (see Q091).

**Q97 (2017):** As regards the category "other cases" which refers to cases of administrative offences and cases of administrative offences in process of enforcement (execution), the observed decreases in their numbers (pending at the beginning of 2017, incoming, resolved, pending at the end of 2017) are the consequence of the entry into force of the new Code of Administrative Offences.

**Q97 (2016):** The changes in number of cases are mainly related to the increased number of resolved administrative cases in the first instance administrative courts in 2015 and 2016 (the courts were fighting backlogs from previous years) and the renewed processes that were suspended in the second instance court due to the application to the Constitutional Court of the Republic of Lithuania (related to salaries of civil servants, decreased pensions, etc.).

**Q97 (2014):** The increase between 2013 and 2014 in number of cases can be explained by the increase in the number of incoming administrative cases and cases of administrative offence. They were mostly cases on remuneration of public servants in 2013 due to the decision of the Constitutional Court of the Republic of Lithuania, which recognized the laws on the reduction of the remuneration of state servants and judges unconstitutional. This also had an effect on the significant increase of the category "other cases" since this situation resulted in the increase of the number of cases of administrative offence (in execution process).

**Q97 (2010):** In 2010, the number of incoming cases increased considerably.

**Q99 (2018):** The number of civil (and commercial) litigious cases (1.) of the cassation instance court (Supreme Court) pending at the end of the year decreased due to the general decrease of resolved cases at first instance. In 2018 the number of civil cases resolved at first instance courts decreased by 10.89% compared to 2017 and was 15.03 % lower than in 2016. This led to the slightly lower inflow and larger number of resolved cases, therefore, to the decreased number of pending cases at the end of the year.

**Q99 (2016):** NA was changed to NAP only for calculation purpose -situation hasn't changed.

**Q99 (2014):** In the frame of the 2014 exercise, it has been indicated that the Supreme Court of Lithuania received 1369 appeals (cassation) in criminal cases and 2794 appeals (cassation) in civil cases. 677 appeals in criminal cases and 2038 in civil cases were returned to the complainants.

2014: Different category of cases as in Q91, 97 and 99 exist in Lithuania, but they are all under the category 1. Civil (and commercial) litigious cases and it is not possible at this point to distinguish them from other cases.

The increase between 2013 and 2014 in number of cases can be explained by the increase in the number of incoming administrative cases and cases of administrative offence. They were mostly cases on remuneration of public servants in 2013 due to the decision of the Constitutional Court of the Republic of Lithuania, which recognized the laws on the reduction of the remuneration of state servants and judges unconstitutional. This also had an effect on the significant increase of the category "other cases" since this situation resulted in the increase of the number of cases of administrative offence (in execution process).

**Q101 (2018):** Employment dismissal cases - the decrease of incoming and resolved cases might be due to the effective functioning of the Labor Disputes Commission (a mandatory pre-litigation labor dispute resolution body for individual and collective labor disputes).

Insolvency cases - the decrease of incoming cases might be due to the decrease of debtors (legal entities). Robbery cases - the decrease of incoming and resolved cases might be due to a general decrease in crimes to property. Cases relating to the right of entry and stay for aliens - general situation in EU on this issue led to the increase of incoming cases in 2017 and consequently to the increase of pending cases at the beginning of 2018. The number of resolved cases is higher due to higher number of incoming and correspondently pending cases. Cases relating to asylum seekers fall within the cases relating to the right of entry and stay for aliens or other administrative cases.

**Q101 (2017):** Cases relating to asylum seekers fall within the cases relating to the right of entry and stay for aliens or other administrative cases.

The number of incoming cases related to the right of entry and stay for aliens is related to the number of requests from residents of countries where there were no requests before (countries where are no military actions carried) and such requests are often declined by the Migration department.

The decrease in the number of pending employment dismissal cases at the end of the year is explained by the fact that courts are successfully fighting the backlog.

Variations observed in respect of the number of pending litigious divorce cases appear important mainly due to the small numbers.

**Q101 (2016):** For the reference year 2016 cases relating to asylum seekers fall within the cases relating to the right of entry and stay for aliens or other administrative cases.

**Q101 (2013):** In the frame of the 2013 exercise the variations observed in respect of the categories "employment dismissal cases" and "litigious divorce cases" are justified mainly by the changes in the number of incoming cases (due to the crisis, developments of constitutional doctrine or amendments in law). Besides, some discrepancies might have occurred due to the judicial reform of 8 district courts and therefore transferring cases from one year to another from several/two courts to one court. The reform entered into force on 1 January 2013 and has resulted in the reduction of the number of district courts to 49.

## Luxembourg

**Q91 (General Comment):** To date, it is not possible to provide information on pending cases older than 2 years.

**Q91 (2018):** The pending cases at the date of 31/12/2017 had to be adapted, since there were 27 cases of vacation court, which were no longer pending at the end of the year. These 27 cases were withdrawn from the 1,341 pending cases indicated in the Scoreboard 2017 to reach 1,314 other pending non-litigious cases on 01/01/2018.

**Q91 (2016):** For question 91.1 the new data collection system revealed a higher number of pending cases, previously not considered by those in charge of counting.

For question 91.2.2, the new data collection system provides now information on other non-litigious cases, previously unavailable.

**Q91 (2015):** The figures given (with the exception of those for the administrative court) are those of the two district courts (Luxembourg and Diekirch).

The three justices of the peace totalized 78.273 national as well as 285 European payment orders.

**Q91 (2014):** The data (except for the Administrative Court) are those of the district courts. Uniform statistical data for both types of courts are not yet available. The three justices of peace ruled 75 411 national payment orders, 260 european payment orders and resolved a total of 6386 cases for a total of 65840 new cases. The implementation of statistics counters for civil and commercial cases resulted in variations. The applied criteria have been refined and give a more accurate image. However, new fluctuations are prone to occur, given that the implementation is not yet complete.

**Q91 (2013):** The data is relevant for the judiciary year September 2012-September 2013. It concerns (except for the Administrative Court) district courts. Uniform statistical data for both types of courts (district courts and justice of peace) are not yet available. The District Court of Diekirch rendered 580 decisions and registered 664 new cases. The three justices of peace ruled 69 859 payment orders and resolved a total of 5 682 cases for a total of 6 508 new cases. The increase in the number of civil (and commercial) non-litigious cases" between 2010 and 2013 is partly explained by the establishment in 2011 of the judiciary statistics office. The increase in the number of administrative law cases mainly stems from the increase in the asylum-related disputes on account of the international situation.

**Q91 (2012):** The data provided (except for the Administrative Court) are those of the district courts. Uniform statistical data for both types of courts (district courts and justice of peace) are not yet available. The District Court of Diekirch rendered 591 decisions and registered 688 new cases. The three justices of peace ruled 63 651 payment orders and resolved a total of 8041 cases for a total of 9310 new cases. The 2012 data encompasses civil and commercial cases of both district tribunals (Luxembourg and Diekirch).

**Q91 (2010):** The 2010 data refers only to the Luxembourg court excluding the district court of Diekirch. The latter rendered 386 judgments and registered 306 new cases for 2010. Concerning the justices of peace, the following data is available: Justice of peace of Luxembourg: 6609 new cases, 4035 judgments rendered; Justice of peace of Esch-sur-Alzett: 2512 new cases, 1966 judgments rendered; Justice of peace of Diekirch: 1801 new cases, 1471 judgments rendered.

**Q92 (2014):** 2014: Category 2 (civil (and commercial) non-litigious cases) refers to european payment orders issued by two district courts. They are handled almost immediately, so that there is no stock at the end of the period. That is why the pending cases as well as incoming cases are classified as NAP.

**Q92 (2013):** 2012: Category 2 (civil (and commercial) non-litigious cases) refers to payment orders issued by district courts. They are handled almost immediately, so that there is no stock at the end of the period.

**Q92 (2012):** 2012: Category 2 (civil (and commercial) non-litigious cases) refers to payment orders issued by district courts. They are handled almost immediately, so that there is no stock at the end of the period.

**Q93 (2010):** 2010: the last category "other cases" includes insolvency cases. There is no backlog in this matter since these cases are always urgent.

**Q97 (2016):** It is a fact that the number of appeals before the Court decreased between 2014 and 2016. A key reason is that the number of appellate judgments rendered by the court has decreased significantly. The first reason is that the court had to evacuate a large number of cases as a matter of priority under the so-called accelerated procedure provided for by the law of 18 December 2015 on international protection. For the judicial year 2015/2016, 355 judgments out of a total of 938 judgments (excluding striking off) were rendered in accelerated proceedings and therefore not subject to appeal.

**Q97 (2013):** 2013: because of the international events that have increased the number of asylum seekers, the administrative courts that have jurisdiction in case of appeal against a refusal of refugee status, have, in particular in 2013 but already during the 3-4 previous years, known a significant increase in this very specific litigation both at first instance level and appeal level.

**Q99 (General Comment):** The pending files are now detailed between criminal and civil/commercial cases, thus this additional information is now available. There is no cassation possibility against the decisions of the administrative court of appeal.

**Q99 (2018):** Comparing 2016 to 2018, the increase in pending cases at the end of the period is 40.73%. However, there was already a clear increase in cases pending at the end of the period between 2016 and 2017, which is largely explained by a larger number of new cases in 2017. Between 2017 and 2018, the variation in cases pending at the end of the period is + 5%, which does not seem excessive, especially taking into account the low numbers.

**Q99 (2017):** Q99: total and civil and commercial litigation cases: the slight increase in the number of incoming cases in 2017 and the relatively stable number of resolved cases explain the increase in the number of pending cases at the end of 2017 to 109 .

**Q99 (2014):** 2014: several categories are in NAP because the Court of Cassation has no jurisdiction over these categories.

**Q101 (2018):** With regard to the number of incoming divorce cases, compared to the numbers provided for the 2017 scoreboard, they increased by only 8%. Since 2017, we have seen an acceleration in the number of divorce applications in 2018 since, before the entry into force of the law of the 27th of June 2018 establishing the Family Court (JAF law) and reforming the divorce procedure, many proceedings initiated under the former law were dismissed as a priority. In addition, the numbers for asylum seeker cases have decreased by 5% compared to the numbers available for 2017. The variation in incoming cases and resolved cases is linked to factors which are external to administrative courts and it is probably linked to the decrease in 2018 in applications for international protection and especially in decisions taken in relation to these issues. Finally, the number of cases resolved in 2016 concerning the entry and residence of foreigners was particularly high, this can be explained, among other things, with the creation of a new chamber in 2016 at the Administrative Court, the complexity of the cases, which can vary, as well as the delays in the investigation which can affect the date of delivery. The number of resolved cases related to the right of entry and residence of foreigners remains unchanged from the cases resolved in 2017.

**Q101 (2017):** Litigious divorce cases: The increase in the number of incoming cases in 2017 may have its origin in the fact that parliamentary proceedings had been initiated to reform the existing divorce procedure, which was intended to repeal the contentious divorce procedure. The Act of 27 June 2018 establishing the Family Court (juge aux affaires familiales) and reforming divorce and parental authority was initially supposed to come into force in the beginning of 2018 but it will only come into force on 1 November 2018. This law is also amending: 1. the New Code of Civil Procedure; 2. the Civil Code; 3. the Criminal Code; 4. the Social Security Code; 5. the Labour Code; 6. the amended Act of 11 November 1970 on the transfer and seizure of work pay and pensions; 7. the amended Act of 7 March 1980 on the organisation of the judiciary; 8. the amended law of 10 August 1992 on the protection of young people; 9. the amended law of 27 July 1997 on insurance contracts; 10. the amended law of 9 July 2004 on the legal effects of certain partnerships; 11. the law of 27 June 2017 adopting a multiannual programme for recruitment to the judiciary and amending the amended law of 7 March 1980 on judicial organisation. In addition, an increasing number of divorces between asylum seekers can be noticed.

Cases relating to asylum-seekers (refugee status under the 1951 Geneva Convention)[incoming cases and resolved cases]: the increase in the number of incoming and resolved cases is due to factors external to administrative courts and is probably linked to the general increase in 2017 in the number of applications and decisions taken in relation to asylum claims (see <https://statistiques.public.lu/fr/actualites/population/population/2018/01/20180117/20180117.pdf>).

Cases relating to the right of entry and residence of aliens [resolved cases]: the number of resolved cases in 2016 was particularly high, which can be explained by, inter alia, the creation of a new chamber in 2016 at the Administrative Court, the complexity of cases which may vary as well as the length of investigation proceedings, which may affect the date of delivery of the decision.

**Q101 (2016):** For insolvency cases the number of incoming and resolved cases is identical because these cases are treated immediately.

**Q101 (2013):** 2013: the number of employment dismissal cases corresponds to the incoming cases brought before the three competent courts. All these cases, with some exceptions, are generally heard and resolved within a few months.

Regarding insolvency cases, it should be noted that they are all considered as urgent and are heard, at the latest one month after they are brought before the court.

For resolved litigious divorce cases (+69.53%) and employment dismissal cases (-32.29%), the increase between 2010 and 2013 reflects the current social phenomenon.

## Malta

**Q91 (General Comment):** The Administrative Review Tribunal was set up in late 2009 and replaced a number of ad hoc tribunals, each with their own varying caseload. From the moment it has been set-up, till practically 2014, the Administrative Review Tribunal was incorporating all these different caseloads within its own, and this resulted in a disproportional increase in the number of administrative incoming cases, as well as an increase in the pending caseload. Only now is the Tribunal starting to settle down to its normal annual caseload. The figures of "administrative cases" reflect the changes resulting from the integration of the caseloads of the ad hoc tribunals, into the Administrative Review Tribunal.

The observed variations for these cases between 2013 and the following years are due to the fact that in 2014 another magistrate started presiding over the Administrative Review Tribunal thereby increasing the judicial complement to 2 members. This change resulted in an increase in the number of administrative resolved cases leading to the increase in the clearance rate. The low number of incoming cases is reflecting the current intake once all cases from the ad hoc tribunals have been transferred.

As regards the decrease between 2014 and 2015 in the number of pending cases, this is the result of the improvement in the performance and efficiency of the Administrative Review Tribunal during these last 2 years.

Non-litigious data is not available for 2015.

The vast majority of cases heard before the courts of Malta are litigious cases. Nevertheless, there is the Court of Voluntary Jurisdiction which deals with adoptions, appointment of tutor, curators and other administrators, interdiction and incapacitation and opening of secret wills.

**Q91 (2018):** This evaluation cycle contains for the first time the efficiency data of the First Hall, Commercial Section which is a new court established in April 2018. Furthermore there was a registered increase in the incoming caseload particularly of the Court of Voluntary Jurisdiction and in cases of dissolution of marriage.

The lack of horizontal consistency results from recounts that happen throughout the year, and that ensure that the data is always as up to date as possible. However when taken as a global figure, horizontal consistency might then be lost.

**Q91 (2017):** Apart from the provision of the new non-litigious data captured by sub-section 2.1 above, this year we also introduced the data for another civil, litigious court, namely, the Court of Voluntary Jurisdiction, established by the Civil Courts (Establishment of Sections) Order 2003, in terms of Art 2 of the Code of Organisation and Civil Procedure (Chp 12 of the Laws of Malta). The Court has jurisdiction to deal with, amongst other matters, applications related to adoptions, interdictions and incapacitations, matters related to wills and to trusts, and to specific cases falling under the Foster Care Act (Chp 491 of the laws of Malta).

As concerns pending cases at the beginning of the year, information is not available for the newly provided data, namely data from the Court of Voluntary Jurisdiction and the non-litigious data. These data will be available for the next cycle. Increases observed between 2016 and 2017 in the total of incoming and resolved cases result from the fact that new data has been added (data on non-litigious cases and data from the Court of Voluntary Jurisdiction).

**Q91 (2016):** Horizontal consistency: This is a problem encountered also in previous evaluations. Unfortunately this inconsistency results from the way that the data is logged, and it is practically impossible to resolve it at present. Concerning the variations between cycles: In reality, in 2015 the Administrative Review Tribunal worked real hard to reduce the pending caseload and also resolved one set of interrelated cases that translated in the conclusion of about 150 separate cases. So 2015 was a very good year in which the efficiency parameters of the Tribunal spiked. In 2016, the rhythm by which cases were being resolved went back to 2014 figures, hence the apparent decrease in the number of resolved cases between 2015 and 2016. The reduction in the pending caseload is also the result of the additional 150 odd cases that were resolved in 2015 and that dramatically reduced the pending caseload for good, even if the resolved caseload of 2016 was less than that of 2015. Concerning Administrative cases: These figures reflect the pending balance at the beginning of 2016. Throughout 2015, the Tribunal resolved one batch of related cases that resulted in a drop in the number of pending cases and a spike in the number of resolved cases.

**Q91 (2014):** For 2014, it has been pointed out that the item “pending cases at 1st January 2014” has been compiled using the data for the 31st December 2013.

It is noteworthy that the category “civil litigious cases” covers family mediation cases and cases before the Court of revision of notarial acts and the Small Claims Tribunal.

As to the category “administrative law cases”, the observed variations between 2013 and 2014 are due to the fact that in 2014 another magistrate started presiding over the Administrative Review Tribunal thereby increasing the judicial complement to 2 members. This change resulted in an increase in the number of resolved cases leading to the increase in the clearance rate.

The discrepancy in the data provided as “pending cases on 31st December 2014” results from an internal exercise being carried out by the Court Administration in which cases that have been prescribed, are being cleaned from the system. This exercise is going to be carried out more frequently so that it does not reflect in discrepancies in the data that is published.

**Q91 (2013):** In 2013, the number of administrative law cases continued increasing. In this respect, it should be recalled that the Administrative Court was created in 2010 and, as a result, in 2010, there were few cases before this new jurisdiction. Subsequently, as time passed, the number of areas of competence of the Administrative Court has increased - as a result, cases increased considerably too.

**Q91 (2012):** In 2012, the increase of the number of administrative law cases has been justified by the fact that the Administrative Court was set up in late 2010, as a result of which, figure given in the previous report reflected the operation of the Court over a couple of months only. For 2012, the communicated figures reflect the operation of the Court over a twelve month period.

**Q91 (2010):** In the ambit of the 2010 exercise, it has been explained that in Malta, enforcement of cases is carried out by the Court Marshalls (enforcement agents) as a result of which, there is no need to refer the enforcement to the court as a case, but merely a warrant of enforcement is presented, of which, no data was available.

As to “business register cases”, all cases relating to business matters are heard by the Civil Court. Accordingly, no separate data exists.

**Q97 (2017):** In Malta, the civil second instance courts comprise the Civil Court of Appeal in its Inferior and Superior Jurisdiction. To date, whilst we can collect the data relating to the incoming, resolved and pending caseloads of these courts, we cannot easily distinguish between the sub-divisions of case typology outlined above. What we can tell for sure is that all cases filed before the Courts of Appeal are civil and commercial litigious cases (including a minority of administrative law cases) so the figures provided at Category 1 reflect the global total of cases heard at the second instance courts. Non-litigious cases are not filed before these courts (hence NAP answers).

Concerning the variation between 2016 and 2017 in the pending cases older than 2 years, the reason is due to a different methodology used in 2016 and in 2017.

**Q97 (2016):** Regarding Civil (and commercial) litigious cases: 2015 was the best year in terms of number of resolved cases, mainly because the judiciary were trying hard to conclude cases that were ready for sentencing. In fact, our efficiency indicators reflected this effort. As regards to the other data, we do not, as yet, have those statistics at hand and hence, the last 3 evaluations were marked as NAP.



**Q97 (2014):** The discrepancy in the data provided for 2014 as “pending cases on 31st December 2014” results from an internal exercise being carried out by the Court Administration in which cases that have been prescribed, are being cleaned from the system. This exercise is going to be carried out more frequently so that it does not reflect in discrepancies in the data that is published.

**Q97 (2013):** The significant increase of the number of civil and commercial litigious cases between 2010 and 2013 was due to the fact that the number of appeals has increased substantially in the past few years and the jurisdiction of the Court of Appeal has been extended to include also appeals from large public contract awards. Accordingly, the Court of Appeal was not in a position to manage the considerable influx of cases.

**Q97 (2012):** In 2012, a number of judges in the Appeal Court retired and their replacement took some time to materialise, as a result of which, the number of decided cases decreased.

**Q99 (2017):** In Malta the 2nd instance courts are the highest instance. Hence the NAP answer to this section.

**Q99 (2016):** In Malta the 2nd instance courts are the highest instance. Hence the NAP answer to this section.

**Q101 (2017):** The employment dismissal cases are not heard by the courts but rather by the Industrial Tribunal which is separate from courts and has no connection whatsoever to courts or the Ministry of Justice. Cases related to asylum seekers are processed by the Refugee Commission and heard by the Refugee Appeals Board, which is an entity separate from the courts. Therefore such data is NAP. The Office of the Refugee Commissioner (RefComm) is regulated by The Refugees Act, Chp 420 of the Laws of Malta, and its main responsibility is to receive, process and determine applications for international protection in Malta, as stipulated by the Refugees Act, amended by Act VI and VII in 2015 and its Subsidiary Legislation 420.07 on Procedural Standards in Examining Applications for Refugee Status Regulations. This Office is also bound by the obligations assumed by Malta under the 1951 Geneva Convention relating to the status of Refugees and its 1967 Protocol, as well as its obligations under European Directive 2011/95/EU, European Directive 2013/32/EU and the Dublin Regulation.

RefComm implements a single asylum procedure. It first examines whether the applicant fulfils the criteria to be recognised as a refugee according to law, and in the case of those applicants who do NOT meet the criteria to be recognised as refugees, the Office proceeds to examine whether the applicant fulfils the criteria for subsidiary protection according to law. The applicant is informed in writing about the decision issued by the Office of the Refugee Commissioner. The reasons in fact and in law are stated in the decision. In the case of a negative decision, applicants are informed of their right to enter an appeal against this decision to the Refugee Appeals Board. Information on how to challenge a negative decision is given in writing to those applicants whose application was rejected with regards to refugee status and/or subsidiary protection status. This is an administrative review and involves the assessment of facts and points of law. An asylum seeker has 2 weeks to appeal since the day in which the written negative decision by the Refugee Commission has been received. Whilst the Refugee Appeals Board does not accept late appeals, it does have suspensive effect.

An onward appeal is not provided in the law in case of a negative decision from the Refugee Appeals Board. However, judicial review of the decisions taken by the Board is possible before the First Hall of the Civil Court, limited only to an enquiry into the validity of the administrative act. However, such information is not available. Judicial review does not deal with the merits of the asylum claim, but only with the manner in which the concerned administrative authority reached its decision. At this stage, applicants could be granted legal aid if eligible under the general rules for legal aid in court proceedings.

**Q101 (2016):** Litigious cases: the number of incoming and resolved cases has been on the increased every year.

## Netherlands

**Q91 (General Comment):** It is noteworthy that in the Netherlands, it is not possible to say whether incoming or pending cases will be litigious or non-litigious. Accordingly, this distinction is only made for the resolved cases. As to the lack of horizontal consistency that can be observed, the reason is that the official number of cases pending on January 1st is determined at different time then the other 3 categories (official incoming, official resolved, official pending on December 31st). Due to time lags in registration and dynamics in the data systems, if the cases pending on January 1st are measured at the same time as the others, the result would be different. Land and business registry cases are not handled in Dutch courts. As to the insolvency cases, their number cannot be identified separately and is encompassed within the general category of civil and commercial litigious cases. The category “civil and commercial non-litigious cases” includes uncontested civil/commercial summons, and civil requests (verzoekschriften), both commercial and family cases.

**Q91 (2018):** In the Netherlands, there are some registers that are kept by the judiciary. Those do not include a land- of business registry. See: <https://www.rechtspraak.nl/Registers>

Most registers are related to debt, bankruptcy and help or surveillance of people that are unable to handle their financial situation. There is also a register of ‘nevenfuncties’, which lists all the jobs/positions that judges fulfill next to being a judge. Mutations in these registers are not counted as court cases. For the category “other registry cases”, since the Dutch system does not count mutations in the registers as court cases, the answer is NAP.

**Q91 (2017):** None

**Q91 (2016):** Number of administrative law cases litigious plus non-litigious.

In 2016, there has been a strong decrease in numbers of cases compared to 2014. This decrease pertains to the group of misdemeanours, in particular the group of traffic offences ("Mulder Law"). The cases of "vorderingen dwangsom" (coercive detention) are no longer treated by the Public Prosecution. This following complaints at the Ombudsman. These coercive detention cases increased at first strongly in 2013 and 2014. But after that decision of the Public Prosecution The "Mulder Law" cases decreased from 200.000 in 2014, via 100.000 in 2015 to 40.000 in 2016.

**Q97 (General Comment):** As to the lack of horizontal consistency that can be observed, the reason is that the official number of cases pending on January 1st is determined at different time then the other 3 categories (official incoming, official resolved, official pending on December 31st). Due to time lags in registration and dynamics in the data systems, if the cases pending on January 1st are measured at the same time as the others, the result would be different.

**Q97 (2018):** If there is an appeal, cases are litigious in my view. I would tend to enter the value "0", but since the question is being asked, you probably see things differently. So I chose the answer "NA"

**Q97 (2017):** Administrative law cases, litigious plus non-litigious.

**Q97 (2016):** Administrative law cases, litigious plus non-litigious.

**Q99 (General Comment):** Information in this section is taken from the annual report of the High Court.

**Q99 (2018):** Cases handled by the High Court are 'litigious' by nature (= cases are settled at first instance if one party remains inactive)

**Q99 (2017):** the answer to this question is still not available.

**Q99 (2016):** At the moment the Supreme Court has not the data available to answer this question. The National Correspondent is consulting the Supreme Court to improve this situation.

**Q99 (2010):** In the frame of the 2010 exercise, it has been specified that the number of resolved appeal cases in the non-criminal sphere has risen substantially in 2009 (both commercial and family cases) and 2008 (family cases).

**Q101 (2018):** As for the number of resolved employment dismissal cases, it dropped significantly in recent years, most probably because of the shortage in labour or low unemployment

**Q101 (2017):** The distinction of litigious cases is only available for resolved cases.

**Q101 (2016):** At the moment the Supreme Court has not the data available to answer this question. The National Correspondent is consulting the Supreme Court to improve this situation.

## Poland

**Q91 (General Comment):** The attention should be drawn on the fact that it is not excluded to notice horizontal inconsistencies due to omissions or mistakes in statistical information generated by courts as well as to structural changes within the court system. As for the category "civil (and commercial) litigious cases", it includes as well litigious family and labour (employment) cases. Besides, it encompasses also some types of cases decided under chapter II of the Civil Proceedings Code that concern non-litigious cases (such as distribution of inherited assets, separation of common property, demarcation of the real estate) which nature in fact is litigious because of the opposite interests of the parties and contradictory ways of presenting their arguments.

**Q91 (2018):** The discrepancy between 2016 and 2018 was realised in 2017 due to the increasing number of mostly non-litigious cases. More details in 2017 data.

Number of pending cases in the category 2.1. General civil (and commercial) non-litigious cases has dropped slightly. That situation is caused by high effectiveness of courts. Number of resolved cases is higher than number of incoming cases. That situation has maintained since 2017.

Higher number of pending cases in Non-litigious business registry cases is temporary and it is a result of higher number of initiated compulsory proceedings. If it is ascertained that the application for entry in the Register or compulsory documents have not been submitted despite expiry of the deadline, the registry court shall call on the obliged parties to submit them.

We observed that the effectiveness of courts has increased and therefore number of pending cases in mentioned category has dropped at the end of the year.

In regard to non litigious land registry cases we observe in Divisions of Land and Mortgage higher staff turnover. It contributes to problems with solving cases, therefore number of pending cases has increased.

In regard to "other" cases we have observed significant increasing of incoming cases without specified category. In this category we include following cases: exemption from costs, reconstruction of files, affidavit of assets, excluding judge etc. Higher number of pending cases on 31 Dec. is a consequence of high number of incoming cases during the year. It was probably temporary situation.

**Q91 (2017):** As to a general explanation for discrepancies in 2016 to 2017 data, it has to be stated that in 2016, there was a substantial number of incoming non-litigious cases, mostly general civil cases, but also registry cases (around 700k cases total).

This important number of cases was not resolved and the backlog remained important at the end of the year. This could explain the large difference of pending cases between 1 Jan 2016 and 1 Jan 2017.

2.1. In 2016 there were serious problems with the information system which is in use in electronic proceedings therefore the number of pending cases on 1 Jan. ref. year has increased. In 2017 we did not notice any problems with mentioned system, so the number of resolved cases has increased significantly. At the same reason the number of pending cases on 31 Dec. 2017 has dropped.

We indicate that fluctuation of the number of cases can be also caused by implemented organizational changes in courts (changes in staff, changes in the organization of work). 2.2. Registry cases (2.2.1+2.2.2+2.2.3) discrepancies are justified in points 2.2.1 and 2.2.2.

2.2.1. Non litigious land registry cases. Higher number of pending cases (on 1 Jan. ref. year and on 31 Dec. ref. year) is caused by Higher number of incoming cases than resolved cases. This situation is related to large-scale investments in infrastructure in Poland Building new roads is closely connected with changes in land registry. We need to indicate that courts have to cope with large number of difficult cases. (Mentioned reason is related to resolved / incoming cases)

2.2.2. Within the changes in business registry cases we can observe significant increase in all types of Application for registration

(first registration) cases, but there is also considerable increase in general business cases (changes in the registry, including cases of

removing from registry). We indicate that it could be caused by fluctuation in compulsory proceedings. Mentioned proceedings are carried on in the cases where it is found that an application for an entry in the National Court Register or the documents whose submission is obligatory were not submitted despite the lapse of the time limit. The registry court shall summon the obliged persons to submit them, and shall set an additional 7-day time limit. We emphasize, that the registry court shall discontinue the compulsory proceedings, if it can be concluded from the circumstances of the case that the proceedings will not lead to the fulfilment of the mentioned obligation. (Mentioned reason is related to resolved / incoming and pending cases)

2.2.3. and 2.3. - Categories do not exist in our judicial system.

**Q91 (2016):** Within the changes in business registry cases we can observe significant increase in all types of Application for registration (first registration) cases, but there is also considerable increase in general business cases (changes in the registry, including cases of removing from registry).

In 2016 there were serious problems with the information system which is in use in electronic proceedings therefore the number of pending cases had increased.

**Q92 (General Comment):** The category of civil (and commercial) non-litigious cases (including non-litigious family cases) covers all the rest of cases decided under chapter II of the Civil Proceedings Code which are non-litigious cases (such as ascertainment of the acquisition of an inheritance, cases connected with birth, marriage and death records, declaration of dead, adoption as well as summary and injunction proceedings in money payment cases).

**Q93 (General Comment):** The category "other" includes first of all social security cases and cases related to the application of correctional and educational measures as required in juvenile cases and execution of guardianship or tutoring.

**Q97 (General Comment):** The number of second instance administrative law cases coincides with the number of administrative law cases in third instance because the Supreme Administrative Court is also the court of second instance and it is impossible for the Statistics Division to divide its cases statistics.

**Q97 (2017):** 2.2.2. There is not any specific explanation for observed increase. We can indicate only that mentioned increase is related especially to Register of Pledges.

As regards General civil (and commercial) non-litigious cases, we have validated previous data and we have made some corrections. We also indicate that a number of pending cases on 1 Jan. ref. year have been increased due to higher number of incoming cases in 2016.

**Q97 (2016):** Within the changes in business registry cases we can observe significant increase in all types of Application for registration (first registration) cases, but there is also considerable increase in general business cases (changes in the registry, including cases of removing from registry).

In 2016 there were serious problems with the information system which is in use in electronic proceedings therefore the number of pending cases had increased.

**Q97 (2010):** In the frame of the 2010 exercise it was explained that the Poland judiciary system was struggling with delays especially in respect of "other than criminal cases". There was an ongoing research in the Ministry of Justice concerning the structure of pending cases. The analysis of the gathered data indicated that the major drawback was connected to simple civil cases. The increase of the number of pending cases was also the result of the overall increase of incoming cases.

**Q99 (2016):** In 2014 the Administrative Supreme court cases were not included and they are reintroduced in this cycle. In regard to administrative law cases we kindly indicate that administrative cases are excluded from the jurisdiction of the common courts. Administrative cases are proceeded by the Voivodship Administrative Courts and Supreme Administrative Court, which are only competent to proceeded such cases.

**Q99 (2012):** In the frame of the 2012 exercise, it has been indicated that the Supreme Court provided the Ministry of Justice with data set that allowed summing up non-criminal cases with administrative cases of the Supreme Administrative Court. Therefore it was possible to include both data-sets.

**Q101 (2018):** In regard to litigious divorce cases, please note that pending cases on 1 Jan. ref. year plus incoming cases minus resolved cases are not equal pending cases on 31 Dec. ref. year. In some judicial proceedings parties decided to change their decision and do not get divorce but they get separation. In that situations incoming cases are classified as divorce cases but in resolved cases they are classified as separation cases which are included in different statistical position.

**Q101 (2017):** Changes in insolvency cases pending on 31 Dec are probably caused by implemented organizational changes in courts.

**Q101 (2016):** The growth of the number of insolvency cases is a result of the amendment of The Bankruptcy and Reorganisation Act which entered into force on the 31 December 2016.

It should be noted, that this is a very important change, which simplifies the submission of requests for consumer bankruptcy. It also implemented solutions for insolvent consumers which facilitate reaching deal with their creditors. The amended regulations do not establish automatisisation in declaring consumer bankruptcy - it is still a legal proceeding. Every time the consumer must fulfil a number of conditions, which are subject to an individual assessment conducted by the judge.

Since the implementation of this act, the number of incoming insolvency cases has increased significantly (300 in 2014, 8694 in 2016).

## Portugal

**Q91 (General Comment):** Since 2007, statistical data concerning pending cases in 1st instance judicial courts are collected through the courts information systems. Being dynamic systems, allowing regular corrections and up-dating, the data collection may lead to oscillation data from previous years resulting in variations in pending cases.

**Q91 (2018):** The question 91\_1 "Civil (and commercial) litigious cases", includes the case-flow of civil justice, labour justice and juvenile justice. It does not include civil and labour enforcement cases.

On 1 September 2013, the new Code of Civil Procedure entered into force, establishing a new regime for the enforcement action in Portugal, based on a new paradigm, which states that the processes that run in court must stand out clearly - those who are dependent on the commission of an act of the judge or the secretary – from those who run out of court. This new model, which enables a new way of organizing tasks, of work monitoring and of differentiating responsibilities is provided for in Article 551, paragraph 5 of the new Code of Civil Procedure. This new system follows more closely the current model in other countries and, without prejudice to the specificities of each planning and method of statistical production, will facilitate the future approach to a comparison of the Portuguese system with that of other countries. From a statistical point of view, this new model has not yet however been reflected in numbers, as work is still ongoing aimed at demarcating the procedures that are in court, waiting for an act, from those that are being handled by other entities. Since is not yet possible to provide figures that reflect the amount of work taken on by the courts as referred above, the data does not include civil and labour. The number of enforcement cases for the year 2018 are: Pending cases on 1 Jan. 2018 700.638; Incoming cases:127.646; Resolved cases:222.480; Pending cases on 31 Dec. 2018: 605.804 This numbers correspond to the total number of existing procedures in Portugal in 2018, following the existing model prior to the entry into force of the said legal diploma.

For this reason, the alerts and notes transmitted in previous years with regard to comparisons between countries still remain. A comparative reading of these values must, as we have repeatedly drawn attention, be very cautious, refraining from any comparison in terms of volume or duration of cases and should be limited to the evaluation of the development indicators.

The question 91\_3 "Administrative law cases", includes administrative and tax cases.

The number of Pending cases on 1Jan. that correspond only to tax cases is 47931

The number Incoming cases that correspond only to tax cases is 14895

The number of Resolved cases that correspond only to tax cases is 16828

The number of pending cases on 31 Dec. that correspond only to tax cases is 45998

91.1 Due to increased efficiency of first instance courts, we can notice for the last several cycles a down-word trend in respect of the number of pending cases, namely civil and commercial litigious cases

**Q91 (2017):** Q 91.1 - the decrease of pending cases older than 2 years can be explained by the global decrease of these cases. There were no legislative changes that could explain this decrease.

The question 91\_1 "Civil (and commercial) litigious cases", includes the case-flow of civil justice, labour justice and juvenile justice. It does not include civil and labour enforcement cases.

On 1 September 2013, the new Code of Civil Procedure entered into force, establishing a new regime for the enforcement action in Portugal, based on a new paradigm, which states that the processes that run in court must stand out clearly - those who are dependent on the commission of an act of the judge or the secretary – from those who run out of court. This new model, which enables a new way of organizing tasks, of work monitoring and of differentiating responsibilities is provided for in Article 551, paragraph 5 of the new Code of Civil Procedure. This new system follows more closely the current model in other countries and, without prejudice to the specificities of each planning and method of statistical production, will facilitate the future approach to a comparison of the Portuguese system with that of other countries. From a statistical point of view, this new model has not yet however been reflected in numbers, as work is still ongoing aimed at demarcating the procedures that are in court, waiting for an act, from those that are being handled by other entities. Since is not yet possible to provide figures that reflect the amount of work taken on by the courts as referred above (the technical work is still on going), the data does not include civil and labour enforcement cases. The number of enforcement cases for the year 2017 are: Pending cases on 1 Jan. 2017: 804.423; Incoming cases: 148.713; Resolved cases: 249.837; Pending cases on 31 Dec. 2017: 703.299. This numbers correspond to the total number of existing procedures in Portugal in 2017, following the existing model prior to the entry into force of the said legal diploma.

For this reason, the alerts and notes transmitted in previous years with regard to comparisons between countries still remain. A comparative reading of these values must, as we have repeatedly drawn attention, be very cautious, refraining from any comparison in terms of volume or duration of cases and should be limited to the evaluation of the development indicators.

The question 91\_3 "Administrative law cases", includes administrative and tax cases.

The number of Pending cases on 1Jan. that correspond only to tax cases is 49.943

The number Incoming cases that correspond only to tax cases is 14.707

The number of Resolved cases that correspond only to tax cases is 16.811

The number of pending cases on 31 Dec. that correspond only to tax cases is 47.839

**Q91 (2016):** " Item 91-1 "Civil (and commercial) litigious cases", includes the case-flow of civil justice, labour justice and juvenile justice. It does not include civil and labour enforcement cases. On 1 September 2013, the new Code of Civil Procedure entered into force, establishing a new regime for the enforcement action in Portugal, based on a new paradigm, which states that the processes that run in court must stand out clearly - those who are dependent on the commission of an act of the judge or the secretary – from those who run out of court. This new model, which enables a new way of organizing tasks, of work monitoring and of differentiating responsibilities is provided for in Article 551, paragraph 5 of the new Code of Civil Procedure. This new system follows more closely the current model in other countries and, without prejudice to the specificities of each planning and method of statistical production, will facilitate the future approach to a comparison of the Portuguese system with that of other countries. From a statistical point of view, this new model has not yet however been reflected in numbers, as work is still on-going aimed at demarcating the procedures that are in court, waiting for an act, from those that are being handled by other entities. Since is not yet possible to provide figures that reflect the amount of work taken on by the courts as referred above, the data does not include civil and labour enforcement cases. The data on enforcement cases for the year 2016 is: pending cases on 1 Jan. 2016: 934.860; incoming cases: 158.164; resolved cases: 289.402; pending cases on 31 Dec. 2016: 803.622. These numbers correspond to the total number of existing procedures in Portugal in 2016, following the existing model prior to the entry into force of the said legal diploma. For this reason, the alerts and notes transmitted in previous years with regard to comparisons between countries still remain. A comparative reading of these values must, as we have repeatedly drawn attention, be very cautious, refraining from any comparison in terms of volume or duration of cases and should be limited to the evaluation of the development indicators. Item 91\_3 "Administrative law cases", includes administrative and tax cases. The separate data on tax cases is as follows: pending cases on 1Jan. - 53.597; incoming cases - 16.445; resolved cases - 20.222; pending cases on 31 Dec. - 49.820. Regarding the decrease in the number of incoming administrative law cases, it results from the decrease in the number of incoming tax law cases, in particular in what concerns misdemeanour appeals".

**Q91 (2015):** The category “civil (and commercial) litigious cases” includes the case-flow of civil justice, labour justice and juvenile justice. It does not include civil and labour enforcement cases. On 1 September 2013, the new Code of Civil Procedure entered into force, establishing a new regime for the enforcement action in Portugal, based on a new paradigm, which states that the processes that run in court must stand out clearly - those who are dependent on the commission of an act of the judge or the secretary – from those who run out of court. From a statistical point of view, this new model has not yet however been reflected in numbers, as work is still ongoing aimed at demarcating the procedures that are in court, waiting for an act, from those that are being handled by other entities. It is not yet possible to provide figures that reflect the amount of work taken on by the courts as referred in that table. Just for information, the data on the total number of existing enforcement procedures in Portugal in 2015, following the existing model prior to the entry into force of the said legal diploma is the following: pending cases on 1 Jan. 2015: 1.000.446; incoming cases: 199.359; resolved cases: 272.191; pending cases on 31 Dec. 2015: 927.614.

The category “administrative law cases” includes administrative and tax cases. The separate data on tax cases is the following: pending cases on 1Jan - 47.866; incoming cases - 24.808; resolved cases - 19.164; pending cases on 31 Dec. - 53.510.

**Q91 (2014):** For the 2014 exercise, data are not available due to technical constraints that resulted from the disruption of communications between the informatics system that supports the courts activity and the Justice Statistics Information System. The Portuguese Ministry of Justice is working and strongly committed in recovering the information missing in order to establish the normal functioning of the System. Other activities are in course, namely to ensure the accuracy of these data. Data regarding enforcement proceedings and insolvency proceedings are to be due at the end of 2015.

**Q91 (2013):** With regard to the increase observed in respect of the number of resolved non-criminal cases and the number of resolved enforcement cases between 2010 and 2013, it is noteworthy that Portugal took important measures in order to improve the courts clearance rate and backlogs. Within these procedures, some measures were focused primarily on enforcement cases, since they represent 70% of the total of pending cases. For example, the government adopted measures with the purpose to eliminate cases where there are no assets to execute or no procedural momentum, as well as measures with the aim to limit the number of incoming cases, establishing initial court fees. In what concerns structural measures, it should be noticed that the new Procedural Civil Code has been adopted in September 2013. In addition, courts with excessive number of pending cases were subject to particular assistance of specialized teams.

**Q91 (2012):** With regard to the total number of incoming non-criminal cases and the total number of incoming enforcement cases, the figures provided for 2012 reflect the effects of the entry into force of Decree 113-A/2011 of 29 November, which proceeds to a major judiciary reorganization. These figures reflect the corresponding movement of cases between organizational units. As a result, in 2012 a higher number of cases that have not entered ex novo in the Portuguese courts were taken into account. These cases have ended in the unit/court where they left and entered into the new courts where they were transferred.

**Q91 (2010):** In the frame of the 2010 exercise, it has been specified that the total of civil and commercial litigious cases includes the case flow of civil justice, civil-labour and juvenile justice. The number of enforcement cases encompasses de case-flow of civil justice and civil-labour enforcement.

**Q92 (2013):** On the occasion of the 2010, 2012 and 2013 exercises, it has been specified that the category of civil (and commercial cases) litigious cases includes the case flow of civil justice, labour justice and juvenile justice.

**Q92 (2012):** On the occasion of the 2010, 2012 and 2013 exercises, it has been specified that the category of civil (and commercial cases) litigious cases includes the case flow of civil justice, labour justice and juvenile justice.

**Q92 (2010):** On the occasion of the 2010, 2012 and 2013 exercises, it has been specified that the category of civil (and commercial cases) litigious cases includes the case flow of civil justice, labour justice and juvenile justice.

**Q97 (General Comment):** Since 2007, statistical data concerning pending cases in 2nd instance judicial courts are collected through the courts information systems. Being a dynamic system, allowing regular corrections and up-dating, this data collection may lead to oscillation data from previous years resulting in variations in pending cases.

In Portugal, there are not non-litigious cases in superior courts.

The category "other" does not exist in the higher instances.

It is noteworthy that before 2015, data concerning the total of “other than criminal law cases” did not include administrative law cases. Since 2015, administrative law cases are included in the total which explains the significant increase of cases.

**Q97 (2018):** Regarding the increase in the number of pending administrative law cases comparing to 2016, there were no legislative changes or others that could explain this variation”.

**Q97 (2016):** There is no specific explanation as regards the increase in the number of civil and commercial litigious cases pending on 1 January 2016 between 2015 and 2016. The question 97\_3 “Administrative law cases”, includes administrative and tax cases.

The number of Pending cases on 1Jan. that correspond only to tax cases is 3.909

The number Incoming cases that correspond only to tax cases is 1.809

The number of Resolved cases that correspond only to tax cases is 1.663

The number of Pending cases on 31 Dec. that correspond only to tax cases is 4.055

**Q97 (2015):** The question 97\_3 "Administrative law cases", includes administrative and tax cases.

**Q99 (General Comment):** In Portugal, there are not non-litigious cases in superior courts.

The category "other" does not exist in the higher instances.

It is noteworthy that before 2015, data concerning the total of "other than criminal law cases" did not include administrative law cases. Since 2015, administrative law cases are included in the total which explains the significant increase of cases.

**Q99 (2018):** Regarding the slight decrease in the number of pending civil and commercial litigious cases at the beginning of the year 2018, comparing to 2016, there were no legislative changes or others that could explain this decrease

**Q99 (2017):** Q99.1 - The decrease in the number of pending civil and commercial litigious cases on 31 december 2017 is explained by the fact that the number of resolved cases in 2017 was superior to the number of incoming cases in the same year. There were no legislative changes or other that can explain this decrease.

**Q99 (2016):** In Portugal, there are not non-litigious cases in superior courts.

The category "other" does not exist in the higher instances.

It is noteworthy that before 2015, data concerning the total of "other than criminal law cases" did not include administrative law cases. Since 2015, administrative law cases are included in the total which explains the significant increase of cases.

The question 99.3 "Administrative law cases", includes administrative and tax cases.

The number of Pending cases on 1Jan. that correspond only to tax cases is 783

The number Incoming cases that correspond only to tax cases is 1.039

The number of Resolved cases that correspond only to tax cases is 946

The number of Pending cases on 31 Dec. that correspond only to tax cases is 876

**Q99 (2015):** The question 99.3 "Administrative law cases", includes administrative and tax cases.

**Q99 (2010):** In the frame of the 2010 exercise, it has been explained that the decrease of the total of pending on 31 December 2010 "other than criminal cases" is due to the amendment carried out to the legal regime of the civil appeals (Decree-Law 303/2007, of 24 August). It resulted in the adoption of measures designed to streamline the access to the Supreme Court of Justice. As a paradigmatic example of these measures, it should be referred that the value of the upper limit set for the High Courts has increased. Thus, in 2010, and compared with 2008, there has been a decrease in the number of incoming cases, followed by an increase in the number of completed cases greater than the number of incoming cases, which has led to a decrease in the number of pending cases.

**Q101 (General Comment):** Since 2007, statistical data concerning pending cases in 1st instance judicial courts are collected through the courts information systems. Being dynamic systems, allowing regular corrections and up-dating, the data collection may lead to oscillation data from previous years resulting in variations in pending cases.

**Q101 (2018):** The decrease of the number of pending cases follows the global general tendency of decrease of the number of civil and labor cases filed and pending. We have not identified any legislative or other changes that could directly justify the decrease of such cases.

**Q101 (2017):** The number of pending employment dismissal cases decreased in 2017 in relation to 2016. This was due to the fact that the number of resolved cases in 2016 was superior to the number of new cases that year. The number of cases in 2016 decreased as a result of a better economic environment.

In addition, labour cases have been decreasing in global terms.

The number of pending insolvency cases decreased in 2017 in relation to 2016. This was due to the fact that the number of resolved cases in 2016 was superior to the number of new cases that year. The number of cases in 2016 decreased as a result of a better economic environment.

In addition, civil procedural cases have been decreasing in global terms.

**Q101 (2016):** - The decrease in the number of pending cases in the beginning of 2016 in relation to 2015 in respect of litigious divorce cases, employment dismissal cases and insolvency is explained by the fact that the number of resolved cases in 2015 was superior to the number of incoming cases that year. There is no specific explanation as regards the decrease in the number of these cases (for example legislative changes). However the decrease of these cases follow the general trend of the decrease of incoming and pending cases in civil and labour matters.

- The decrease in the number of pending cases in the end of 2016 in relation to 2015 in respect of litigious divorce cases, employment dismissal cases and insolvency is explained by the fact that the number of resolved cases in 2016 was superior to the number of incoming cases that year. There is no specific explanation as regards the decrease in the number of these cases (for example legislative changes). However the decrease of these cases follow the general trend of the decrease of incoming and pending cases in civil and labour matters.

**Q101 (2015):** The decrease in the number of employment dismissal cases follow the general trend of the decrease of incoming and pending cases in labour matters.

**Q101 (2013):** In the frame of the 2013 exercise, it has been indicated that the number of incoming litigious divorce cases is decreasing since 2010, entailing the decrease of the number of pending cases. In this respect, between 2010 and 2013, the clearance rate has remained stable, with values above 100%. Another relevant explanation is the decreasing of the number of marriages in these last years.

With regard to the category "insolvency cases", in 2012, legislative and other measures were adopted with the objective to accelerate procedural times of insolvency cases. These measures have allowed courts to respond more promptly to the increasing number of insolvency cases. Accordingly, a huge increase of resolved insolvency cases can be observed between 2010 and 2013.

## Romania

**Q91 (2018):** In the national Statis system, the cases are recorded on different categories of pending cases. So, in the last column, there are number of cases pending for more than 3 years instead of 2.

Referring to the non-litigious business registry cases, the differences in the statistical data are given by the dynamics in the business environment and the interactions at economic level and do not relate to any manifestation at the level of public authority. By referring to total requests that are the object of registration in the trade register, the influence is insignificant. Referring to the administrative cases, the decrease in the number of pending cases in administrative matters can be determined by aspects such as: certain types of cases that have been exhausted before courts (e.g cases on salary rights of public servants initiated in 2010) or cases such as those on pollution taxes that were mostly exhausted before courts and for which administrative procedures have been expressly regulated as to discharge the huge workload in courts that they have generated. In terms of incoming administrative cases, when referring to a decrease in their number, similar reasons that justify the decrease in the number of pending administrative cases should be taken into consideration, namely, for example, those referring to the administrative procedures that have been expressly regulated as to discharge the huge workload in courts (e.g. regarding to the cases on pollution taxes).

**Q91 (2017):** In the national Statis system, the cases are recorded on different categories of pending cases. So, in the last column, there are number of cases pending for more than 3 years instead of 2.

"Administrative law cases": indeed, the data are correct, namely there is a significant increase in the number of incoming cases in 2017 that could be explained by the changes brought in 2013 to the Law no. 554/2004 of administrative litigations; the amendments resulted in a high number of second appeals in this matter (by number of second appeals we understand all second appeals under the competence of both the Supreme Court (High Court of Cassation and Justice) and of the courts of appeal, because in this matter some of the cases shall be judged in first instance by tribunals and others by the courts of appeals).

**Q91 (2016):** In the national Statis system, the cases are recorded on different categories of pending cases. So, in the last column, there are number of cases pending for more than 3 years instead of 2.

The high clearance rate of administrative cases in previous cycles has led to lower significantly the number pending cases. The increase of the number of incoming cases is a consequence of a higher number of requests filed in administrative domain that also triggers an increase in the number of resolved cases. The decrease in the number of non-litigious pending cases as well as "other" pending cases is mostly due to lower number of incoming cases.

**Q91 (2014):** By the decision n° 46/2012, the Superior Council of Magistracy has decided that all the courts will implement by 1 January 2014 the IT system of collecting data. The new method is based on new definitions of the indicators. Accordingly, a case is transferred from the field "stocks" to the field "closed" only when the final decision, including its reasoning is drafted signed and communicated to the parties. For that reason, the number of pending cases on 31 December 2013 cannot be identical with the number of pending cases on 1st January 2014.

The initial total number of pending cases has increased as a result of reporting the data into Ecris database. The number of incoming cases and this of resolved cases are comparable from one year to another for the period 2010-2013. The stocks at the end of the period is in relation to the adjustment of the stocks at the beginning of the period, but comparable with 2012.

Concerning the number of administrative law cases the workload has constantly decreased starting with 2012. The increase of stocks initially communicated for 2013 comes from the high number of incoming cases in 2012. The final stock of 2014 is lower also because of the lower number of the new cases in 2013. It may also be noticed that the new cases closed in 2013 was higher than in 2012. The high decrease in the number of incoming, resolved and pending administrative law cases on 31 December between 2013 and 2014 is progressive and is caused by the social climate.



**Q91 (2013):** With regard to the category “civil and commercial litigious cases”, because of the delays between hearings that are often very long (usually the first hearing is determined by an electronic system after a long period of time, in relation with the actual workload of judges), the new entered files are not usually finalised within a year.

With regard to the category “civil and commercial non-litigious cases”, all the indicators kept a growing trend in 2012 and 2013. As for the stock of files (pending on 31.12), the increase between 2012 and 2013 is due to the fact that during the same period the number of resolved files has also decreased.

As to the trends observed in 2013 in respect of the “non-litigious enforcement cases” and “non-litigious land registry cases”, data are correct.

As to the category “administrative law cases”, the big differences have always been a reason for concern and continuous analysis. In the report on the status of Judiciary on 2012, it was noted that “in the administrative contentious and fiscal matters, the most of the cases were related to the restitution of the tax for pollution, but also to the obligation of the authorities to register the vehicles, without the payment of the tax for pollution (obligation to perform)”. It should be mentioned that the actions of the legislative have led to the growth of the number of administrative cases in the past 5 years, at tribunals with more than 400% and at the courts of appeal with around 200%.

**Q91 (2012):** With regard to the category “civil and commercial non-litigious cases”, all the indicators kept a growing trend in 2012.

As to the category “administrative law cases”, the big differences have always been a reason for concern and continuous analysis. In the report on the status of Judiciary on 2012, it was noted that “in the administrative contentious and fiscal matters, the most of the cases were related to the restitution of the tax for pollution, but also to the obligation of the authorities to register vehicles, without the payment of the tax for pollution (obligation to perform)”. It should be mentioned that the actions of the legislative have led to the growth of the number of administrative cases to be solved in the past 5 years, at tribunals with more than 400% and at the courts of appeal with around 200%.

**Q91 (2010):** In 2010, the increase of the number of pending cases before first instance courts fitted within the general trend of increase of the total workload for the respective period of time at national level. As it can be noticed, the number of incoming cases also increased significantly as well as other indicators. The factors influencing the number of new cases within the court were not inherent to the judicial phenomenon.

Although the number of resolved cases increased during the respective period, the fact that the number of the new cases was significantly higher (including the already existing cases) led to a higher final stock of cases at the end of the reference period.

**Q97 (General Comment):** It is worth specifying that, since 2010, the first table (question no. 91) centralizes all the first instance cases (irrespective of the level of the courts), the second table (question no. 97) centralizes all the second instance cases – appeal (irrespective of the level of the court) and table no. 3 (question no. 99) shows the statistical data on all second appeal cases (last instance cases) from all courts (irrespective of their level).

**Q97 (2018):** In the national Statis system, the cases are recorded on different categories of pending cases. So, in the last column, there are number of cases pending for more than 3 years instead of 2.

The increase in the number of cases in appeal reflects the changes in the procedural provisions in the new codes; the jurisdiction of the courts in judging appeals and second appeals has changed. Accordingly, the number of appeals in the New Civil Procedural Code includes the number of appeals and second appeals from the Old Code and shows continuous increase since the entry into force of the provisions.

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The increase in the number of cases in appeal reflects the changes in the procedural provisions in the new codes; the jurisdiction of the courts in judging appeals and second appeals has changed. Accordingly, the number of appeals in the New Civil Procedural Code includes the number of appeals and second appeals from the Old Code and shows continuous increase since the entry into force of the provisions.

**Q97 (2016):** In the national Statis system, the cases are recorded on different categories of pending cases. So, in the last column, there are number of cases pending for more than 3 years instead of 2.

The general increase in the number of cases in appeal reflects the changes in the procedural provisions in the new codes; the jurisdiction of the courts on judging appeals and second appeals has changed. Accordingly, the number of appeals in the new Civil Procedure Code includes the number of appeals and second appeals from the old Code and shows continuous increase after 2014.

**Q97 (2014):** By the decision n° 46/2012, the Superior Council of Magistracy has decided that all the courts will implement by 1 January 2014 the IT system of collecting data. The new method is based on new definitions of the indicators. Accordingly, a case is transferred from the field “stocks” to the field “closed” only when the final decision, including its reasoning is drafted signed and communicated to the parties. For that reason, the number of pending cases on 31 December 2013 cannot be identical with the number of pending cases on 1st January 2014.

The meaningful increases in figures observed between 2012 and 2014 are due to the fact that, in relation to the appeal, beyond the differences recorded in Statis, there was a change of jurisdiction in civil matters. Accordingly, the appeal (apel) became the main instrument to challenge a decision.

**Q97 (2013):** With regard to the category “civil and commercial litigious cases”, the observed evolutions between 2010 and 2013 are due to the fact that following the changes in the procedural provisions in the new codes, the jurisdiction of the courts on judging appeals and second appeals has changed. Accordingly, the number of appeals in the new Civil Procedure Code includes the number of appeals and second appeals from the old Code. Thus, even if the number of solved files in second instance is higher in 2013 than in the previous year, the number of new appeals (incoming cases in second instance) is higher. This explains the growth of the workload in the last period of time on these courts, although previously the trend was descending.

With regard to the category “civil and commercial non-litigious cases”, the analysis of data and the noticed evolutions and variations between 2010 and 2013 should be qualified. In fact, the figures are not so high and the growth and regress of a few cases during one year lead to relatively important variations. For example, a growth of only 8 cases at the end of the year will reflect a growth of 35%. The same reasoning should be applied with regard to the category “non-litigious land registry cases” where a growth of only 122 cases at the beginning of the year will reflect a growth of over 40%.

In respect of the category “non-litigious enforcement cases”, the considerable increases between 2010 and 2013 with regard to all the items (pending cases, incoming and resolved) were the consequence of the new distribution of competences between courts. Since 2013, all the enforcement cases are in the jurisdiction of the courts of appeal. The number of cases in third instance decreased correlatively.

Following the changes in the procedural provisions made in 2013, the second appeal, as means of review in the field of non-litigious business registry, became appeal, in accordance with the new principles of the Civil Procedure Code as regards the means of review.

**Q99 (2018):** The differences compared to the previous cycle are due to changes brought by the Constitutional Court's decisions to the interpretation given by the High Court of Cassation and Justice to the legislation regarding the increasing number of incoming civil litigious cases and the decreasing number of civil litigious cases pending for more than 2 years.

**Q99 (2017):** In the national Statis system, the cases are recorded on different categories of pending cases. So, for the last column, there are mentioned the numbers for cases pending for more than 3 years. The increase in the number of incoming administrative cases may be explained by the modifications in terms of procedure, namely modifications regarding the jurisdiction for administrative cases brought in 2013 that might have generated later effects in terms of "second appeals" (peculiarity of our system); moreover, there should be mentioned that the number of second appeals in this question, refers to both the second appeals judged by the supreme court (High Court of Cassation and Justice) and by the courts of appeals, aspect that is valid even for the previous cycles.

**Q99 (2016):** In the national Statis system, the cases are recorded on different categories of pending cases. So, for the last column, there are mentioned the numbers for cases pending for more than 3 years. As result of the changes in the procedural provisions in the new codes; the jurisdiction of the courts on judging appeals and second appeals has changed and some of the cases that were under the jurisdiction of the High Court are now under the jurisdiction of the courts of appeal. Consequently the number of cases in Supreme court shows significant decrease in all categories.

**Q99 (2014):** By the decision n° 46/2012, the Superior Council of Magistracy has decided that all the courts will implement by 1 January 2014 the IT system of collecting data. The new method is based on new definitions of the indicators and offers data with greater value for 2014. This partly explains the considerable increase of the number of pending administrative cases on 1st January between 2012 and 2014. Besides, the number of incoming cases in 2013 was higher than in 2014.

**Q99 (2013):** In respect of the administrative law cases, until 2013, there was only a second appeal that is encompassed in the answers to question 99.

**Q101 (2018):** The augmentation of cases related to asylum seekers is due to the increase of the migration as a phenomenon

**Q101 (2017):** With regard to "cases related to asylum seekers" the increase in the number of incoming cases in 2017 may be determined by the extended phenomenon of immigration lately registered in Europe. Referring to the decrease in the number of resolved cases related to the right of entry and stay for aliens (resulting in an increased number of pending cases on 31 December 2017) there is not an objective reason that may explain this statistical data.

**Q101 (2016):** The decrease of pending Employment dismissal cases is due to high Clearance Rate in 2015. Regarding insolvency cases, the decrease observed for the period 2014-2016 was determined, on the one hand, by the change in economic conditions and the re-launching of the companies' potential. On the other hand, the reform of insolvency legislation (Law 85/2014) encouraged early recovery prior to insolvency and, balancing the protection of creditors with that enjoyed by debtors, has reduced the tendency of borrowers to use this judicial procedure.

**Q101 (2015):** One may notice an important decrees of first instance new cases in administrative law and insolvency as a cause of legislative amendments dating from 2012. The same reason is for increases of numbers in appeal and decreases in second appeal, except for special laws like administrative law.

**Q101 (2014):** By the decision n° 46/2012, the Superior Council of Magistracy has decided that all the courts will implement by 1 January 2014 the IT system of collecting data. The new method is based on new definitions of the indicators. Accordingly, a case is transferred from the field “stocks” to the field “closed” only when the final decision, including its reasoning is drafted signed and communicated to the parties. For that reason, the number of pending cases on 31 December 2013 cannot be identical with the number of pending cases on 1st January 2014.

The decrease of the number of resolved litigious divorce cases between 2013 and 2014 was due to the socio-economic conditions.

**Q101 (2013):** In respect of the category “litigious divorce cases”, the decrease of the number of cases in 2013 may have social causes and may also reflect the alternative instruments to litigious divorce (.g. divorce in front of notaries).

In respect of the category “employment dismissal cases”, because of the delays on the first hearings allocated by the new automatic system implemented with the new Civil Procedure Code, even if the number of the new entered cases has decreased, the total volume of activity was focused on stocks. The problem enters on a normal path in 2013.

**Q101 (2012):** In respect of the category "litigious divorce cases", the decrease of the number of cases in 2012 may have social causes and may also reflect the alternative instruments to litigious divorce (.g. divorce in front of notaries).

## Slovakia

**Q91 (General Comment):** For 2016 data, new methodology was implemented based on the working group's conclusions and CEPEJ mission's recommendation (06/2016). Former reporting structure was not consistent with the methodology of CEPEJ, which could lead to inappropriate comparison of Slovak Republic (SR) with other countries. Also, the Ministry of Justice (MoJ) realized that evaluation of courts' performance by disposed and unresolved (decided and undecided) cases is discriminating SR in comparison with other countries in European Union (EU) as this methodology is not counting a decision of first instance court as disposed until the case becomes valid. This results into reporting such case as unresolved despite respective court has already made a decision and it is no longer in its disposition how - and more importantly when - the case will be resolved (disposed) by the second instance court. This is the nature of reporting of many “unresolved” cases on courts despite court already decided, in fact. Newly proposed way of reporting extracts the numbers of decided cases in respective court instances from “unresolved” and allocates these numbers to those court instances that made an actual decision in respective time. This means that decision validity state is not being awaited for as it could potentially contain an appeal and thus also a time that a case spends on second instance court. Upon decision's validity the case would become „disposed/resolved“ at the first instance court but most probably it would not be disposed in the same period when it was decided by the (first instance) court. This past methodology (applied by 2016) resulted (visually) in accumulation of unresolved cases while some of them were already decided by first instance court.

**Q91 (2018):** 1. Differences in the initial states of things as of 1 January 2018 different from the final states as of 31 December 2017 are due to the introduction of electronic data collection through the Data Collection Application (hereinafter referred to as AZU). When introducing electronic data collection in 2018, the courts were allowed to record the actual state of pending cases as of 1 January 2018 with the aim of not transmitting any inaccuracies from paper collection of previous periods. These differences should not occur in the next year due to the introduction of automatic transfer of the number of undecided cases from the end of the previous period in the electronic data collection.

2. Another reason for the differences in the opening cases as of 1 January 2018 from the closing stocks as of 31 December 2017 is the change in the classification of some court registers between rows in the table in question 91. The change of classification was carried out on the basis of the recommendation of the national correspondent for the SR and after its thorough consultation with the members of the working group GT CEPEJ - EVAL

**Q91 (2017):** The data in the table are not horizontally consistent. This is caused by the fact, that the data on pending cases on 1. January 2017 (the same as data on 31. December 2016 given for the previous cycle) were collected in a one-shot collection for the Justice Scoreboard 2017 and were not bound by control patterns of horizontal consistency as it is in the new electronic data collection active since January 2018. The improper initial number of unresolved cases taken from a “paper” collection of data in 2016 caused such differences. Likewise, the transition from 2015 final numbers to 2016 initial numbers were counted up manually from paper collections. We cannot therefore consider the initial numbers as of 1 January as reliable. The transition between the old system of collecting the statistical data to new one is more complicated than was expected, with the setting up of Analytical centre of the MoJ, application of CEPEJ methodology and its tools is one of the targets in the ongoing project between CEPEJ and Ministry of justice of the Slovak republic.

There are still two different IT tools used to collect the statistical data from the courts to Analytical centre. Some inconsistencies in data between the old and new system persist.

The Analytical centre makes every effort to complete the transition between two systems as soon as possible to get reliable data as soon as possible.

As to administrative cases, until the 30. June 2016 the case-jurisdiction in administrative matters in the first instance stipulated by law was divided between Regional courts and the district courts. The general rule was, that the general jurisdiction in first instance lies at the Regional courts. However, there was a small number of proceedings (enumerated in law) where the District courts had the jurisdiction to act as a court of first instance. In reality, more than 90% of all administrative cases were tried by the Regional court as the courts of first instance.

Since 1. July 2016 the new Code of the administrative procedure came into force. According to this new law the Regional courts have the exclusive jurisdiction to try administrative cases as the courts of first instance.

As for the appeal procedure, there is the general rule that the appellate court is the court one level above in the structure of the court system. It means that the appeals against the decisions of the District courts are processed at the Regional courts and the appeals against the decisions of Regional court are processed at the Supreme court as the court of appeal.

In our data for administrative cases in the year 2017 there were some appeal procedures pending at Regional courts as the courts of appeal as the result of application of the previous procedural rules described in point 1. Those appeal proceedings were indicated in table to Q 97

All appeals against the decisions of Regional court (as the courts of first instance) were always tried by the Supreme court and we are presenting this data for all evaluation cycles in the table to Q 99

**Q91 (2016):** The new structure of data presented by the Ministry of Justice is the reason for the discrepancies and incompatibility of the data with the previous cycles. As regards the category "general civil non-litigious cases" we notice a decrease of incoming cases as of the year 2013.

In this cycle the succession cases were classified as "Other non litigious cases" while in previous years they were classified as "general civil (and commercial) non litigious cases."

**Q91 (2014):** In 2014, it is possible to notice a general increase of the number of incoming and pending other than criminal law cases at all levels of the judiciary. This is mainly a consequence of the increase of the number of litigious cases. The Slovak judicial system for a several years faces significant increases of claims filed with the courts by debt-collecting companies and non-bank loan companies against consumers, as well as class actions of one private company against the State for alleged damages etc. The capacity of judges and court staff to resolve all the cases in a short time is limited.

The higher number of resolved administrative cases in the year 2014 was achieved by the intensive effort to reduce the existing backlogs in administrative cases.

**Q91 (2013):** For 2013, a general remark was provided in respect of questions 91, 97 and 101, explaining that there were no specific reasons justifying the variations in the numbers of cases of the particular categories. It was stressed that the Slovak judicial system was facing different types of claims which massively loaded courts of all instances. For example, there was a huge number of legal actions arisen from the loans provided by the so called "non-bank loan companies" where courts had to consider constant violations of the consumer protection law. Besides, there was a huge number of class actions against the State, carried out by one of the non-bank companies for alleged damages etc. The capacity of the court staff to resolve all of the filed cases in the appropriate time period was limited despite the measures which have been taken. In spite of the positive trend concerning the increase of the number of total resolved cases, the number of incoming cases was increasing even more, causing backlogs.

**Q91 (2012):** The number of pending enforcement and business registry cases was gradually and considerably decreasing over the period 2011-2012. As concerns the variation noticed in respect of the number of incoming and resolved administrative law cases, it was due to the fact that in 2010 a meaningful number of specific collective claims were filed and resolved.

**Q91 (2010):** In the frame of the 2010 exercise, it was specified that the number of enforcement cases did not include enforcement cases executed by private distrainers. It subsumed only enforcement proceedings before courts intended to enforce financial claims of the Judicial Treasury, arisen from the unpaid court fees and the costs of the State. The number of resolved cases exceeded the number of incoming cases, because courts decided the older unresolved cases (the backlog).

**Q92 (General Comment):** The category "civil (and commercial) non-litigious cases" includes all cases arisen from legal relationships regulated by family law (maintenance cases, custody of the child, visiting rights, guardianship, divorce cases with the ruling on rights and obligations towards the minor child etc.), cases related to assessment of the legal capacity of natural persons, reminder procedure (electronic payment orders).

**Q93 (General Comment):** The category "other" encompasses bankruptcy and debt restructuring cases, including the debt elimination procedure (bankruptcy of the natural persons), issuing of the enforcement permission for the enforcement agents, enforcement of court rulings on the visiting rights to minor child and enforcement of court fees receivables.

**Q97 (General Comment):** The new structure of data presented by the Ministry of Justice might cause the discrepancies and incompatibility with the previous cycles. At the level of the appeal courts the category "non-litigious cases" include appeals against the decision in cases related to minor child, inheritance cases, enforcement cases. The number of "administrative law cases" at the level of appeal courts encompasses administrative cases arisen from the previous expiring legislation (appeals lodged against decisions held by the District courts). The appeals against the decisions of the Regional courts as the administrative courts are tried by the Supreme court whose statistical data are included in Q 99.

**Q97 (2018):** The discrepancies in the number of pending cases as of 1 January 2018 in comparison with the final numbers as of 31 December 2017 were caused due to the introduction of electronic data collection through the Data Collection Application (hereinafter referred to as AZU). When introducing the electronic data collection in 2018, the courts were allowed to record the actual state of pending cases as of 1 January 2018 with the aim of not transmitting any inaccuracies from paper data collection of previous periods. These differences should not occur in the next year, given the introduction of automatic transfer of the number of undecided cases from the end of the previous period in the electronic data collection

**Q97 (2017):** As regards the trends of the decrease in all monitored indicators, the decrease in caseload at first instance courts has a secondary impact on the drop in caseload at the courts of appeal. We did not analyse in details the cause of decrease and the detail structure of caseload. The decrease of caseload has the positive effect of raising the CR to 121% and decreasing of total number of pending (unresolved) cases.

The data in the table are not horizontally consistent. This is caused by the fact, that the data on pending cases on 1. January 2017 (the same as data on 31. December 2016 given for the previous cycle) were collected in a one-shot collection for the Justice Scoreboard 2017 and were not bound by control patterns of horizontal consistency as it is in the new electronic data collection active since January 2018. The improper initial number of unresolved cases taken from a “paper” collection of data in 2016 caused such differences. Likewise, the transition from 2015 final numbers to 2016 initial numbers were counted up manually from paper collections. We cannot therefore consider the initial numbers as of 1 January as reliable. The transition between the old system of collecting the statistical data to new one is more complicated than was expected, with the setting up of Analytical centre of the MoJ, application of CEPEJ methodology and its tools is one of the targets in the on-going project between CEPEJ and Ministry of justice of the Slovak republic.

There are still two different IT tools used to collect the statistical data from the courts to Analytical centre. Some inconsistencies in data between the old and new system persist.

The Analytical centre makes every effort to complete the transition between two systems as soon as possible to get reliable data as soon as possible.

As to administrative cases, since 1 July 2016 the appeals against the decisions of the District courts are processed at the Regional courts and the appeals against the decisions of Regional court are processed at the Supreme court as the court of appeal.

In our data for administrative cases in the year 2017 there were some appeal procedures pending at Regional courts as the courts of appeal as the result of application of the previous procedural rules described in point 1. Those appeal proceedings appear in this table. All appeals against the decisions of Regional court (as the courts of first instance) were always tried by the Supreme court and we are presenting this data for all evaluation cycles in the table to Q 99

**Q97 (2016):** The new structure of data presented by the Ministry of Justice influenced also the second instance. Registry cases are all included in 2.1 and can not be separated by categories.

**Q97 (2014):** In respect of the variations observed in 2014 with regard to the category “administrative law cases”, it is worth mentioning that the low number of cases makes small absolute variation large in relative terms.

**Q97 (2013):** For 2013, a general remark was provided in respect of questions 91, 97 and 101, explaining that there were no specific reasons justifying the variations in the numbers of cases of the particular categories. It was stressed that the Slovak judicial system was facing different types of claims which massively loaded courts of all instances. For example, there was a huge number of legal actions arisen from the loans provided by the so called “non-bank loan companies” where courts had to consider constant violations of the consumer protection law. Besides, there was a huge number of class actions against the State, carried out by one of the non-bank companies for alleged damages etc. The capacity of the court staff to resolve all of the filed cases in the appropriate time period was limited despite the measures which have been taken. In spite of the positive trend concerning the increase of the number of total resolved cases, the number of incoming cases was increasing even more, causing backlogs.

**Q97 (2010):** In 2010, there was a significant increase of the number of incoming civil cases, while the number of resolved cases did not increase sufficiently. Therefore, the number of pending cases in the end of the year increased.

**Q99 (General Comment):** The collected statistical data for the Supreme Court do not distinguish the litigious and non-litigious cases. In the civil and commercial matters the Supreme court decides primarily on the applications for appellate review on legal questions. In the commercial cases it decides also in the appellate procedure against the decisions of the Regional courts as the courts of first instance. The administrative cases at the Supreme Court level includes the remedy procedures against the decisions of the Regional courts as the courts of first instance. Depending on the type of the administrative procedure it might be appeal procedure or the cassation review procedure.

**Q99 (2018):** The decrease in numbers of both incoming and resolved other than criminal cases may be explained by two important issues. First of all this is the complex change of the Civil and Administrative court procedure by introducing the new procedural rules which came into force since 1 July 2016. The other reason is the decrease of the caseload at the lower courts which naturally influence the number of cases at the Supreme court level.

**Q99 (2017):** The decrease in numbers of both incoming and resolved cases must be understood in connection with the data for previous years. As we explained in previous cycles (data 2014, 2015, 2016), at the level of the Supreme Court of the Slovak Republic there was the enormous increase of incoming (and resolved) cases related to consumer protection in civil and enforcement procedure. We recorded in previous years thousands of recurring submissions of several private loans' companies. These submissions started to be processed quicker and subsequently, its number dropped. The similar explanation is relevant also for the administrative cases.

As regards the variations, some inconsistencies in data between the old and new system persist, and they can be explained as the transition between the old system of collecting the statistical data to new one is more complicated than was expected, with the setting up of Analytical centre of the MoJ, application of CEPEJ methodology and its tools is one of the targets in the ongoing project between CEPEJ and Ministry of justice of the Slovak republic.

There are still two different IT tools used to collect the statistical data from the courts to Analytical centre. The Analytical centre makes every effort to complete the transition between two systems as soon as possible to get reliable data as soon as possible.

As to administrative cases, in the year 2017 there were some appeal procedures pending at Regional courts as the courts of appeal as the result of application of the previous procedural rules described in point 1. All appeals against the decisions of Regional court (as the courts of first instance) were always tried by the Supreme court and we are presenting this data for all evaluation cycles in this table.

**Q99 (2016):** The enormous increase of the incoming cases is related to consumer protection in civil and enforcement procedure.

**Q99 (2013):** For 2013, a general remark was provided in respect of questions 91, 97 and 101, explaining that there were no specific reasons justifying the variations in the numbers of cases of the particular categories. It was stressed that the Slovak judicial system was facing different types of claims which massively loaded courts of all instances. For example, there was a huge number of legal actions arisen from the loans provided by the so called "non-bank loan companies" where courts had to consider constant violations of the consumer protection law. Besides, there was a huge number of class actions against the State, carried out by one of the non-bank companies for alleged damages etc. The capacity of the court staff to resolve all of the filed cases in the appropriate time period was limited despite the measures which have been taken. In spite of the positive trend concerning the increase of the number of total resolved cases, the number of incoming cases was increasing even more, causing backlogs.

**Q101 (General Comment):** Comparison with previous cycles is not possible due to the change of methodology of calculation of cases introduced by the Analytical centre. The methodology now can identify cases finalised at each instance. The inconsistency between pending cases at the beginning of 2016 and pending at the end of 2015 is disturbed because of introduction of new methodology of calculation by the Analytical centre .

**Q101 (2018):** Note 1: Differences in the initial states of things as of 1 January 2018 different from the final states as of 31 December 2017 are due to the introduction of electronic data collection through the Data Collection Application (hereinafter referred to as AZU). When introducing electronic data collection in 2018, the courts were allowed to record the actual state of pending cases as of 1 January 2018 with the aim of not transmitting any inaccuracies from paper collection of previous periods. These differences should not occur in the next year, given the introduction of automatic transfer of the number of undecided cases from the end of the previous period in the electronic data collection.

Note 2: The increasing number of insolvency cases is caused by an important amendment of the Act on bankruptcy. The personal bankruptcy of the natural persons has been introduced in march 2017 and in 2018 we registered significant increase of new cases. Note 3: Data in the "Robbery case" and "Intentional homicide" categories represent the number of convicted persons in lawfully completed cases. These are data obtained from the lawfully completed database, which are classified as equipped in the statistical reporting and therefore data are only available for " Since 2018, the number of convicted persons has not been reported according to the strictest crime, but convictions for all crimes are taken into account (i.e. if the person has been convicted of several offenses, the person is reported as convicted for each crime separately).

**Q101 (2017):** Q101 : The data in the table are not horizontally consistent. This is caused by the fact, that the data on pending cases on 1. January 2017 (the same as data on 31. December 2016 given for the previous cycle) were collected in a one-shot collection for the Justice Scoreboard 2017 and were not bound by control patterns of horizontal consistency as it is in the new electronic data collection active since January 2018.

As regards the variations, some inconsistencies in data between the old and new system persist, and they can be explained as the transition between the old system of collecting the statistical data to new one is more complicated than was expected, with the setting up of Analytical centre of the MoJ, application of CEPEJ methodology and its tools is one of the targets in the on-going project between CEPEJ and Ministry of justice of the Slovak republic.

There are still two different IT tools used to collect the statistical data from the courts to Analytical centre. The Analytical centre makes every effort to complete the transition between two systems as soon as possible to get reliable data as soon as possible.

The increase in litigious divorce cases is influenced by significant decrease in the clearance rate (CR) to 79% in previous year 2016. The reason for the reduced CR can be found in the change of records of divorce without children from register C to the register of Pc, which was carried out in the middle of 2016, and with this change the organizational shift of the relevant number of judges into another department was not parallel.

The increase in the numbers of insolvency cases was significantly influenced by the legislative changes related to the personal bankruptcy of natural persons. Since 1.3.2017 the simplified access to personal bankruptcy and the possibility of debt elimination of natural persons is in effect. The impact of this changes was immediate in both incoming and resolved cases.

**Q101 (2016):** Comparison with previous cycles is not possible due to the change of methodology of calculation of cases introduced by the Analytical centre. The methodology now can identify cases finalised at each instance. The inconsistency between pending cases at the beginning of 2016 and pending at the end of 2015 is disturbed because of introduction of new methodology of calculation by the Analytical centre .

## Slovenia

**Q91 (General Comment):** Category 1. 'Civil (and commercial) litigious cases' at first instance includes: civil litigious cases at local and district courts, various civil cases at local and district courts, legal aid at local and district courts, international legal aid at district courts, commercial litigious cases at district courts, labour law cases at labour courts, social law cases at social court, various labour and social law at labour and social courts, legal aid at labour and social courts. insolvency cases including compulsory composition, bankruptcy of legal person, bankruptcy of physical person, bankruptcy of inheritance, compulsory dissolution, simplified compulsory composition and preventive restructuring at district courts. The number includes the labour law and social law cases (before specialised labour and social law courts) due to their similarity to litigious cases in material and procedural aspects.

Q91 - Category 2.1. 'General civil (and commercial) non-litigious cases': see Q92.

Q91 - Category 2.2.1. 'Non litigious land registry cases' at first instance includes (at local courts): land registry cases, decisions on appeals at first instance and various land registry cases.

Q91 - Category 2.2.2 'Non-litigious business registry cases ' at first instance includes (at district courts): business registry cases and various business registry cases.

Q91 - Category 2.2.3. 'Other registry cases': No cases were included in this category.

Q91 - Category 2.3. 'Other non-litigious cases': No cases were included in this category.

Q91 -Category 3. 'Administrative law cases' at first instance include (at the Administrative court): - administrative cases and various administrative cases.

Q91 - Category 4. 'Other cases': see Q93.

The above listed cases are classified into CEPEJ categories slightly differently over the years.

Q 91, 97, 99, 101 - Inconsistencies:

Inconsistencies within the tables are possible due to the peculiarity of the Supreme Court's Data Warehouse (used in the Slovenian judiciary as the official source of data since January 1st 2012, at every court, and for providing data to the Ministry of Justice and at the Judicial Council).

It is a "live" system (dynamic reporting), meaning that the reported figures for a specific date or period of time inevitably vary for different reasons (e.g. the data was not promptly entered into the CMS; in some instances, the decision, in which category some specific new cases should be included, may be subsequently changed and when data are unified some figures change; there is also the possibility that a mistake was done when entering the data and was later detected in the quality check and corrected.)

In Data warehouse reports, every category (column in the table) is calculated (counted) separately, therefore the „Pending on 31 Dec“ may not equal to the formula (Pending 1 Jan + Incoming – Resolved) due to fore mentioned influences."

**Q91 (2018):** In general, the trend of decreasing number of incoming cases can be observed in all types of civil cases, causing also a decrease in number of resolved and pending cases. In recent years, the number of incoming cases is generally decreasing due to several reasons, partly due to a better economic situation in Slovenia and partly to a successful introduction of new business models in the Slovenian judiciary (informatisation, change of perception when litigants and debtors do not see any profit in prolonging court procedures, gradual settlement of case-law). Accordingly, in last years, clearance rate is at or slightly above 100%.

Administrative cases: The Administrative court is faced with the influx of new cases, due to the implementation of the ECHR judgement 60642/08 (24,5 % of incoming cases in 2017). This caused an increase in the pending and resolved cases. In these cases, the court is faced with new legal and factual issues, as well as administrative difficulties - the actions are often incomplete or the information is insufficient, filled in foreign languages, the foreign parties have yet to nominate a proxy etc. The court has established a special office to perform a preliminary examination of the actions and assist in the exchange of documents between parties, however longer times for resolving cases are expected due to the aforementioned difficulties and the overburdening of the court.

**Q91 (2017):** In recent years, the number of incoming cases is generally decreasing due to several reasons, partly due to a better economic situation in Slovenia and mainly to a successful introduction of new business models in the Slovenian judiciary (informatisation, change of perception when litigants and debtors do not see any profit in prolonging court procedures, gradual settlement of case-law). Considering the higher number of incoming cases (number of pending cases is approx. 20%-30% of all incoming cases), a slight variation in incoming cases might have a considerable effect on the number of pending cases.

For discrepancies, see general comments.

The Administrative court is faced with the influx of new cases, due to the implementation of the ECHR judgement 60642/08 (24,5 % of incoming cases in 2017). In these cases, the court is faced with new legal and factual issues, as well as administrative difficulties - the actions are often incomplete or the information is insufficient, filled in foreign languages, the foreign parties have yet to nominate a proxy etc. The court has established a special office to perform a preliminary examination of the actions and assist in the exchange of documents between parties, however longer times for resolving cases are expected due to the aforementioned difficulties and the overburdening of the court. At the end of 2017, the first case was ready to be processed on the merits of the case.

**Q91 (2016):** In recent years, the number of incoming cases is generally decreasing due to several reasons, partly due to a better economic situation in Slovenia and mainly to a successful introduction of new business models in the Slovenian judiciary (informatisation, change of perception when litigants and debtors do not see any profit in prolonging court procedures, gradual settlement of case-law). Considering the higher number of incoming cases (number of pending cases is approx. 20%-30% of all incoming cases), a slight variation in incoming cases might have a considerable effect on the number of pending cases.

For discrepancies, see general comments.

**Q91 (2015):** Differences in incoming and pending cases (2., 2.1, 2.2, 2.2.1, 2.2.2 - Non litigious cases):

- In recent years, the number of incoming cases is generally decreasing due to several reasons, partly due to a better economic situation in Slovenia and mainly to a successful introduction of new business models in the Slovenian judiciary (informatisation, change of perception when litigants and debtors do not see any profit in prolonging court procedures, gradual settlement of case-law).

- Considering the higher number of incoming cases (number of pending cases is approx. 15%-20% of all incoming cases), a slight variation in incoming cases might have a considerable effect on the number of pending cases.

**Q91 (2014):** In the frame of the 2014 exercise the distribution was the following:

1. 'Civil (and commercial) litigious cases' at first instance includes: P, R, Pom, Pom-i, Pg, Pd, Ps, R, Pom.

2.1 „General civil (and commercial) non-litigious cases“at the first instance includes

1. (former category 2. „General civil (and commercial) non-litigious cases“): N, Ng, Pl, Plg, D, Pr; and 2. (former category 3. ' Non litigious enforcement cases'): I, Ig, In, VL, Z, Zg and R-i.

2.2.1. 'Non litigious land registry cases' at first instance includes (at local courts): Dn, Sdn, Rz.

2.2.2 'Non-litigious business registry cases ' at first instance includes (at district courts): Srg and R-Srg.

2.2.3. 'Other registry cases': NAP.

2.3. 'Other non-litigious cases': NAP

3. 'Administrative law cases' at first instance include (at the Administrative court): U, I Up, II Up.

4. „Other cases“ at first instance includes: Bpp ,COVL, Ov-i, Ov-H and St [(St-01), (St-02), (St-03), (St-04) (St-05)].

In previous cycles, all the mentioned Insolvency (St) cases have been accounted in former category 1. 'Civil (and commercial) litigious cases'."

The number includes the labour law and social law cases, due to their similarity to litigious cases in material (employment contract derives from civil law contract) and procedural (the court procedure in labour and social cases is based on general civil law procedure) aspects. The fore mentioned cases are decided before specialised labour and social law courts and not the courts of general jurisdiction.



**Q91 (2013):** In the frame of the 2013 exercise the distribution was the following:

Civil and commercial non-litigious cases at first instance include: N, Ng, Pl, Plg, D, Pr.

Civil and commercial litigious cases at first instance include: P, R, Pom, Pom-i, Pg, St [(St-01), (St-02), (St-03), (St-04) (St-05)], Pd, Ps, R, Pom.

Non-litigious enforcement cases at first instance include (all of them are at local courts): I, Ig, In, VL, Z, Zg, R-i.

Non-litigious land registry cases at first instance include (at local courts): Dn, Sdn, Rz.

Non-litigious business registry cases at first instance include (at district courts): Srg, R-Srg.

Administrative law cases at first instance include (at the Administrative court): - U, I Up, II Up.

"Other" civil law cases at first instance include: Bpp, COVL, Ov-i, Ov-H."

Changes for Q 91 (as well as for Q 97):

1. In civil and commercial litigious cases (1st category) we included the labour law and social law cases that are proceeded by specialised labour and social law courts. For no specific reason they were not included in the reported figures on the number of first instance cases. We included them in the 1st category, since they are similar to litigious cases in material (employment contract derives from civil law contract) and procedural (the court procedure in labour and social cases is based on general civil law procedure) aspects.

2. Various cases – the cases that do not fit exactly to the determined types of civil, commercial, non-litigious, land and business registry, enforcement and administrative law cases, were previously included in other cases (7th category). We decided that 'Other cases' should include only cases outside of the above mentioned legal fields. As various cases do belong to all categories from the 1st to 6th, we included them in the categories that correspond to legal field of each type of various cases.

Variations: With regard to the category 'non-litigious business registry cases', the increase of the number of pending cases on 31 December 2013 can be explained with the fact that there were 8.000 more incoming cases in 2013 than in 2012, but courts were not able to handle the case-load (they solved 200 less cases than they had received). Consequently, the number of pending cases increased, but not as much as in the reported figures. There should be 772 pending cases on 31 December 2013, which is due to the problem with ensuring horizontal consistency' ".

**Q91 (2012):** In the frame of the 2012 exercise the distribution was the following:

"Civil and commercial non-litigious cases at first instance include: N, Ng, Pl, Plg, D and P."

Civil and commercial litigious cases at first instance include: P, Pg, St [(St-01), (St-02), (St-03), (St-04) (St-05)].

Non litigious enforcement cases at first instance include (all of them are at local courts): I-ns, Ig-ns, In, Nt\*, I-vl\*, Ig-vl\*, VL, Z, Zg, R-i.

Non litigious land registry cases at first instance include (at local courts): Dn, Rz.

Non litigious business registry cases include (at district courts): Srg.

Administrative law cases at first instance include (at the Administrative court):- U.

"Other" civil law cases at first instance include: Pom , Pom-i, R, Rg, Ov-i, Ov-H, Bpp, COVL, II Upr, I Upr.

\* The following categories existed additionally in 2012:

- Nt – cases for enforcement of the non-monetary claim,

- I-vl – cases for enforcement on the basis of authentic document resulting from the period before the establishment of the Central Department for Authentic Document,

- Ig-vl – enforcement on the basis of authentic document in commercial matters resulting from period before the establishment of the Central Department for Authentic Document,

Changes: In the category "Civil and commercial litigious cases at first instance" we included bankruptcy proceedings, which were in the previous round counted as 'other cases'. The example for this 7th category was "insolvency registry cases", so we mistakenly included here all the cases pursuant to the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act handled by district courts. These are not insolvency registry proceedings, but are according to the Explanatory note to be understood as litigious proceedings.

Variations: The figures of pending cases on 1 January 2012 for non-litigious business registry cases are higher than in 2010, since the number of incoming cases rose from 37 248 in 2009 to 44 960 in 2010 and 48 383 in 2011, which is probably due to the somehow postponed effect of the financial and economic crisis. Nevertheless, courts managed to solve almost all incoming cases, so the number of pending cases is not high, compared to the number of incoming cases.

The rise of total of incoming and resolved cases has to do with the fact that we included for the first time cases that are processed by the Central Department for Authentic Document which operates as a part of Local Court of Ljubljana and has jurisdiction over all enforcement cases on the basis of authentic documents in the state – COVL cases. Although this department has existed since 2008, the data on processed cases was not reported in the previous CEPEJ questionnaires. In 2012 the COVL department had 48 836 pending cases on 1 January, 227 231 incoming cases, 236 313 resolved cases and 39 728 pending cases on 31 December 2012. The nature of the COVL procedures is explained in Q 93.

The area of land registry cases has been in constant improvement since a successful computerisation project in 2003 – the average disposition times have fallen from 18 months to 2 weeks. The lowering of the number of pending cases is the consequence of a better organisation of work and of the totally electronic procedure.

**Q91 (2010):** In the frame of the 2010 exercise the distribution was the following:

Civil and commercial non-litigious cases in the first instance include: N,Ng,D, different St, and Pr.

"Other" civil law cases in the first instance include: R, PI, Pom, R , Plg , Pom-i , Ov-i, Ov-H, Zg, Bpp-d, II Upr, I Upr, Bpp-a .

Variations:

The decrease in the total number of other than criminal law cases from 443.133 pending cases on the 1 Jan. 2008 to 331.019 cases on the 1 Jan. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved cases in 2008 and 2009 exceeded the number of incoming cases that caused the reduction in the number of pending cases. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources (the number of judicial assistants has increased). On the other hand, the increase in the number of resolved enforcement cases can be attributed to technological developments (the creation of the Central department for enforcement on the basis of authentic documents that is supported by ICT).

**Q92 (General Comment):** Categories used in "Civil and commercial non-litigious cases": all non-litigious civil cases at local and district courts, non-litigious commercial cases at district courts (different kinds of personal and family status, property and other disputes, provided by the Non Contentious Procedure Act or other law, procedures for issuing a payment order at local and district courts in civil matters, procedures for issuing a payment order in commercial matters at district courts, cases pursuant to the Inheritance Act at local courts, cases pursuant to the Mental Health Act at local courts; and civil enforcement cases on the basis of an enforcement title, commercial enforcement cases on the basis of an enforcement title, cases for enforcement on real-estate property, enforcement cases on the basis of authentic document in civil matters after the writ for the execution became final, temporary injunctions in civil matters, temporary injunctions in commercial matters, various enforcement cases.

The above listed cases are classified into CEPEJ categories slightly differently over the years.

**Q92 (2014):** 2014 Category 2.1 „General civil (and commercial) non-litigious cases“at the first instance includes

1. (former category 2. „General civil (and commercial) non-litigious cases“): N, Ng, PI, Plg, D, Pr; and 2. (former category 3. ' Non litigious enforcement cases'): I, Ig, In, VL, Z, Zg and R-i.

**Q92 (2013):** 2013 Civil and commercial non-litigious cases at first instance include: N, Ng, PI, Plg, D, Pr.

**Q92 (2012):** 2012 "Civil and commercial non-litigious cases at first instance include: N, Ng, PI, Plg, D and P."

**Q92 (2010):** 2010: Civil and commercial non-litigious cases in the first instance include: N,Ng,D, different St, and Pr.

**Q93 (General Comment):** Category 4. „Other cases“ at first instance includes: free legal aid at district courts, labour courts and at the Administrative court, enforcement cases on the basis of authentic document in civil matters before the writ for the execution became final (all cases processed at the Central Department for Authentic Document at the Local Court of Ljubljana – exclusive jurisdiction), international attestations at district courts, attestations according to the Hague convention at district courts.

**Q93 (2014):** 2014 4. „Other cases“ at first instance includes: Bpp ,COVL, Ov-i, Ov-H and St [(St-01), (St-02), (St-03), (St-04) (St-05)].

In previous cycles, all the mentioned St cases have been accounted in former category 1. 'Civil (and commercial) litigious cases'."

**Q93 (2013):** 2013 "Other" civil law cases at first instance include: Bpp, COVL, Ov-i, Ov-H."

**Q93 (2012):** 2012 "Other" civil law cases at first instance include: Pom , Pom-i, R, Rg, Ov-i, Ov-H, Bpp, COVL, II Upr, I Upr.

**Q93 (2010):** 2010: "Other" civil law cases in the first instance include: R, PI, Pom, Plg , Pom-i , Ov-i, Ov-H, Zg, Bpp-d, II Upr, I Upr, Bpp-a .

**Q97 (General Comment):** The distribution of cases for Q97 is the same as for Q91.

Inconsistences noticed are due the Data Warehouse system explained in Q91.

**Q97 (2018):** No particular explanation can be given for the general decrease of incoming cases (national trend), as well as for the increase in number of incoming registry cases.

**Q97 (2017):** In recent years, the number of incoming cases is generally decreasing due to several reasons, partly due to a better economic situation in Slovenia and mainly to a successful introduction of new business models in the Slovenian judiciary (informatisation, change of perception when litigants and debtors do not see any profit in prolonging court procedures, gradual settlement of case-law). Considering the higher number of incoming cases (number of pending cases is approx. 20%-30% of all incoming cases), a slight variation in incoming cases might have a considerable effect on the number of pending cases.

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**Q97 (2015):** Differences in incoming and pending cases (2., 2.1, 2.2, 2.2.1, 2.2.2 - Non litigious cases):

- In recent years, the number of incoming cases is generally decreasing due to several reasons, partly due to a better economic situation in Slovenia and mainly to a successful introduction of new business models in the Slovenian judiciary (informatisation, change of perception when litigants and debtors do not see any profit in prolonging court procedures, gradual settlement of case-law).
- Considering the higher number of incoming cases (number of pending cases is approx. 15%-20% of all incoming cases), a slight variation in incoming cases might have a considerable effect on the number of pending cases.

**Q97 (2013):** 2013 The area of land registry cases has been in constant improvement since a successful computerisation project in 2003 – the average disposition times have fallen from 18 months to 2 weeks. The lowering of the number of pending cases is the consequence of a better organisation of work and of the totally electronic procedure.

**Q97 (2012):** 2012 The figures of pending cases on 1 January 2012 for civil litigious cases (as well as for incoming, resolved and pending cases on 31 December 2012) are higher than in the previous exercise, because we included in this category the cases of bankruptcy proceedings (including: compulsory composition, bankruptcy of legal person, bankruptcy of physical person, bankruptcy of inheritance and compulsory dissolution), which were counted as 'other cases' in the previous evaluation cycle. The example in the questionnaire for this 7th category was 'insolvency registry cases', so we mistakenly included here all the cases pursuant to the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act handled by district courts. These are not insolvency registry proceedings, but are to be understood as litigious proceedings according to the CEPEJ Explanatory note.

With regard to the category "administrative law cases, in the previous round we included appeals in administrative disputes, which are lodged with and dealt with by the highest instance court, namely the Supreme Court of the Republic of Slovenia in this category (Q 97.6). To ensure internally consistent answers we decided to provide the data in this chapter regarding the instance of the court that decides on the case not the instance of the procedure in which the cases is decided. This means that all the cases that are addressed by the Supreme Court of the Republic of Slovenia are taken into account at question 97.

**Q97 (2010):** In 2010, The decrease in the total number of other than criminal law cases from 7.629 pending cases on the 1 Jan. 2008 to 5.138 cases on the 1 Jan. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved cases in 2008 and 2009 exceeded the number of incoming cases that caused the reduction in the number of pending cases. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources (the number of judicial assistants has increased).

**Q99 (General Comment):** The Supreme court has Criminal, Civil, Commercial, Labour and Social and Administrative department, The categories 1., 2.1 and 2.2.1 include corresponding cases from Civil, Commercial and Labour and Social departments registers. Category 3. includes registers of the Administrative department. The distribution of cases for Q99 is the same as for Q91.

Inconsistences noticed are due the Data Warehouse system explained in Q91.

**Q99 (2018):** Administrative cases - in 2017, the procedure of manifested inadmissibility was introduced in administrative cases, reducing the number of incoming (as well as resolved and pending) cases. As for other categories and Total, the difference is due to more efficient work of the Supreme court and due to aforementioned reason.

Please note, the procedure of manifested inadmissibility cases are included in figures above.

**Q99 (2017):** Administrative cases: the higher number of pending administrative law cases older than two years is partially a result of higher workload of the court. Partially this is the consequence of the fact that some older cases are waiting on the decision of the Constitutional court regarding laws in question (mainly taxes and public access to information issues).

**Q99 (2015):** Differences in pending, incoming and resolved cases (2., 2.1, 2.2, 2.2.2 - Non litigious cases, 3. - Administrative cases):

- Differences are mainly due to the small absolute number of cases and the nature of the cases (most complicated cases).

**Q99 (2014):** 2014: Variations: The numbers in that almost all categories for 2014 deviates more than +/- 20% from the 2012 data. This is due to a small (absolute) number of cases but also because the number of judges is smaller when compared to first and second instance and a single absence due to prolonged illness has a significant impact on the solving of some types of cases. We also believe that changes in economy (financial crisis), as well as in legislation, had impact on the overall statistics, but since cases at the Supreme Court level are "filtered" through courts of first and second instance, a direct connection cannot be established.

**Q99 (2012):** 2012: The decrease of the number of pending cases at the Supreme Court of the Republic of Slovenia can be attributed to different factors. On one hand procedural legislation has changed. Following the changes to the Administrative Dispute Act (2007) and the Civil Procedure Act (2008) the Supreme Court has now the right to decide in these types of cases whether to review a case or not. With the reform the admissibility criteria have changed and revision is now a remedy that depends mainly on the discretion of the Supreme Court. Now revision is admissible only, if the case raises a question of law of fundamental significance or if the development of law or the preservation of uniformity of case law requires a decision by the Supreme Court. The number of all incoming cases for the whole Supreme Court has dropped considerably from more than 5 000 in 2008 to less than 4000 in 2012). On the other hand this is the consequence of changes in human resources management. Firstly, the number of judicial advisers has risen and secondly, several judicial advisers were transferred from less burdened departments to those with more pending cases and consequently the productivity has risen and the number of pending cases decreased.

**Q99 (2010):** For 2010, The decrease in the several categories of cases is the result of the change in the Civil Procedure Act in 2008 that has introduced the leave to appeal for the extraordinary legal remedy of revision. According to the new legislation a panel of 3 judges of the Supreme Court is entitled to decide whether to let the panel of 5 judges decide on a revision. The revision is allowed only when it concerns a legal question on which the decision of the higher court departs from the case law of the Supreme Court, secondly, when it concerns a legal question on which there is no case law of the Supreme Court, especially if the case law of the higher courts is not settled and finally, when there is no settled case law of the Supreme Court on the issue.

Additionally, the number of senior judicial advisers that help judges in preparing the decision has increased as well, thus increasing productivity.

**Q101 (2017):** Personal insolvency accounts for more than half of the insolvency cases (61% new cases in 2017 and 75% in 2015). The decrease in incoming insolvency cases reflects the smaller number of new personal insolvency cases (we can speculate that the higher number of personal insolvency cases in previous years was the effect of the past economic crisis). The increase in resolved cases can be explained by the elapse of probation periods (typically 2-5 years) in personal insolvency cases and more efficient liquidation of assets in cases of business subject insolvency. The number of insolvency cases for business subjects (approx 34% of all new cases in 2017) did not vary significantly in recent years.

**Q101 (2016):** Differences (insolvency cases):

The effects of the past economic situation are still producing a high number of incoming insolvency cases, with a high percentage of personal bankruptcies. Following the legislation changes, introducing new, simplified types of (preventive) compulsory settlement, there has been an increase in pending cases due to the overburdening of courts with new cases, as well as lengthy procedures (the case cannot be resolved until the debtor's assets are liquidated – corporate; the case cannot be resolved until the end of probation period for the discharge of debt – personal insolvency; in this period the court cannot influence the duration and the case is still classified as not finished).

**Q101 (2015):** Differences (insolvency cases):

- The effect of the economic situation are still effecting a high number of incoming insolvency cases, with a high percentage of personal bankruptcies (approx. 70%). The recent legislation changes introduced new, simplified types of (preventive) compulsory settlement which also led to new incoming cases.

- The increase in pending cases is due to the overburdening of courts with new cases, as well as lengthy procedures (the case cannot be resolved until the debtor's assets are liquidated – corporate; the case cannot be resolved until the end of probation period for the discharge of debt – 2-5 years; in this period the court cannot influence the duration and the case is still classified as not finished).

Differences (robbery, intentional homicide):

- Differences are mainly due to the small absolute number of cases.

**Q101 (2014):** 2014 Firstly, the number of incoming insolvency cases is still high due to the effect of financial crisis, which left many companies and people on the verge of bankruptcy. A further increase in incoming cases can be attributed to the amendment of insolvency legislation in 2013, which abolished the right for legal persons to apply for legal aid for financing the advances of the costs of the bankruptcy proceedings (however legal persons are now exempt from paying the advance in bankruptcy proceedings in all cases, without having to apply for legal aid).

The number of pending cases increased and will probably increase even more due to the rules governing when the case is deemed resolved. For insolvency cases, this can occur when the assets are liquidated and the creditors are paid (or in case of personal bankruptcy, if the dismissal of debts was requested, until such decision takes place). In cases of big companies as debtors, the sale of all assets can take years; and in cases of physical persons the "probation" period, which lasts a minimum of 2 years and maximum of 5 years must elapse, before the court can decide on dismissal of the debts.

**Q101 (2013):** 2013 'The number of incoming insolvency cases constantly rises due to the effect of general economic crisis which resulted in a higher number of insolvent companies. The increase in the number of unresolved cases can also be attributed to a high number of proceedings of bankruptcies of physical persons. In these cases most debtors apply for conditional release of debt, where the trial period can last from 2-5 years'

**Q101 (2012):** 2012 The number of pending employment dismissal cases on 1 January 2012 decreased significantly because, basically, the employment dismissal cases are priority cases and labour courts pay special concern to promptly resolve these cases.

As robbery cases, were included in 2012 criminal offences defined in the Criminal Code as Robbery and Larceny in the Form of Robbery. As intentional homicide, were included criminal offences defined in the Criminal Code as Murder (which responds to Anglo-Saxon definition of first and second degree murder), Voluntary Manslaughter and Infanticide. The data includes criminal cases against adult and juvenile offenders, it does not include attempts.

**Q101 (2010):** The figures provided for 2010 in respect of the items "intentional homicide" and "robbery" represented the number of cases for murder (Article 127 of the old Criminal Code) or robbery (Articles 213 (89) and 214 (20) of the old Criminal Code). These data derive from crime statistical data collected by the Statistical Office of the Republic of Slovenia by means of statistical questionnaires answered by the public prosecutor's office and local and district courts. When more than one perpetrator participates in committing one criminal offence, each participant is a separate case. If one perpetrator commits several criminal offences, the attribute of the perpetrator is only the main criminal offence. The data are obtained based on search profile for "Adults against whom the criminal procedure before senate has been finished by sex, criminal offence, type of decision and duration of detention", for murder and robbery, on an annual basis. Not only convicted persons are included, but also the acquitted ones.

## Spain

**Q91 (General Comment):** When an error is detected in the statistics of a Court, the latter is allowed doing regularization, what means that the Court communicates the correct figure and rectifies the wrong one even if this does not concord with figures offered for previous exercises. This situation can happen for example in the specific control of cases that the Court makes when a judge leaves the Court (called "alarde"), but in general, in any case in which the Judicial Counsellor detects an error that comes from previous exercises but cannot be localized. The system prefers to correct the data than continue and amplify the error.

These regularizations and the cumulated cases and the re-opened cases are the causes for the horizontal inconsistencies.

**Q91 (2018):** The Court of Justice of the European Union (CJEU) of December 21, 2016 and other previous Judgments have meant a massive interposition of lawsuits based on that doctrine, for the civil challenge of general conditions included in financing contracts with real estate guarantees in which the borrower is a natural person. Measures, referred to in previous CEPEJ questionnaires, of specialization of certain judicial bodies have been adopted.

Regarding registry cases, Spain Land Registry and Commercial Registry do not depend on Courts. But, if one disagrees with a decision of the Register (Land or Commercial) or of the Directorate General for Registers and Notaries, he/she can appeal the decision against Courts.

**Q91 (2016):** Concerning the Administrative Law cases, between 2014 and 2016, the decrease of 'Pending cases' is probably because the number of resolved cases, both in 2015 and 2016 has been higher than the number of incoming cases (reinforcement measures have been applied).

**Q91 (2015):** The horizontal consistency can not be respected because of reopened, cumulated and regularised cases.

Law 10/2012 governing certain fees in the area of the Administration of Justice could explain (especially in Administrative Law cases) the decrease in the number of incoming administrative cases, and logically the decrease in the number of resolved and pending cases.

**Q91 (2014):** In the frame of the 2014 exercise, the decrease observed with regard to the category "civil and commercial litigious cases" in respect of all the items (pending, incoming, resolved, pending cases) has been justified by two main reasons. Firstly, since the payment order procedures do not need a decision made by a judge but are of the competence of the judicial counsellor, they have been subsumed in the category of non-litigious civil and commercial cases. Secondly, since paying court fees for natural persons has been compulsory until March this year, there has been a decrease in the incoming cases.

The decreases noticed in the number of pending administrative law cases on 1 January 2014 and the number of pending administrative law cases on 31 December 2014 are due to the decrease of the incoming administrative law cases in 2012. In this respect, it should be recalled that in 2012, there was a decrease of the number of files related to the Public Administration owing to two parameters: plaintiffs have been sentenced to pay the court fees, on the one hand, and, since 2012, they have to be assisted by a lawyer to file an administrative case, on the other hand.

**Q91 (2012):** In the frame of the 2010 and 2012 exercises, the lack of horizontal consistency with regard to the total number of pending cases on 31 December has been explained by the fact that inspection services are entitled to correct the number each time they find it inaccurate.

Owing to the economic crisis, the number of civil cases increased significantly, particularly this of small claims. In the frame of the 2012 exercise and with regard to the sub-category "incoming administrative law cases", a considerable variation can be noticed within the periods 2008-2010 and 2010-2012. The explanation lies in the meaningful increase of the number of these cases in 2010, due to the reduction of the salaries of civil servants. In 2012, this number decreased with the decrease of the number of files related to the Public Administration. Two main reasons are advanced in this respect: plaintiffs are sentenced to pay the court fees, on the one hand, and, since 2012, they have to be assisted by a lawyer to file an administrative case, on the other hand.

Besides the general explanation concerning the lack of horizontal consistency, it should be mentioned that this inconsistency is also a result of the inclusion within the table of data related to restarted procedures, while there is not a specific item dedicated to this category of cases.

**Q91 (2010):** In the frame of the 2010 and 2012 exercises, the lack of horizontal consistency with regard to the total number of pending cases on 31 December has been explained by the fact that inspection services are entitled to correct the number each time they find it inaccurate.

Owing to the economic crisis, the number of civil cases increased significantly, particularly this of small claims.

**Q92 (2014):** For the 2014 exercise, the category "civil and commercial non-litigious cases" encompasses payment order procedures and requests for undisputed matters such as settlement proceedings and divorce with mutual consent.

**Q92 (2012):** For the 2010 and 2012 exercises, the category "civil and commercial non-litigious cases" includes non-litigious divorces and cases of voluntary jurisdiction and internments as well.

**Q92 (2010):** For the 2010 and 2012 exercises, the category "civil and commercial non-litigious cases" includes non-litigious divorces and cases of voluntary jurisdiction and internments as well.

**Q97 (General Comment):** When an error is detected in the statistics of a Court, the latter is allowed doing regularization, what means that the Court communicates the correct figure and rectifies the wrong one even if this does not concord with figures offered for previous exercises. This situation can happen for example in the specific control of cases that the Court makes when a judge leaves the Court (called "alarde"), but in general, in any case in which the Lawyer of the Administration of Justice detects an error that comes from previous exercises but cannot be localized. The system prefers to correct the data than continue and amplify the error.

These regularizations and the cumulated cases and the re-opened cases are the causes for the horizontal inconsistencies.

**Q97 (2018):** The Court of Justice of the European Union (CJEU) of December 21, 2016 and other previous Judgments have meant a massive interposition of lawsuits based on that doctrine, for the civil challenge of general conditions included in financing contracts with real estate guarantees whose Borrower is a natural person. Measures, referred to in previous assessments, of spatialization of certain judicial bodies have been adopted. In 2018, the appeals to the judgments in matters of individual suitcases against general conditions included in financing contracts with real estate guarantees whose borrower is a natural person have reached the Provincial Courts (second Instance). The small (probably insignificant) number of Registry cases that arrive to the Second Instance is not distinguished of the Litigious cases. This is why the total number of cases can be provided

**Q97 (2016):** In respect of the increase in the number of incoming civil and commercial litigious cases as well as the increase of the total of incoming cases between 2014 and 2016, it should be mentioned that since March 2015 the fees to bring a case to the court were abolished in case of natural persons. Besides, in July 2016, the Constitutional Court declared the nullity of the fees to appeal.

**Q97 (2015):** Law 10/2012 governing certain fees in the area of the Administration of Justice could explain (especially in Administrative Law cases) the decrease in the number of incoming administrative cases, and logically the decrease in the number of resolved and pending cases.

**Q97 (2014):** For the 2014 exercise, the decrease of the number of pending administrative law cases in the beginning and in the end of the year is the result of the decreases observed and explained in first instance.

**Q97 (2012):** In the frame of the 2012 exercise, the lack of horizontal consistency with regard to the total number of pending cases on 31 December has been explained by the fact that inspection services are entitled to correct the number each time they find it inaccurate. Moreover, the horizontal inconsistency is also a result of the inclusion within the table of data related to restarted procedures, while there is not a specific item dedicated to this category of cases.

**Q99 (2018):** The Administrative Procedural Law allows the inadmissibility of the cassation appeal by resolution of a lower level than Civil Procedural Law. This explains partially the different clearance rate between this two rooms.

In relation to the good resolution rate in Administrative is due in part to this cause: In previous years, a Judgement of the Court of Justice of the European Union declared Spanish law contrary to Community law authorizing the tax on retail sales of certain hydrocarbons. This fact meant the massive presentation of claims for the patrimonial responsibility of the State for the undue payment of the so-called "sanitary cent". Once the Supreme Court established jurisprudence, many of these cases were resolved more quickly.

**Q99 (2017):** The cause of the raise of administrative cases (pending at the beginning of 2017 and resolved) in the Supreme Court is the reform of the cassation appeal by the Final Disposition Third of the Organic Law 7/2015, and, on the other hand, a new organisation of the Third Courtroom.

**Q99 (2016):** As concerns the variations observed between 2014 and 2016 regarding the categories "total of other than criminal law cases"; "civil and commercial litigious cases"; "administrative law cases", it should be noted that:

- the increase in the number of cases in civil matters is due to the increase in conflicts of competence entered and resolved as well as the increase in the number of resolutions of appeals for unification of doctrine.

- the high increase in administrative matters is due to the massive presentation of claims for the State's patrimonial responsibility for the undue payment of the called "sanitary cent", because of the Judgement of the Court of Justice of the European Union that declared contrary to the Community law the Spanish law that authorized the Tax on Retail Sales of Certain Hydrocarbons.

**Q99 (2015):** Regarding administrative cases in 2015, there was a significant flow of incoming cases related with tax on retail sales of certain hydrocarbons. But before that, since 2011, the incoming administrative cases dropped due to the Law of courts' fees.

**Q99 (2014):** For the 2014 exercise, the decreases observed in respect of the number of pending administrative law cases in the beginning of the year and the number of resolved administrative law cases, are the result of the decreases observed and explained in fist instance.

The increase in the number of pending civil and commercial litigious cases on 31 December between 2012 and 2014 is due to the economic crisis which resulted in the increase of the number of cases in the civil jurisdiction.

**Q99 (2012):** For the 2012 evaluation cycle, the category of civil and commercial litigious cases includes data on labour matters, special matters and military matters.

**Q101 (2018):** Variations in respect of cases relating to asylum seekers and cases relating to the right of entry and stay for aliens are due to the migration crisis

**Q101 (2017):** Migratory crisis can explain the raise of asylum seekers judicial cases.

**Q101 (2016):** As concerns employment dismissal cases: in 2014, 2015 and 2016 an important decrease in the number of incoming cases has been observed. While the resolved cases have kept similar numbers, so, every year the number of resolved cases has been higher than the number of incoming cases. As concerns insolvency cases: the decrease in the number of incoming cases may be due to a certain decrease in some effects of the economic crisis.

**Q101 (2015):** The horizontal consistency can not be respected because of reopened, cumulated and regularised cases.

Because of the economic restrictions and the increasing number of companies with financing problems, the number of employment dismissal cases and the number of insolvency cases brought to courts have remarkably increased in 2014.

**Q101 (2014):** Because of the economic restrictions and the increasing number of companies with financing problems, the number of employment dismissal cases and insolvency cases arriving to courts has remarkably increased in 2014.

**Q101 (2010):** As a result of the economic and financial crisis, the number of incoming employment dismissal cases increased between 2008 and 2010.

## Sweden

**Q91 (General Comment):** In respect of the discrepancies that can be observed between the number of pending cases indicated for December of one year and the number of pending cases communicated for January of the next year, it is noteworthy that it is possible to register data afterwards in the operational system Vera which is 'alive'. Accordingly, if one produces data for the same dates at two different moments, one can get small differences in the results.

Land registry cases and business registry cases are not handled at courts in Sweden. Owing to that the reply in their respect is NAP.

**Q91 (2018):** Migration cases are included in administrative law cases. 2018 had an increase in incoming cases at the administrative courts due to a general increase of nearly all case categories. Civil and commercial litigious cases also increased in 2018 compared to 2017.

**Q91 (2017):** 2017 had an increase in incoming cases at the administrative courts due to an increase of social Insurance cases and migration cases. A great many immigrants came to Sweden in 2015 and this reflects the number of incoming cases to the courts in 2017. Regarding the increase in social insurance cases, the Swedish Social Insurance Agency resolved a lot of cases previous year and this resulted in an increase of appealed cases to the administrative courts. Also the Swedish Social Insurance Agency has been more restrictive in granting sickness allowance, sickness benefit and activity allowance.

**Q91 (2014):** Till 2014 and the new CEPEJ methodology of presentation of data, the enforcement cases were not presented separately, but subsumed in the category of civil litigious cases.

**Q92 (General Comment):** The category of civil and commercial non-litigious cases includes joint petitions for divorce and cases related to custody of children.

**Q93 (General Comment):** For 2012, 2103 and 2014, the category "other cases" encompasses property cases, environmental cases, cases relating to the Planning and Building Act.

**Q93 (2010):** For 2010, the category "other cases" encompasses property cases and environmental cases.

**Q97 (General Comment):** In respect of the discrepancies that can be observed between the number of pending cases indicated for December of one year and the number of pending cases communicated for January of the next year, it is noteworthy that it is possible to register data afterwards in the operational system Vera which is 'alive'. Accordingly, if one produces data for the same dates at two different moments, one can get small differences in the results.

**Q97 (2018):** The category "Other cases" include environmental and property cases as well as cases in relation to the Planning and Building act and so called other cases. The administrative law cases are handled by the administrative courts of appeal. Migration cases are included in administrative law cases. 2018 had an increase in incoming cases at the administrative courts of appeal due to an increase of social Insurance cases. Thus a higher number of pending cases at the end of 2018 than 2017.

**Q97 (2017):** The category "Other cases" include environmental and property cases as well as cases relation to the Planning and Building act and so called other cases. The administrative law cases are handled by the administrative courts of appeal.

**Q97 (2016):** The category "Other cases" include environmental and property cases as well as cases relation to the Planning and Building act and so called other cases. The administrative law cases are handled by the administrative courts of appeal.

**Q97 (2015):** The increase in the number of pending cases in second instance courts are explained mainly by an increasing number of social security cases from the administrative courts to the administrative courts of appeal.

**Q97 (2014):** In the frame of the 2014 exercise, it has been indicated that the decrease in the number of pending administrative cases on 1 January over the period 2012-2014 can be partly explained by the fact that one of the district administrative courts handled a large amount of social security cases (about 4 000 cases regarding a question of social security for sailors). These cases were appealed in 2011 and resolved in 2012. Also there was an overall increase of cases in the district courts in 2011 due to reforms on the local court level which led to an increase in resolved cases during 2012 on the district court level. The increase of the number of pending administrative cases on 31 December over the same period is mainly explained by a large number of social security cases concerning EU law which were appealed before the District Administrative court in Stockholm during 2014. In addition there were a large number of cases concerning VAT on printing services that were appealed during 2014.

**Q97 (2010):** In the frame of the 2010 exercise, it is specified that the category "other" encompasses environmental and property cases, as well as other cases. By contrast, in 2008, only environmental and property cases are included within this category, which explains the observed variation between the two years.

**Q99 (2018):** Administrative law cases are handled by the Supreme Administrative Court, while all the other cases in the table 99 are dealt with by the Supreme Court.

**Q99 (2017):** Administrative law cases are handled by the Supreme Administrative Court, while all the other cases in the table 99 are dealt with by the Supreme Court.

**Q99 (2015):** The decrease in the number of pending cases is explained by a reduced inflow regarding the two main case categories in the Supreme Administrative Court, tax cases and social security cases.

**Q99 (2014):** The main explanation for the decrease of the number of administrative pending cases on 31 December between 2012 and 2014 lies in the general decrease of incoming cases (tax cases and social security cases). Besides, district courts focussed on resolving older cases.

**Q101 (General Comment):** In respect of the discrepancies that can be observed between the number of pending cases indicated for December of one year and the number of pending cases communicated for January of the next year, it is noteworthy that it is possible to register data afterwards in the operational system Vera which is 'alive'. Accordingly, if one produces data for the same dates at two different moments, one can get small differences in the results.

**Q101 (2018):** Migration cases are still very numerous due to a high number of incoming asylum seekers in 2015, since 2015 this number has decreased but is still on a quite high level in Sweden.

**Q101 (2017):** Cases relating to asylum seekers has increased due to a large number of incoming asylum seekers in 2015, since 2015 this number has decreased but is still on a high level in Sweden.



# Indicator 3: The performance of courts at all stages of the proceedings

## Comments provided by the national correspondents

### organised by question no.

*Question 91. First instance courts: number of other than criminal law cases.*

*Question 92. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:*

*Question 93. Please indicate the case categories included in the category “other cases”:*

*Question 97. Second instance courts (appeal): Number of “other than criminal law” cases.*

*Question 99. Highest instance courts (Supreme Court): Number of “other than criminal law” cases:*

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

### Question 91

#### Austria

**(General Comment):** There is no overall distinction between litigious and non-litigious proceedings in the statistics. Accordingly, the numbers are sums of certain kinds of proceedings mentioned in the corresponding comments. As litigious are counted all proceedings in the categories related to civil matters, labour and social security cases at first instance courts, which are marked as being litigious in the court register (i.e. from the second court hearing on).

**(2017):** Due to the absolute low numbers of pending cases on 1 Jan./31 Dec. high deviations in percentage are normal. Note to 2.1.1.: Because of an inaccuracy by analysing pending non-litigious business registry cases the count had to be corrected on 1st December 2017. Therefore the pending cases on 31.12.2016 do not comply with those of 01.01.2017.

**(2016):** Due to the low absolute numbers of pending cases on 1 Jan./31 Dec. high deviations in percentage are normal.

**(2015):** General remarks: There is no overall distinction between litigious and non-litigious proceedings in the statistics, so the numbers are sums of certain kinds of proceedings mentioned in the corresponding comments. In the category litigious are counted all proceedings in the categories C, Cg, Cga, Cgs (civil matters, labour and social security cases at first instance courts) which are marked as being litigious in the court register (f.e. from the second court hearing on).

In the category criminal cases are only cases counted which are dealt with by a judge in a court hearing; not counted are cases of preliminary proceedings at the court dealt with by a judge and proceedings dealt with by the public prosecutor.

Civil and commercial non-litigious cases include:

(Se, S, MSch, PSch, P-Vorgänge, Pg-Vorgänge, Ps-Vorgänge, Pu-Vorgänge, SW)

Commence of bankruptcy proceedings

Bankruptcy proceedings

Composition proceedings

Non-litigious proceedings about rent, non profit cooperative association for housing, home ownership

Proceedings about Lease of farm land

Wardship cases in connection with administration of assets, custody and maintenance

Uncontested payment orders

Enforcement Cases

Category "other" includes:

(JV, A, T, G, Uh, Hc, Nc, Ha, Fam, Rv)

Probate Proceedings

Cases concerning the Administration of justice

Cancellation proceedings and proceedings in connection with [official] declaration of death

authentication of signatures

proceedings to render legal assistance in civil matters for other courts (also international ones)

General civil proceedings, that are not allocated to other categories of cases

Some Non litigious family matters

**(2012):** In 2012, a legislative reform entailed more obligations for companies to register.

## Belgium

**(General Comment):** civil and commercial cases include cases of justices of the peace, courts of first instance, civil, family, family and youth sections, labour courts and company courts (so-called commercial courts)

civil and family court: no data for pending cases; new rules for the counting and the recording of cases mean that the statistics are not comparable to previous years. In particular, cases where there is a permanent referral are now counted as a case.

juvenile courts: no data for resolved or pending cases due to lack of uniform practices and limited registration of the closing of cases  
Administrative affairs: Conseil d'Etat, Conseil du contentieux des étrangers, de Raad voor Vergunningsbetwistingen, het Milieuhandhavingscollege en de Raad voor Verkiezingsbetwistingen.

**(2018):** Civil and commercial cases include cases of justices of the peace, courts of first instance, civil, family and youth sections, labour courts and company courts (known as "commercial courts")

Civil and family courts: no data for pending cases. New rules for counting and recording cases mean that the statistics are not comparable to previous years. In particular, cases where there is a permanent referral are now counted as a case.

Concerning juvenile courts: no data for completed or pending cases due to the lack of uniform practice and low registration of completed cases.

Concerning registry cases: these are immediate acts, which is why the number of incoming cases is equal to the number of resolved cases. Administrative affairs: Council of State, Aliens Litigation Council, Raad voor Vergunningsbetwistingen, het Milieuhandhavingscollege en de Raad voor Verkiezingsbetwistingen.

**(2017):** The difference with the 2016 data is due to the lack of data on justices of the peace cases. In respect of justices of the peace, from July 2017 to June 2018, a deployment of new codes was carried out at the national level. The support service of the College of Courts and Tribunals is currently in the process of defining accounting rules for justices of the peace. For this reason, no figures were issued in 2018 pertaining to 2017 data.

Civil data are not included or only partially included for 5 courts; Youth courts: no data from Brussels (Dutch-speaking); no data for resolved cases and pending cases; No data for civil cases from police courts; Commercial courts: no data for pending cases + new counting rules for resolved cases. For this reason, comparison with previous data is made difficult; not all activities carried out in commercial courts are reflected in the statistics provided. Indeed, the following services are not covered: commercial investigation service, business continuity law, bankruptcy and dissolutions/liquidations.

**(2016):** Administrative cases: Council of State, Aliens Litigation Council, Raad voor Vergunningsbetwistingen, het Milieuhandhavingcollege en de Raad voor Verkiezingsbetwistingen.

The sharp decrease in administrative cases is due to immigration cases. There are 5 administrative courts, two of which are at federal (national) level: the State Council and the Aliens Litigation Council. It is within the latter that there has been a decrease in the number of cases. Immigration and asylum cases are handled by the Conseil du Contentieux des Etrangers. The Aliens Litigation Council is an independent administrative court, which deals with cases "in the first instance", i.e. full substantive litigation or "in cassation", i.e. a decision "in annulment" or "suspension". The Council may be seized with appeals against decisions of the "Commissariat général aux Réfugiés et aux Apatrides", against decisions of the "Office des Etrangers" and against all other individual decisions taken pursuant to the Act of 15 December 1980 on access to the territory, residence, establishment and removal of aliens (Aliens Act).

Please also note that figures for juvenile courts as well as figures for civil cases treated by the police courts are not included in this cycle. These figures present very small number from the total number of cases.

**(2015):** The pending cases of commercial courts, first instance (civil, youth, family) and justice of the peace are not included. Included in pending cases are: labor courts, police courts, courts of appeal, labor court

**(2014):** With regard to non-litigious business registry cases, the central register of notices of seizure, delegation, transfer, collective debt settlement and loan is managed by the National Chamber of Bailiffs. Administrative cases are handled by the State Council (except for cassation rulings), the Alien Litigation Council and the Flemish regional administrative colleges, "Raad voor verkiezingsbetwistingen, Raad voor milieuhandhaving by Raad voor vergunningbetwistingen". (judicial year 2013-2014).

**(2012):** 2010, 2012: Category 1 'civil (and commercial) litigious cases' includes the cases to be tried by the first instance courts, commercial courts (incl. disputed claims), justices of the peace and civil cases of the courts police, but does not apply to civil cases of youth. For 2010, there are no available data on the labour courts because the project to build a data warehouse 'Statistics labour courts' is not yet finalised.

The category 1 does not apply to cases to be tried in second instance by courts of first instance (acting as appeal courts for civil cases heard at first instance by justices of the peace and police courts). Unable to distinguish the cases from category 1, from those in category 2, they are all grouped in category 1.

**(2010):** 2010, 2012: Category 1 'civil (and commercial) litigious cases' includes the cases to be tried by the first instance courts, commercial courts (incl. disputed claims), justices of the peace and civil cases of the courts police, but does not apply to civil cases of youth. For 2010, there are no available data on the labour courts because the project to build a data warehouse 'Statistics labour courts' is not yet finalised.

The category 1 does not apply to cases to be tried in second instance by courts of first instance (acting as appeal courts for civil cases heard at first instance by justices of the peace and police courts). Unable to distinguish the cases from category 1, from those in category 2, they are all grouped in category 1.

## Bulgaria

**(General Comment):** The division by types of cases in the statistical forms published by the Supreme Judicial Council of Bulgaria is quite different from the CEPEJ categorisation and for that reason breakdown cannot be made. Only administrative cases are possible to differentiate due to existence of administrative courts. Furthermore, in Bulgaria registry cases are not resolved by courts. They are under the competence of the Registry agency where is the property register, the commercial register, the BULSTAD register and the Register of the Property Relations between spouses.

Since there is no centralised Case Management System, the information on number of cases in different instances was summed up on the bases of the data collected from different courts and some mistakes are possible due to non-existence of control mechanism to check all the incoming courts data and spot eventual anomalies.

**(2018):** The observed increase in the number of incoming administrative law cases and accordingly in the number of pending administrative law cases at the end of 2018, is a consequence of an increase characterizing the period 2016-2017. As explained in the comment accompanying 2017 data, there is no specific reason for the increase in the number of incoming administrative law cases between 2016 and 2017. During this period there was an increase in the number of cases before the administrative courts (mainly claims under the Administrative Procedure Code, Management of Resources from the European Structural and Investment Funds Act, Tax and Social Insurance Procedure Code, Competition Protection Act, etc.).

**(2017):** 02/11/2018 7:17:04 AM There is no specific reason for the increase in the number of incoming administrative law cases between 2016 and 2017. During this period there was an increase in the number of cases before the administrative courts (mainly claims under the Administrative Procedure Code, Management of Resources from the European Structural and Investment Funds Act, Tax and Social Insurance Procedure Code, Competition Protection Act, etc.).

**(2014):** In 2014, the number of all civil cases considered as an overall category can be obtained by extracting from the total the number of administrative cases. Accordingly, the following data can be provided in respect of the overall category of civil cases (litigious and non-litigious): 67 513 pending cases on 1 January 2014; 294 657 incoming cases; 300 799 resolved cases; 61 371 pending cases on 31 December 2014.

**(2012):** In the frame of the 2012 exercise, it has been explained that the number of pending administrative law cases on 31 December 2012 has increased because of the increase of the number of incoming cases in 2010 (21%) and 2012 (8%). Provided that judges of the administrative courts resolved about 72% on average of the cases during the year, the considerable number of incoming cases in 2012 led to an increase in unresolved cases at the end of the period.

## Croatia

**(General Comment):** In Croatia, the enforcement cases are within only one type of procedure, and one category - Enforcement. Enforcement cases are non-litigious cases, and are therefore presented within row 2.1.- Civil and Commercial non-litigious cases. It should be noticed that bankruptcy cases are subsumed in the category "civil and commercial litigious cases". A bankruptcy registry has not been established in the Republic of Croatia. Since 2014, ICMS was improved as Croatia introduced an updated and very detailed code table, in order to extract more detailed case types from the system. Therefore, since then the distinction between all cases in litigious and non-litigious cases as well as other types of cases can be made very accurately. This change of methodology of categorisation affected the difference between pending cases on 31 December 2013 and pending cases on 1 January 2014 and disappears in the next cycle. For land registry cases there is a special explanation about the way of presenting unresolved cases 2.2.1. (Non-litigious land register cases) we emphasize that on 1 November 2014 the new monitoring methodology of the unsolved land register cases has been introduced, in a way that regular land register cases (e.g. registration) are monitored separately from other land register cases which include objections, appeals, individual correction procedures, proposals to connect the register of deposited contracts and general register and renewal cases, the establishment and amendment of land register. That is the reason of data horizontal inconsistency of data. The same reflects to the 2014, 2015 and 2016 period.

**(2018):** Decrease of the number of incoming cases (34%) in category 2.1. in comparison to previous cycle is due to the significant decrease of enforcement cases which are calculated in this category. Majority of enforcement cases are aimed at debtor's monetary assets based on trustworthy documents – i.e. documents that make the existence of debt highly plausible (such as regular utility bills, telecom operators' invoices, credit card invoices, unpaid installments of bank loans, etc.). Those cases were removed from jurisdiction of courts to public notaries already in 2012., and since then there is year after year decrease of enforcement cases in municipal courts - enforcement based on other types of enforcement titles (other than trustworthy document), as well as enforcement against real property.

**(2017):** The cases relative to the Personal Bankruptcy Act which came into force on 1st January 2016 are handled by the 1st instance Municipal Courts. The data about these cases was not available in the moment of completing the questionnaire for the Evaluation (CEPEJ study for EU Scoreboard) (data 2016) but the data is now available within the ICMS system for the year 2017 and they are incorporated in the category 1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3). There were 268 pending Personal Bankruptcy cases on January 1st 2017, 377 incoming cases in 2017, 281 cases resolved in 2017 and 365 pending cases on 31st December 2017. "Registry cases": In this category there is more than 20% increase of pending cases at the beginning of reference year in comparison to the beginning 2016. The reason are land registry cases. As stated in the previous cycle, the reason for the increased number of pending land registry cases is the significant income of these cases during 2016 and the difficulty for courts to cope with this income in same amount as in 2015. This all reflects on data for 2017. The reason for the decrease in the number of pending administrative cases at the end of the 2017 is laying in the fact that administrative courts received almost 18% less cases than in 2016. Although judges resolved less cases than in previous year, in relation to the income, it was enough to decrease the number of pending cases at the end of 2017 for more than 20%.

**(2016):** More land registry cases has been received in 2016 than in 2014 so the total number of registry cases has increased as well.

During the two-year period (through 2014 and 2015), administrative courts accumulated unresolved cases - they solved significantly less than they received, which led to 15024 pending cases at the beginning of 2016. By the end of 2015, a total of 5 judges were transferred to administrative courts from other legal branches, which resulted in better results in 2016 (more resolved cases).

**(2015):** In 2015 the reorganization of the judicial system in the Republic of Croatia, which is partly related to the reorganization of the second instance proceedings, has been carried out. Consequently, in the county courts there has been a harmonization of case registers and case codes (litigious, non-litigious and other) in a way that in 2015 courts carried out the alignment and correction of the indication of certain types of second-instance civil cases. For this reason, in 2015 the correction of the category of cases according to the new methodology of monitoring has been carried out.

The total of all categories is aligned with the continuity of previous cycle (horizontal consistency), whereas the individual categories in the column "Pending cases on Jan. 1 2015" are presented under the new revised indication of the types of cases. For example, some cases that have been categorized in previous cycles under category 'Other', the courts have categorized according to the certain types of dispute which was possible after new case registers were open (e.g. Enforcement – Security by lien on the basis of an agreement of the parties).

Civil (and commercial) litigious cases (including enforcement cases and if possible without administrative cases under 3) - in this category of cases are included county courts civil cases, as well as litigious and bankruptcy second instance cases of the High commercial court. Enforcement cases cannot be divided into enforcement litigious and non-litigious cases. In the previous cycles we have presented the total of enforcement cases. In the previous 2014 cycle, the enforcement cases have been presented under 2.1. and the same methodology is valid for 2015.

General Civil (and commercial) non-litigious cases e.g. undisputed payment order, request for name change, non-litigious enforcement cases, etc. (if it is possible without administrative cases under 3 and without register cases under 2) –this category includes non-litigious county courts second instance cases, which are, under the code types of cases, identified in the ICMS (Integrated court management system).

Registry cases - this category includes registry cases (point 2.2.2.) dealt by the High Commercial Court of the RoC. As regards land registry cases, dealt by the County Courts in the 2nd instance, we are not able to identify them through the ICMS. The identification and the track-record of those cases is possible as of 1 April 2015. At this moment, these cases are a part of the category "Other non-litigious cases", which are not being expressed in the category "General Civil (and commercial) non-litigious cases".

Table 91 Point 1 – Civil (and commercial) litigious cases (including enforcement cases, and if it is possible without administrative cases that are reflected under 3) – in this category of cases, according to the answer from 2014 and 2013, litigious cases from 1st instance courts and commercial courts as well as the insolvency cases from commercial courts are included. Enforcement cases cannot be divided into litigious and non-litigious enforcement cases. CEPEJ requested a division of the enforcement cases among those arising from final judgement and those that would be referred to the arbitral settlement of disputes or maybe judicial settlement. Republic of Croatia cannot express these categories of enforcement cases separately. In the previous evaluation cycles we have presented the total of enforcement cases. For 2015 and 2014 enforcement cases have been presented in the category "other non-litigious cases".

**(2014):** On 1st November 2014, a new methodology of monitoring unresolved land registry cases was introduced into the judicial system, in a way that regular land registry cases (i.e. registration, note, caution) are not being monitored anymore and therefore are not presented in TOTAL column. Other land registry cases (i.e. objections, appeals, specific corrections, proposals for connection of land registries, establishing and supplementing land registries) are still being monitored.

Accordingly, there are differences in the category "non-litigious registry cases", which reflects to the category "total cases". In fact, the number of pending cases on 31 Dec. 2014 relates only to regular land registry cases, and does not include other land registry cases, which cases are, due to previous methodology, counted in categories incoming and resolved cases.

In the ambit of the 2014 exercise it has been recalled that the requested identification of the number of enforcement litigious cases and the number of enforcement non-litigious cases is impossible to be carried out in Croatia. Accordingly, the overall number of enforcement cases is subsumed in the category "general civil and commercial non-litigious cases".

2014: in comparison to 31 December 2013 and data delivered for the last Justice Scoreboard edition (data 2013), the Municipal Civil Court undertook the harmonization of data due to data migration. Therefore, the different statistical data is the consequence of that migration. Furthermore, after the new standardization of the audit, the Supreme Court has started to be less up-to-date since the number of received cases is far beyond the number of cases which the existing judges and advisors at the Supreme Court may resolve. In resolving the cases at the Supreme Court, advantage is given to urgent cases (determined by laws) and to old cases.

**(2013):** In respect of the category “civil and commercial non litigious cases” and the variations observed for the period 2010-2013, the explanation lies in the up-dated methodology of presentation of data. In 2013 and in contrast with the previous cycles, the Ministry of Justice was able to identify “company registry cases” and present them separately from “other civil and commercial non litigious cases”.

On the occasion of the 2013 exercise, it has been specified that the discrepancies that can be observed in respect of the category “total of other than criminal cases” between the number of pending cases indicated for December 2012 and the number of pending cases communicated for January 2013, are due to the completion of the ICMS system implementation in all courts in 2013 and the following migration and unification of data into the same reporting system (more specifically, the slight difference of 107 cases refers to enforcement cases).

As to the category “general civil and commercial non-litigious cases”, in 2013 it included inheritance cases but excluded company registry cases (presented separately in row 5), while for 2012 the latter were encompassed within the category.

As for the category “non-litigious company registry cases”, their number could be identified for 2013, as the Ministry of Justice was enabled to list the number of company registry cases separately.

The increase in the number of incoming “civil and commercial litigious cases” between 2010 and 2013 was mostly due to the continuity of the negative economic situation in Croatia. By contrast, additional efforts of judges, as well as broadening the scope of powers of court advisors (amendments to the Courts Act) resulted in the increase of the number of resolved cases.

With regard to the category “non-litigious enforcement cases”, it is noteworthy that the observed decreases are related to the effective implementation of the enforcement on pecuniary means that is carried out by the Financial Agency (FINA). Since the creditor submits the proposal for enforcement directly to the Financial Agency (not to the court), these cases are not registered as court files.

In respect of the “non-litigious land registry cases”, it should be noticed that in 2013, the Land Registry Act was amended. Accordingly, court advisors deliver a decision in land registry cases, while the judge supervises its content. The competence of other persons for issuing land registry was also established, electronic delivery of submissions and e-notice board were introduced which significantly improved the resolving of land registry cases.

**(2012):** In respect of the “administrative law cases”, it is noteworthy that till December 2011, they were adjudicated at the Administrative Court of the Republic of Croatia. Provided that the latter was overburdened, the two-instance administrative adjudication was introduced in January 2012. Four regional administrative courts were established as first instance courts (Zagreb, Osijek, Rijeka and Split), and former Administrative Court became second-instance High Administrative Court (appellate court). Moreover, before the amendments to the Administrative Disputes Act, the court was deciding on the legality of administrative acts, and judges were adjudicating without the presence of parties. Since 2012, there is a mandatory oral court hearing before the first-instance courts.

## Cyprus

**(General Comment):** The number of litigious and non-litigious cases cannot be separated and constitute one overall category of civil cases.

**(2018):** The increase in the number of resolved cases is a consequence of the cases tried together. For number of administrative cases, it should be taken into account that cases were consolidated and that 2724 consolidated cases were withdrawn.

**(2017):** The variation concerning incoming (total) and resolved (total and administrative) cases (decrease) is due to the fact that, in 2016, cases were filed and tried in a bundle but each was considered separately for statistical purposes. Put differently, cases were joined together and therefore there was an increase in the number of resolved cases. Accordingly, we can observe a decrease in the number of resolved cases between 2016 and 2017.

**(2015): Variations:** The increase in the number of pending cases between 2010 and 2015 is a result of the bail in Cyprus a lot of administrative cases had been filed against that decision.

The reason for the decrease in the number of resolved cases is that the bail in cases had been consolidated and was tried jointly after 31st of December 2014.

**(2014): 2014: Variations:** The increase in the number of pending cases between 2013 and 2014 is a result of the bail in Cyprus a lot of administrative cases had been filed against that decision.

The reason for the decrease in the number of resolved cases is that the bail in cases had been consolidated and was tried jointly after 31st of December 2014.

## Czech Republic

**(General Comment):** For years 2010, 2012 and 2013, business register cases, administrative cases and insolvency registry cases which are decided by the regional courts (second instance courts) acting as first instance courts, were included in the table concerning the case-load of second instance courts (question 97). On the contrary, since 2014, administrative cases, business registry cases and insolvency cases (and also some litigious cases) which are still decided by the second instance courts acting as first instance courts, are subsumed within the table of question 91 (which was already the case for the 2008 exercise). Methodology has been changed in year 2015 – more case types have been included, which led to the big increment in the number of cases. There are no further changes expected.

**(2018):** Methodology has been changed in 2.1 and 2. (civil and commercial non-litigious cases) in year 2015 – more case types have been included, which led to the big increment in the number of cases.

**(2017):** Methodology has been changed in 2.1 and 2. (civil and commercial non-litigious cases) in year 2015 – more case types have been included, which led to the big increment in the number of cases. Generally the number of incoming cases is decreasing, more use of ADR.

In the previous year the number of resolved cases greatly exceeded the number of incoming cases for other non-litigious cases, which led to huge drop in pending cases and discrepancy appeared.

Non-litigious business registry cases are very easy to resolve and the variance between years in the number of cases (incoming, resolved and pending) is quite big in general. Thus the annual change could easily be (and is) greater than 25 %.

Courts have problems with resolving administrative cases. It follows that number of incoming cases was last year much bigger than number of incoming cases. Thus number of pending cases increased greatly cases and discrepancy appeared.

As to Other cases, insolvency cases are reported. This is relatively new and very specific agenda, which usually takes 5 years to resolve. There was an increase in case filings five years ago, which resulted in growth in the number of resolved cases nowadays. On the other hand, for various reasons (including legislative changes) the number of incoming cases is decreasing.

**(2016):** Methodology has been changed in 2.1 and 2. (civil and commercial non-litigious cases) in year 2015 – more case types have been included, which led to the big increment in the number of cases. Generally the number of incoming cases is decreasing, more use of ADR.

**(2015):** In all evaluation cycles for Czech Republic it was not possible to distinguish number of pending cases solely on 1st instance since each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

Methodology has been changed in 2.1 in year 2015 – more case types have been included, which led to the big increment in the number of cases.

Civil and commercial non-litigious cases include: 2.1 - uncontested payment orders, cases of the upbringing and maintenance of a minor, declaration of admissibility of taking or keeping of a person in a medical (health care) institution, declaration of the death of a person, inheritance proceedings, judicial deposit cases

Category "other" includes: insolvency cases and incidence disputes

**(2014):** In 2014, the high increase of insolvency cases is due to numerous cases of personal bankruptcies as well as to an unfavourable economic situation.

**(2013):** • On the occasion of the 2013 exercise, it is indicated that for the 2012 evaluation cycle the category of enforcement cases includes data concerning exclusively enforcement done by the court itself. For 2013, this category encompasses also enforcement carried out by private executors. In this procedure, the court is also involved. Namely, it authorizes the private executor to proceed to the enforcement and decides about remedial measures against executor's decision.

• As for the category "other", if in 2012 it includes electronic payment orders and probate proceedings, in 2013 it encompasses only electronic payment proceedings which explains the variation that can be noticed between 2012 and 2013. Moreover, in respect of the electronic payment orders, there was a switchover to another register and 174.067 cases were transferred to the new register of payment orders.

• Accordingly, the evolutions related to both of the categories – "non-litigious enforcement cases" and "other cases" affect the values in respect of the totals.

**(2012):** In the frame of the 2012 evaluation cycle, it is explained that the observed variations between 2010 and 2012 concerning the number of pending cases on 1st January, the number of incoming cases and the number of pending cases on 31 December stem from the high number of incoming electronic payment orders in 2011. Besides, it is specified that more enforcement cases are handled by private executors.

**(2010):** In the ambit of the 2010 exercise, it has been emphasized that the continual decrease of pending cases is one of the main goals pursued by the Ministry of Justice. Accordingly, a number of legislative reforms (primarily in civil procedure law), more consequent controls of courts, especially with regard to cases older than 3 years, and other provisions have been approved with the aim of speeding the proceedings and decreasing the number of pending cases.

## Denmark

**(General Comment):** As concerns "non-litigious business registry cases", it is important that because of new regulations/laws, it is possible to start a new company with no prior capital. This causes many more companies and many more closures in some categories and also affect number of pending cases, like for non-litigious business registry cases. Besides from that it is important to note that pending cases always may vary a lot as it is a residual figure when pending prior to the period, received and resolved cases are counted. The number of "administrative law cases" which are litigious is encompassed in the number of "civil and commercial litigious cases".

With regard to "non litigious land registry cases", it should be pointed out that due to the high amount of incoming and resolved cases, the residual figure of pending cases prior and after the period may vary.

**(2018):** As concerns "non-litigious business registry cases", it is important that because of new regulations/laws, it is possible to start a new company with no prior capital. This causes many more companies and many more closures in some categories and also affect number of pending cases, like for non-litigious business registry cases. Besides from that it is important to note that pending cases always may vary a lot as it is a residual figure when pending prior to the period, received and resolved cases are counted. Furthermore, the reason for the discrepancy is that we do not have pending figures from the Maritime and Commercial High Court. The number of "administrative law cases" which are litigious is encompassed in the number of "civil and commercial litigious cases".

With regard to "non litigious land registry cases", it should be pointed out that due to the high amount of incoming and resolved cases, the residual figure of pending cases prior and after the period may vary.

**(2017):** The figures provided in respect of this question are not fully consistent. The Maritime and Commercial Court only measures incoming and resolved insolvency cases but not pending cases. Accordingly, when the data on processed/resolved cases from this court are included, there will always be a small inconsistency. Therefore, vertical and horizontal figures are not totally consistent.

Concerning the category "land registry cases", the number of pending cases on 1 January 2017 is a residual figure from received, finalized and pending cases ultimo the year; it may deviate from pending cases ultimo 2016, but it is a residual figure. The number of pending cases on 31 December 2017 is an actual figure. Concerning the category "registry cases", it is specified that the Maritime and Commercial Court does not publish pending cases which results in a discrepancy.

**(2016):** As concerns "non-litigious business registry cases", it is important that because of new regulations/laws, it is possible to start a new company with no prior capital. This causes many more companies and many more closures in some categories and also affect number of pending cases, like for non-litigious business registry cases. Besides from that it is important to note that pending cases always may vary a lot as it is a residual figure when pending prior to the period, received and resolved cases are counted. The number of "administrative law cases" which are litigious is encompassed in the number of "civil and commercial litigious cases".

With regard to "non litigious land registry cases", it should be pointed out that due to the high amount of incoming and resolved cases, the residual figure of pending cases prior and after the period may vary.

**(2014):** In the ambit of the 2014 exercise, it has been emphasized that due to an improved business situation, courts on all levels receive fewer cases, i.e. civil cases, enforcement cases, forced sales, insolvency cases. Generally speaking, pending cases are also reduced thereby.

The non-litigious business registry cases follow the overall tendency in Denmark.



**(2013):** In the frame of the 2013 exercise, it has been explained that the successive decrease observed in the number of civil and commercial litigious cases stems from the possibility to reopen cases and the missing data on pending cases before the Maritime and Commercial Court.

As for the land registry cases, following the digitalizing in 2009 of land registry, the number of pending cases decreased markedly.

**(2010):** In the frame of the 2010 exercise, it has been explained that the increase of the total number of pending cases in January 2010 compared to the previous evaluation cycle was mainly due to the fact that pending cases for land registry cases were not provided in 2008 but included in 2010, following the emergence of the digital Land Registry Court from September 2009.

Besides, it has been indicated that following the so-called financial crisis there has been a marked increase in the number of enforcement cases which resulted also in the increase of the number of pending enforcement cases.

Finally it has been mentioned that pending cases for "others" were not registered in 2008, while they were so in 2010. Among others "others" include insolvency cases and cases in relation to deceased persons (heritage etc.). In 2010 29,923 such cases were pending but the figure was not part of the statistical calculation system in 2008.

## **Estonia**

**(2018):** The variations in total and in the non litigious cases are due to the number of entrepreneurs that has grown every year, so the number of incoming case is also increasing. Furthermore, the number of real estate transactions has increased and the market is active. The number pending cases end of 2017 is different because the numbers are taken later and the data has been corrected.

**(2017):** There are not any particular reasons to explain variations in the number of non-litigious business registry cases, causing variations in respect of the category "registry cases" and "non-litigious cases". As regards item 2.1 "general civil and commercial non-litigious cases", there is an important discrepancy between the number of pending cases on 31 December 2016 and the number of pending cases on 1 January 2017. The reason is related to the time the numbers have been taken out of the system (see general comment). The fifth column "pending cases older than 2 years", includes cases that are suspended (part 9 of our Code of Civil Procedure, <https://www.riigiteataja.ee/en/eli/506022018001/consolide> ). The proceedings may be suspended for example if the one of the parties dies or falls seriously ill; or if in order to solve the dispute the court needs a resolution of an another case.

**(2016):** The decrease in the number of incoming administrative court cases is due to the decrease in the number of inmate complaints. The variations in total and in the non litigious cases are due to increase of incoming business and land registry cases.

**(2014):** In 2014, the increase of incoming cases in administrative courts is due to a rise of complaints of prisoners. The matter is being dealt with by modifying the procedural law that makes it easier to return unfounded complaints.

As to the decrease in the total of pending other than criminal law cases on 1 January 2014, the performance indicators of courts have justified supplementary budget resources. As a matter of fact, there is an ongoing reform concerning the court budgets and judicial performance indicators. Agreements have to be adopted on the occasion of the budget negotiations between the Ministry of Justice and the courts concerning the efforts that need to be undertaken in court to clear the backlog and accelerate proceedings.

For 2014, non-litigious enforcement cases are included in the category "general civil (and commercial) non-litigious cases".

**(2013):** In respect of the non-litigious business registry cases and the observed decreases between 2012 and 2013, it should be mentioned that in 2012 it was impossible to separate supervisory proceedings from general proceedings and therefore data for 2012 included supervisory proceedings as well.

With regard to the category "civil and commercial litigious cases" and as explained above, the justification of the observed decrease of the number of pending cases over the period 2010-2013 lies in the enhanced efficiency of the first instance courts, while the decrease of the number of incoming cases between 2010 and 2012 is due to the reestablishment of the normal case-flow after the economic crises.

**(2012):** In the frame of the 2012 exercise, it was explained that the land register (together with the marital property register) and the commercial register (together with the non-profit associations and foundations register, commercial pledge register and ship register) are in the composition of the county courts (first instance). The categories "land registry cases" and "business registry cases" include the registration procedures. The latter includes also supervisory proceedings over undertakings. The judicial disputes arising from the registration procedure are included in the category "general civil (and commercial) non-litigious cases".

With regard to the category "civil and commercial litigious cases", the justification of the observed decrease of the number of pending cases on 1 January and on 31 December over the period 2010-2013 lies in the enhanced efficiency of the first instance courts. As to the decrease of the number of incoming cases between 2010 and 2012, it is due to the fact that the big case-flow during the economic crisis has finished and the normal case-flow has been reestablished.

With regard to the category "civil and commercial non litigious cases" and the noticed variations, it is worthy of mention that the dynamics of this type of cases is influenced to a considerable extent by the payment order proceedings that form the largest part of this category. As there is only one courthouse resolving the payment order cases, the changes in the number of incoming payment order cases have an impact on the efficiency and on the number of pending and resolved cases of all non-litigious civil cases.

With regard to the category "administrative law cases", the observed variations have no specific justification and make part of the normal dynamics of the case-flow.

Statistics provided for 2010 do not include enforcement and business registry cases, and no pending cases statistics with regard to land registry cases. On the contrary, these data were provided in the frame of the 2012 exercise, which explains the observed variations in respect of the totals.

**(2010):** Statistics provided for 2010 do not include enforcement and business registry cases, and no pending cases statistics with regard to land registry cases. On the contrary, these data were provided in the frame of the 2012 exercise, which explains the observed variations in respect of the totals.

## Finland

**(2018):** The number mentioned in category 3 includes cases dealt by the administrative courts, the Market Court and the Insurance Court.

The number of administrative cases increased dramatically in 2016 due to the asylum crisis. Accordingly, more judges were hired to deal with cases and make the procedure more effective. The limits in which cases have to be handled have also been shortened in order to reduce the number of pending cases. To tackle this crisis, a legislative reform decentralized the asylum cases from one administrative court (Helsinki) to three other administrative courts as well.

As to "civil and commercial litigious cases", we can notice a very high Clearance Rate for 2016 due to the fact that in 2016 the number of incoming civil cases decreased and courts were able to deal with pending cases. Accordingly, the number of pending cases decreased between 2016 and 2018.

**(2017):** 1. Civil (and commercial) litigious cases: in 2016 the number of incoming civil cases decreased and courts were able to deal with pending cases; accordingly, the number of pending civil litigious cases at the beginning of 2017 has decreased.

2.2.1 From the beginning of the year 2010 Land register cases were transferred to National Land Survey of Finland.

3. Administrative law cases: On appeal, the administrative court reviews the legality of the decision of the authority. The number mentioned in category 3 includes cases dealt with by Administrative Courts, Market Court and Insurance Court.

It is worth mentioning that in 2016 the number of administrative cases increased dramatically due to the asylum crisis. As a result, the number of pending administrative cases at the beginning of 2017 increased considerably. Against this background, Finland had adopted different measures to face the asylum crisis (e.g. decentralisation of the competence in respect of asylum cases from one administrative court (Helsinki) to three other administrative courts). Accordingly, the number of incoming administrative cases for 2017 decreased (28%).

**(2016):** In 2016 the number of incoming civil cases decreased and courts were able to deal with pending cases. The number of administrative cases increased dramatically due to the asylum crisis. Accordingly, more judges were hired to deal with cases and make the procedure more effective. The limits in which cases have to be handled have also been shortened in order to reduce the number of pending cases. To tackle this crisis, a legislative reform decentralized the asylum cases from one administrative court (Helsinki) to three other administrative courts as well. For that reason, statistics show variations as concerns the number of pending administrative law cases in 2016. The number of pending administrative law cases on 1.1.2016 was 20 4775, but due to the decentralization around 5000 cases were transferred from Helsinki to these other courts. In the statistics, these cases do not appear as pending anymore. It is not possible to say how many of them have been resolved, but they are included in the number of resolved administrative law cases.

**(2014):** In the frame of the 2014 exercise, it has been specified that the non-litigious enforcement cases are subsumed in the category "general civil (and commercial) non-litigious cases". The enforcement is of the competence of the enforcement authorities, not of this of courts. Cases mentioned here are appeals in execution proceedings before district courts in accordance with the Execution Act.

**(2012):** As for the category of civil and commercial litigious cases, the important increases noticed between 2010 and 2012 in respect of the items pending cases on 1 January and pending cases on 31 December are the result of an exceptionally high number of incoming litigious civil cases in 2011.

**(2010):** The significant difference observed with regard to the total number of pending other than criminal law cases between 2008 and 2010 is due to the structural change of the district courts network which resulted in the transfer of land registry cases to the National Land Survey of Finland.

## France

**(General Comment):** Non-litigious cases related to the commercial registry are handled by the registry of the commercial court. The activity of the latter is not included in the Ministry of Justice's perimeter.

**(2018):** With regard to the reduction of the number of non-contentious cases, this corresponds both to the impossibility of including data relating to adults under protection in 2018, due to a technical problem, and to the abolition of the approval of over-indebtedness plans by the judge of the Court of First Instance, the proceedings before which are processed by the Over-indebtedness Commission, as from 1 January 2018. Act No. 2016-1547 of 18 November 2016 on the modernization of 21st century justice, known as the "Justice 21 Act" and the Act of 9 December 2016, abolished judicial approval of the measures recommended by the over-indebtedness commission. As a reminder, divorces by mutual consent no longer fall within the competence of the family court.

**(2016):** The important increase in the number of pending non-litigious cases is due to the increased number of requests for ending unions - 60% (especially in 2016) and the increased number of pending cases before execution judges within the TGI in respect of a third party (without significant increase in the number of incoming cases, but a regular increase, namely for the last two years in the number of cases under consideration).

**(2014):** In civil litigation, cases relating to the activity of the liberty and custody judge amount to 98 300 cases in 2014 and have increased by 6.8% compared to 2013. These cases have significantly increased in 2012 (+ 65.5%), due to the law No. 2011-803 of July 2011 on the rights and protection of persons under psychiatric care. The reform systematised the control of psychiatric hospitalisations without the consent of the liberty and custody judge.

## Germany

**(2018):** The high number of administrative pending cases on January 1st and December 31st is a result from the numerous unresolved cases in 2017 due to the rise of asylum seekers since 2015.

Cases of guardianship law in 2018 are not included in the "other cases" category, because changeover of data collections by the Lander.

**(2017):** Source: Federal Statistical Office (DESTATIS)

**(2016):** Source: Federal Statistical Office (DESTATIS)

**(2015):** For civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office for 2015. As for the category "other", it refers to the most recent available data at the closing date of the CEPEJ data collection and encompasses information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. However, some of the Länder were unable to provide complete data regarding this category. Accordingly, the information for this category remains incomplete. The category "other" refers to: local court family cases; guardianship and curator cases at the family court; custodianship cases; curator cases at the custodianship court; proceedings regarding judgments and orders at the labour court.

**(2014):** For civil and commercial litigious and administrative cases, the updated data is solely based on the statistics on the administration of justice published by the Federal Statistical Office for 2014. As for the category "other", it refers to the most recent available data at the closing date of the CEPEJ data collection and encompasses information provided by the 16 Länder on the basis of the query lodged with the judicial administrations of the Länder. However, some of the Länder were unable to provide complete data regarding this category. Accordingly, the information for this category is incomplete and is not comparable. The category "other" includes: local court family cases; guardianship and curator cases at the family court; custodianship cases; curator cases at the custodianship court; proceedings regarding judgments and orders at the labour court.

**(2013):** In the frame of the 2013 exercise, two Landers did not provide data with regard to the number of other than criminal law cases. Besides, one land (Baden-Württemberg) did not provide information for the number of non-litigious land registry cases.

It was explained that the lack of horizontal consistency was due to adjustments. Unfortunately consistent and/or complete data did not exist for all legal cases that should be considered. To some extent information exists only as to new cases and/or cases pending at year end. To some extent there is a lack of more detailed information from some federal states. Thus, the information is incomplete. Accordingly, the following legal cases were not taken into consideration in the information provided for question 91:

Incoming cases:

- payment order procedure: civil courts: 4 751 355; labour courts: 56 053;
- insolvency cases: 143 662;
- cases concerning the civil registry office, wills, estates, accommodations, agriculture, escrow, and public notice proceedings: 1 469 273;

Pending legal cases on 31 December 2013:

- guardianship and curator cases: 12 795;
- insolvency cases: 303 654.

**(2012):** In the frame of the 2012 evaluation it was stressed that the values regarding questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 108 corresponded to data of the year 2011. Four Landers indicated that the information provided for question 91 was incomplete and one land stated it did not have the information available.

**(2010):** For 2010, figures do not include 1 762 104 legal matters dealt with regarding Labour Court payment demand proceedings and legal advice aid cases on which new cases, cases pending at the beginning of the year and those at the end of the year are not covered.

## Greece

**(2017):** The divergence between 31.12.2016 and 1.1.2017 regarding the Civil and Commercial cases (First column of this year's data) is mainly due to the recent operation of the NEW system (integrated Civil and Criminal Court case management system -OSDDY PP) in the Court of First Instance of Piraeus (1587 more cases on 1.1.2017 than those on 31.12.2016). In 2017, the number of "incoming" and "resolved" civil and commercial litigious cases at first instance courts increased due to the fact that in 2017 the function of the courts was not affected by the strike of lawyers, which took place in 2016. The horizontal consistency of the table is not ensured with regard to civil and commercial litigious cases because in 2017 some of the courts which do not yet have an automated system had to make minor adjustments in the statistical data provided to the MoJ. Concerning administrative law cases, any deviations from the 2016 figures, regarding the number of cases on 31.12.2016 and of 1.1.2017 (240650) are due to a number of factors that the General Commission of the State is trying to track down and gradually eliminate. A slight deviation has been noticed for the 2017 data of the administrative first instance courts of Athens and Piraeus, which is due to the data migration to a new information technology (IT) system called "Integrated Court Management System for the Administrative Justice (OSDDY-DD)". This deviation that has already been taken into account by the Central Organizational Committee for the due implementation of OSDDY-DD, is expected to lapse gradually within the next years. Furthermore, deviations have also emerged from the new way of collecting statistical data that the central Organizational Committee is trying to establish in order to ensure the uniform input of data by each court and from recent verifications of relevant numerical data that were subsequently sent by the courts. Finally, discrepancies are also due to errors of the information system itself, for which an effort is being made to identify and inform about, the contractor of the system. The deviation regarding the Number of resolved cases of 2017 from 2016 is due to the fact that in 2017 the function of the courts was not affected by the strike of the lawyers, which took place in 2016. Regarding the new integrated court management system, for administrative cases it has been implemented at all court levels since autumn 2016 and for civil and commercial cases and more especially in the Court of First Instance of Piraeus, the integrated court management system was gradually implemented from March 2016 resulting to an accurate calculation of pending cases of 1/1/2017.

**(2016):** Any deviations from the 2015 figures are due to a new way of collecting statistics. In fact, in 2016, a working group was set up to update and simplify the content of the statistical data requested by the judicial services of the country. The working group created tables followed by detailed instructions and training in relation to the requested information. According to the instructions given to the courts, some procedures they handle, in those which there is no participation of a judge, are not included in the data collected. In addition, in 2016 a long-term abstention by the lawyers of the country took place, resulting in reduction in the number of cases (especially civil and commercial litigious cases).

The number 79.872 of resolved administrative law cases does not include joint cases, i.e. decisions that refer to more than one case. Furthermore, for the 2016 data of the administrative First Instance Courts of Athens and Piraeus a slight deviation has been noted which is due to the data migration to a new information technology (IT) system called "Integrated Court Management System for Administrative Justice (OSDDY-DD)". This deviation that has already been taken into account by the Central Organizational Committee for the due implementation of OSDDY – DD is expected to lapse gradually within the next years.

As concerns the category "civil and commercial litigious cases" - incoming and resolved - in 2016 a long-term abstention by the lawyers of the country took place, resulting in reduction of numbers regarding the cases.

**(2014):** The significant increase in the number of pending cases on 1 January for the total of "other than criminal law cases" between 2012 and 2014 was due to lawyers' abstention for a long time in the years 2013 and 2014.

**(2012):** In the ambit of the 2012 exercise, it has been stressed that, as far as the statistical information provided by the courts is concerned (e.g. replies to questions 91 and 97), the system of collecting data could not comply with the CEPEJ methodology because it was planned having altogether different national needs in mind. Thus, schematically, a case brought into the Greek judicial system gets an initial reference number. However, in the process of being tried, it gets more than one reference number according to the laws. As a result the numbers of incoming and resolved cases do not match.

Moreover, the Ministry of Justice, Transparency and Human Rights was not able to verify the accuracy of the replies, due to the lack of IT system.

Besides, recent law changes have altered the jurisdiction of courts, so the figures communicated for 2012 could not be compared with these provided for the previous evaluation cycles.

**(2010):** The increases observed in respect of the number of "other than criminal law cases" in 2010 are explained by the fact that for 2008, the performance of the administrative courts was not reflected within this question.

## Hungary

**(2018):** One of the reasons of the decreasing number of incoming cases is the new civil procedural code coming into force on the 1st of January 2018. This resulted that many of those parties (especially those who were represented by lawyer) who had the chance to do so, filed their petition before the end of 2017 under the scope of the old and well-known procedural code. Regarding the discrepancy between 2017 and 2018 in the number of registry cases, it is due to the fact that for the first time in 2018, the number of non-litigious business registry cases is available.

**(2017):** Regarding the categories "2.1 general civil (and commercial) non-litigious cases", and "4. other cases" the number of pending cases on 1st of January differ from the closing number of the previous year because of data collection problems at certain regional courts.

In the category "registry cases" the higher number of incoming and resolved cases in 2016 was the result of a large number of involuntary dissolution cases. As the courts finished these cases and backlog cases from previous years the number of resolved cases in 2016 was higher than incoming cases in contrast with 2017.

**(2016):** In category "4. other cases" there is a difference between the number of pending cases on 31 December 2015 and the number of pending cases on 1 January 2016. The cause of this difference is the change of the IT system and the cleansing of the database.

2.1 General civil and commercial non-litigious cases: there was a change in the statistical methodology at the largest regional court that caused a difference in the figures pertaining to pending cases on 1 January 2016.

2.2.3. "other registry cases" include registration of civil societies.

The increase in the number of general civil (commercial) non litigious cases pending on 1 January 2016 is due to the change in the statistical methodology at the largest regional court that caused a difference in the figures.

The number of incoming "other registry cases" increased between 2014 and 2016 because of the increasing number of registry cases of civil societies. Accordingly, the number of resolved "other registry cases" increased also for the same period. With regard to the category "other non-litigious cases", the increased numbers characterizing the period 2014-2016 are the consequence of the increasing number of court mediation cases and non-litigious labour cases.

**(2015):** 2.1. There is a difference between the number of pending cases on 31 December 2014 and the number of pending cases on 1 January 2015. The cause of this difference is the change of the calculation method at some regional courts.

2.2.2. The number of pending non-litigious business registry cases cannot be given as the data is not available in the data management system of the courts, only at the system of the Ministry of Justice.

2.2.3. "other registry cases" include registration of civil societies.

2.3. "other non-litigious cases" include court mediation and non-litigious labour cases.

Civil and commercial non-litigious cases include all of those cases that are not concluded through the rules of the civil procedure, but through a more or less simplified procedure:

- exclusion of a judge,
- preliminary verification,
- issuance of a restraining order and review of that,
- declaring sy legally dead,
- revision of the medical care of mentally disordered patients,
- deposit at the court
- hearing sy on the request of another court
- etc.

Category "other" include: Insolvency cases, labour cases

**(2014):** In 2014, in contrast with the 2013 evaluation, some registration cases were also included within the category "civil and commercial non-litigious cases". The item "other registry cases" includes registration of civil societies. The item "other non-litigious cases" includes court mediation and non-litigious labour cases.

Variations observed in respect of the category "general civil (and commercial) non-litigious cases" over the years are explained by the change of the methodology of presentation of data in 2013. Before 2013, the non-litigious administrative law cases were counted within the category "non-litigious civil and commercial cases". Since 2013, non-litigious and litigious administrative law cases are given together. In 2014, non-litigious enforcement cases were also included in the category "general civil (and commercial) non-litigious cases".

One of the reasons for the increase of the number of incoming administrative law cases over the period was the increase of the number of investigations conducted by administrative authorities (e.g. tax authorities), which resulted in an increased number of reviews against these decisions.

**(2013):** In the frame of the 2013 exercise, several explanations were provided in respect of the observed variations between 2013 and the previous cycles.

Till 2013, the data-provider for non-litigious enforcement cases was the Ministry of Justice. Since 2013, the data-collecting system of courts covers also this group of cases (general non-litigious cases).

Before 2013, the non-litigious administrative law cases were counted within the category "non-litigious civil and commercial cases". Since 2013, non-litigious and litigious administrative law cases are given together.

As for the subcategory "civil (and commercial) litigious cases" the misinterpretation of the question resulted in the inclusion of different case categories in 2012 and 2013. This could have caused different figures for the ending number of pending cases in 2012 and the starting figures in 2013.

## Ireland

**(General Comment):** Historically, the number of pending civil cases has not been recorded in caseload data, as many cases initiated before the Irish courts either settle out of court or are not proceeded with by the plaintiff/applicant without there being any procedural requirement that the parties inform the court of either a settlement or an intention not to proceed with the case. Civil (and commercial) non-litigious cases include proceedings not resolved inter partes, such as undefended pecuniary claims, deed poll applications, probate (grants of representation), wardship proceedings, registrations of enduring powers of attorney, appointment of care representatives, unopposed personal and corporate insolvency proceedings, liquor licencing applications and marriage notice exemption applications.

Category "other" includes: Taxation of bills of costs, Appointment by Chief Justice of Commissioner for Oaths and Notaries Public, Persons called to the Bar; Declarations by newly appointed Judges; Extensions of service granted to District Court Judges/County Registrars; Certificates of Authentication issued.

**(2017):** We are not in a position to offer further comment on the figure for resolved Civil (and commercial) litigious cases.

We are not in a position to offer further comment on variations in the number of incoming and resolved "other" cases.

**(2016):** The decrease in the number of incoming and resolved "other cases" observed for the period 2014 - 2016 is due to a sharp reduction on taxations of legal costs since 2014.

**(2015):** Category "other" includes: Taxation of bills of costs.

**(2014):** 2014 Please note that unless a case has been listed in the court's calendar for the purposes of trial or the fixing of a trial date, parties to civil proceedings in Ireland are not generally required to notify the court either that a case has been settled or that a case is not being pursued further by the plaintiff. Hence, a substantial number of cases which have been completed (through settlement or non-pursuit of the case by the plaintiff without notice to the court) are not recorded and counted as completed. Consequently, the clearance rate appearing from the case flow data provided is considered to understate significantly the actual case clearance rate.

**(2013):** 2013: Variations: From 2013, as part of the efforts being made by the Courts Service to improve its caseload reporting data, the number of enforcement cases has been reported for the first time this year to meet the request for data under the heading. The Courts Service has sought to create a category of cases under the Irish system that would be equivalent to non-litigious enforcement cases under other justice systems. The figure consists of the following steps leading to enforcement measures by court judgments and orders: Execution orders, Registered Judgments, Judgment Mortgage Certificates.

## Italy

**(General Comment):** A different methodology of classification of civil cases is used since 2012. The result is an improved classification and a better split between litigious and non-litigious cases. For 2010, 2012 and 2013, the category of civil and commercial non-litigious cases has an identical content, namely: separation and divorce by mutual consent, interdiction and incapacitation, protective measures for underage, guardianship and trusteeship etc. Since 2014, it subsumes uncontested payment orders, uncontested divorces, technical appraisals, judicial interdiction and incapacitation, hereditament, etc.

**(2018):** Administrative cases. – It should be noted that fast-track simplified proceedings are available for dispute resolution in important areas of administrative law, such as public procurement ("rito appalti"). In 2018, the disposition time for such disputes was 237 days in the first instance and 274 days before the Consiglio di Stato (CDS). Furthermore, requests of interim measures are frequent in administrative law cases (about one third of the cases in first instance and half of the cases before the CDS). They provide fast legal protection of the claimant's rights, often anticipating the final judgment on the merits.

**(2015):** Figures at Q.91 (points 1 and 2) have been extracted from a new IT system called "Civil Data warehouse". This new system allows us to get in-depth information on single proceedings. Before the implementation of such data warehouse, statistics were based on aggregated variables that only partially could distinguish between litigious and non-litigious cases.

As far as figures at Q.91 (point 3), please consider that Administrative Justice doesn't fall under the umbrella of the Ministry of Justice as it is administered by the Council of State (Consiglio di Stato). However, figures at Q.91 (point 3) were not provided by the Council of State, they were rather taken from a public document available online at [https://www.giustizia-amministrativa.it/cdsintra/cdsintra/Notiziasingola/index.html?p=NSIGA\\_3826149](https://www.giustizia-amministrativa.it/cdsintra/cdsintra/Notiziasingola/index.html?p=NSIGA_3826149)

Since the administrative cases (Q.91 point 3) refers to a different administration, it wouldn't be reasonable to compare these numbers against the number of judges provided at Q.46.

Civil and commercial non-litigious cases include: Uncontested payment orders, uncontested divorces, technical appraisals, judicial interdiction and incapacitation, hereditament, etc.

**(2014):** In the ambit of the 2014 exercise, figures for the category "administrative law cases" have been submitted for the first time. As mentioned above, the administrative justice doesn't fall under the umbrella of the Ministry of Justice as it is a completely different administration. For this reason it wouldn't be reasonable to compare these numbers against the number of judges provided at Q.46.

**(2013):** During the second half of 2013 and the beginning of 2014, the Italian judicial system has gone through a historical geographic reorganization with the closing of almost 1.000 courts. As a consequence, the statistics regarding flows of cases at the end of 2013 may show some anomalies that will be adjusted with the following data gathering.

Besides, the variations noticed between 2010 and 2013 in respect of the category of civil and commercial litigious cases and this of civil and commercial non-litigious cases, a constant reduction in the incoming cases is observed from the end of 2009. Additionally, the number of ADR cases is constantly increasing with a filter effect on the litigious incoming files.

**(2010):** In 2010, the obligation to pay court taxes was extended to a particular type of proceedings related to traffic fees (the so called "opposition to administrative sanctions"). Accordingly, since 2010, people who got a fine are less likely to start a proceeding than before. As a result, the number of incoming cases dropped drastically, which led to a significant improvement of the clearance rate and thus of the case-flow at the level of first instance courts.

## Latvia

**(General Comment):** Within the Court Information System, submissions received in the previous year but registered the next year are considered as incoming cases for the new year. "Non-litigious enforcement cases" and "non-litigious business registry cases" are not defined in the Civil Code and both are not within the competence of courts in the first instance (similar to "non-litigious land registry cases").

The category "civil and commercial non-litigious cases" encompasses: applications for securing claim prior to initiation of the matter in a court; applications for securing of evidence prior to initiation of the matter in a court; applications for execution of obligations through the court; undisputed compulsory execution of obligations; execution of obligations in accordance with warning procedures; voluntary sale of immovable property at auction through the court; submitting the subject-matter of an obligation for safekeeping in the court; applications for Commercial Court adjudication execution procedures; applications for arbitrary court decision compulsory execution; applications for property protection if there is no inheritance case; applications concerning execution of court adjudications.

**(2018):** In 2018 there were several stages of court system reform. Several District courts were merged, and The Land Register offices appended to the District courts. Partially due to court system reform, Court Information System database has undergone several error checks and data clean-ups, that has affected amount of cases, especially – unresolved.

**(2017):** Data updated after court reorganisation in 2018.

**(2016):** Data updated after court reorganisation in 2018.

**(2014):** The variations concerning administrative law cases over the period 2012-2014 are due to a change in the legislation. Namely, from July 1st of 2012, appealed administrative decisions of institutions are handed to District courts.

**(2013):** As concerns the variation of the clearance rate and the disposition time in respect of different types of other than criminal law cases between 2010 and 2013, namely as regards the disposition time for the category "civil and commercial non-litigious cases", the justification is based on internal and external factors.

- o The internal factors concern changes in the Civil Procedure Law (creation of new long-pending forms for insolvency cases such as judicial protection proceedings, insolvency proceedings for individuals, etc., whose proportion increased). In Latvia, the insolvency process begins with a court ruling but the case cannot be closed until the end of the insolvency process. Besides, quick pending cases have been transferred from courts to the Land Registry offices due to changes in the Civil Procedure Law from 1 January 2012.

- o As for the external factors, the micro-enterprise development opportunities have increased the number of long-pending insolvency cases in the court (following the above described amendment of the national legislation).

- The variations concerning administrative law cases over the period 2012-2014 are due to a change in the legislation. Namely, from July 1st of 2012, appealed administrative decisions of institutions are handed to District courts.



**(2012):** The total number of incoming, resolved and pending cases on 1 January and on 31 December 2012 has mostly decreased under the influence of external (socio-economic) and internal (court system) factors:

1) the gradually exit from the economic crisis 2010-2014 (gradual decrease of the economic disputes and greater public satisfaction with regard to the authorities);

2) with the aim to improve the effectiveness of the court system, since 1st January 2012, the majority of the non-litigious civil cases (land registry, business registry and non-litigious enforcement cases) were transferred from first instance courts for consideration by the competent Land Registry Department and are not subsumed in the table;

3) with the aim to improve the effectiveness of the court system, since 1st July 2012, the appealed decisions against administrative authorities were transferred from the Administrative court jurisdiction to the Regional courts of general jurisdiction for consideration by judges of the Criminal College. These cases are not included in the table and only cases of the special jurisdiction of the administrative courts are encompassed.

**(2010):** In 2010, the total number of other than criminal cases increased (pending, incoming, resolved, pending) as a result of the increase of the number of administrative law cases on the one hand, and the number of civil cases on the other hand.

As to the administrative law cases, this evolution is due to several factors. Firstly, owing to the financial crisis, the volume of pending complicated administrative cases in first instance courts and the Administrative Regional court increased. Secondly, the relevant legislation has been changed and since 2009, appealed court rulings in administrative matters are handled by administrative district courts. The last reason is the insufficient capacity of administrative courts between 2008 and 2010.

As to the civil cases, the main explanation lies in the financial crisis which resulted in the increase of the number of complicated cases such as insolvency, bankruptcy, employment, etc.

## Lithuania

**(General Comment):** In Lithuania, statistical data on case flow and their classification are made according to the specific regulations and are mainly based on the institutes of Civil, Criminal Codes and the codes of Civil and Criminal procedures, as well as the Code of Administrative Offences and the law on Administrative procedure. Therefore, figures for some of the types of cases are unavailable because there is no such classification while making statistical reports. In respect of the variations that can be observed between figures provided for the different evaluation cycles and in the light of the above described peculiarity of the statistic system of Lithuania, it is noteworthy that cases the number of which is not available are included in other categories, i.e. "civil litigious", "civil non-litigious". Accordingly, the indicated totals are relevant. The changes mainly are influenced by changes in number of incoming cases (developments of constitutional doctrine or amendments in law, etc.).

**(2018):** The decrease in general civil (and commercial) non-litigious cases (2.1.) may have been due to the overall decrease in debtors' natural persons in 2017 and 2018. The latter suggestion is based in data from the credit bureau Creditinfo (1 January, 2019 number of debtors natural persons was 177,055; 1 January - 207,000; 1 January, 2017 - 252 479). Credit Bureau "Creditinfo" stores information about credit risk for businesses and private entities, forms the credit history and establishes credit ratings.

The decrease in "other non-litigious cases" (2.3.): civil cases in process of enforcement (execution) in all district courts was due to changes in the law that came into effect in 2017 July 1, on the basis of which the bailiff, rather than the court of first instance, is responsible for dealing with the succession in enforcement proceedings.

The decrease in "other cases" (4): administrative offence cases (including cases in process of enforcement (execution) in 2017-2018 period was due to the entry into force of the Code of Administrative Offences on 1 January, 2017 which left the handling of a large proportion of administrative misconduct and the imposition of penalties to various public administration entities (out of court). This could also be due to the expanded list of circumstances in which the person is not prosecuted under the Code of Administrative Offences. The decrease in these cases was also influenced by the Amendments to the Criminal Code (on 1 January, 2017) that criminalized persons who drove a road vehicle or taught practical driving while under the influence of alcohol with more than 1.5 ounces of alcohol. In 2018, compared to 2017, the number of cases of administrative offences investigated in district courts decreased by 15.66%, compared to 2016, a decrease of 75.83%. Concerning administrative cases (3): in 2018, the number of cases received increased by 27.35% compared to 2017 (e.g. the number of cases concerning conditions and detention of prisoners, cases concerning the legal status of aliens have significantly increased) and this led to the growth in the number of pending cases at the end of the reference year.

**(2017): Other non-litigious cases:** civil cases in process of enforcement (execution).

Concerning the category "non-litigious cases" the number of pending cases on 1 January 2017 increased considerably compared to their number on 1 January 2016. The same increase characterises the categories "general civil and commercial non litigious cases" and "other non- litigious cases" (pending cases at the beginning of 2017). However, we can observe that at the end of 2017 the number of pending cases decreased concerning the category "non-litigious cases" and the sub-category "other non-litigious cases". Only with regard to "civil and commercial non-litigious cases" the number of pending cases at the end of 2017 increased. We can see that these variations are the result of variations in the number of incoming cases for the period 2015-2017. Besides, as the numbers are small, variations appear important. The main reason for increased pending cases is the increased number of incoming other non-litigious civil cases, i.e. enforcement cases, in 2017. More precisely, in 2017, the number of civil cases in enforcement procedure – requests to change the recoverer, increased. There is no particular reason, besides the fact that some companies were buying the recoverers' rights from other natural persons or legal entities.

As regards the category "other cases", it refers to cases of administrative offences and cases of administrative offences in process of enforcement (execution). Following the entry into force of a new Code of Administrative Offence (1 January 2017), the number of incoming cases of administrative offences decreased. The decrease in the number of incoming administrative law cases in 2017 is explained by the increased number of incoming administrative cases in previous years (due to the decisions of the Constitutional Court).

Registry cases cannot be identified among the overall number of general civil cases.

Administrative law cases: courts received less administrative cases; they are fighting backlogs from previous years.

**(2016): Administrative law cases - courts are fighting backlogs.** This led to the growth in the number of resolved cases and consequently to the decrease in the number of pending cases 31 December 2016.

Other non-litigious cases: civil cases in process of enforcement (execution). The increased number of these incoming cases also results in the increase of number of incoming non-litigious cases. The number of increased incoming other non-litigious cases (enforcement) may be due to the number of the resolved civil cases in 2015 (the number of pending cases on 1 January 2016 decreased). As regards registry cases: the answer should be NA, the NAP was chosen for the calculation purposes: it is not possible to identify those cases among all other general civil cases.

**(2015): Civil and commercial non-litigious cases include court orders**

Category "other" includes: Cases of administrative offences and cases of administrative offences in process of enforcement (execution).

**(2014):** The increase between 2013 and 2014 in number of cases can be explained by the increase in the number of incoming administrative cases and cases of administrative offence. They were mostly cases on remuneration of public servants in 2013 due to the decision of the Constitutional Court of the Republic of Lithuania, which recognized the laws on the reduction of the remuneration of State servants and judges unconstitutional. This also had an effect on the significant increase of the category "other cases" since this situation resulted also in the increase of the number of cases of administrative offence (in execution process).

The significant decrease of 58% of general civil (and commercial) non-litigious cases (pending 31 Dec) in 2014 has been explained by the fact that civil cases on deliver of judicial orders are resolved quickly and such residues are normal.

**(2010):** The increase of the total number of other than criminal cases in 2010 was due to the financial situation of 2009-2010 when a lot of litigants turned to courts in order to secure their financial interests. Such amount of new incoming cases also determined the bigger workload of the judges and all the judicial staff.

As for the category "land registry cases", issues related to land registering are managed by the Real Property Register and Cadastre.

## Luxembourg

**(General Comment):** To date, it is not possible to provide information on pending cases older than 2 years.

**(2018):** The pending cases at the date of 31/12/2017 had to be adapted, since there were 27 cases of vacation court, which were no longer pending at the end of the year. These 27 cases were withdrawn from the 1,341 pending cases indicated in the Scoreboard 2017 to reach 1,314 other pending non-litigious cases on 01/01/2018.

**(2016):** For question 91.1 the new data collection system revealed a higher number of pending cases, previously not considered by those in charge of counting.

For question 91.2.2, the new data collection system provides now information on other non-litigious cases, previously unavailable.

**(2015):** The figures given (with the exception of those for the administrative court) are those of the two district courts (Luxembourg and Diekirch).

The three justices of the peace totaled 78.273 national as well as 285 European payment orders.

**(2014):** The data (except for the Administrative Court) are those of the district courts. Uniform statistical data for both types of courts are not yet available. The three justices of peace ruled 75 411 national payment orders, 260 european payment orders and resolved a total of 6386 cases for a total of 65840 new cases. The implementation of statistics counters for civil and commercial cases resulted in variations. The applied criteria have been refined and give a more accurate image. However, new fluctuations are prone to occur, given that the implementation is not yet complete.

**(2013):** The data is relevant for the judiciary year September 2012-September 2013. It concerns (except for the Administrative Court) district courts. Uniform statistical data for both types of courts (district courts and justice of peace) are not yet available. The District Court of Diekirch rendered 580 decisions and registered 664 new cases. The three justices of peace ruled 69 859 payment orders and resolved a total of 5 682 cases for a total of 6 508 new cases. The increase in the number of civil (and commercial) non-litigious cases" between 2010 and 2013 is partly explained by the establishment in 2011 of the judiciary statistics office. The increase in the number of administrative law cases mainly stems from the increase in the asylum-related disputes on account of the international situation.

**(2012):** The data provided (except for the Administrative Court) are those of the district courts. Uniform statistical data for both types of courts (district courts and justice of peace) are not yet available. The District Court of Diekirch rendered 591 decisions and registered 688 new cases. The three justices of peace ruled 63 651 payment orders and resolved a total of 8041 cases for a total of 9310 new cases. The 2012 data encompasses civil and commercial cases of both district tribunals (Luxembourg and Diekirch).

**(2010):** The 2010 data refers only to the Luxembourg court excluding the district court of Diekirch. The latter rendered 386 judgments and registered 306 new cases for 2010. Concerning the justices of peace, the following data is available: Justice of peace of Luxembourg: 6609 new cases, 4035 judgments rendered; Justice of peace of Esch-sur-Alzett: 2512 new cases, 1966 judgments rendered; Justice of peace of Diekirch: 1801 new cases, 1471 judgments rendered.

## Malta

**(General Comment):** The Administrative Review Tribunal was set up in late 2009 and replaced a number of ad hoc tribunals, each with their own varying caseload. From the moment it has been set-up, till practically 2014, the Administrative Review Tribunal was incorporating all these different caseloads within its own, and this resulted in a disproportional increase in the number of administrative incoming cases, as well as an increase in the pending caseload. Only now is the Tribunal starting to settle down to its normal annual caseload. The figures of "administrative cases" reflect the changes resulting from the integration of the caseloads of the ad hoc tribunals, into the Administrative Review Tribunal.

The observed variations for these cases between 2013 and the following years are due to the fact that in 2014 another magistrate started presiding over the Administrative Review Tribunal thereby increasing the judicial complement to 2 members. This change resulted in an increase in the number of administrative resolved cases leading to the increase in the clearance rate. The low number of incoming cases is reflecting the current intake once all cases from the ad hoc tribunals have been transferred.

As regards the decrease between 2014 and 2015 in the number of pending cases, this is the result of the improvement in the performance and efficiency of the Administrative Review Tribunal during these last 2 years.

Non-litigious data is not available for 2015.

The vast majority of cases heard before the courts of Malta are litigious cases. Nevertheless, there is the Court of Voluntary Jurisdiction which deals with adoptions, appointment of tutor, curators and other administrators, interdiction and incapacitation and opening of secret wills.

**(2018):** This evaluation cycle contains for the first time the efficiency data of the First Hall, Commercial Section which is a new court established in April 2018. Furthermore there was a registered increase in the incoming caseload particularly of the Court of Voluntary Jurisdiction and in cases of dissolution of marriage.

The lack of horizontal consistency results from recounts that happen throughout the year, and that ensure that the data is always as up to date as possible. However when taken as a global figure, horizontal consistency might then be lost.

**(2017):** Apart from the provision of the new non-litigious data captured by sub-section 2.1 above, this year we also introduced the data for another civil, litigious court, namely, the Court of Voluntary Jurisdiction, established by the Civil Courts (Establishment of Sections) Order 2003, in terms of Art 2 of the Code of Organisation and Civil Procedure (Chp 12 of the Laws of Malta). The Court has jurisdiction to deal with, amongst other matters, applications related to adoptions, interdictions and incapacitations, matters related to wills and to trusts, and to specific cases falling under the Foster Care Act (Chp 491 of the laws of Malta).

As concerns pending cases at the beginning of the year, information is not available for the newly provided data, namely data from the Court of Voluntary Jurisdiction and the non-litigious data. These data will be available for the next cycle. Increases observed between 2016 and 2017 in the total of incoming and resolved cases result from the fact that new data has been added (data on non-litigious cases and data from the Court of Voluntary Jurisdiction).

**(2016):** Horizontal consistency: This is a problem encountered also in previous evaluations. Unfortunately this inconsistency results from the way that the data is logged, and it is practically impossible to resolve it at present. Concerning the variations between cycles: In reality, in 2015 the Administrative Review Tribunal worked real hard to reduce the pending caseload and also resolved one set of interrelated cases that translated in the conclusion of about 150 separate cases. So 2015 was a very good year in which the efficiency parameters of the Tribunal spiked. In 2016, the rhythm by which cases were being resolved went back to 2014 figures, hence the apparent decrease in the number of resolved cases between 2015 and 2016. The reduction in the pending caseload is also the result of the additional 150 odd cases that were resolved in 2015 and that dramatically reduced the pending caseload for good, even if the resolved caseload of 2016 was less than that of 2015. Concerning Administrative cases: These figures reflect the pending balance at the beginning of 2016. Throughout 2015, the Tribunal resolved one batch of related cases that resulted in a drop in the number of pending cases and a spike in the number of resolved cases.

**(2014):** For 2014, it has been pointed out that the item “pending cases at 1st January 2014” has been compiled using the data for the 31st December 2013.

It is noteworthy that the category “civil litigious cases” covers family mediation cases and cases before the Court of revision of notarial acts and the Small Claims Tribunal.

As to the category “administrative law cases”, the observed variations between 2013 and 2014 are due to the fact that in 2014 another magistrate started presiding over the Administrative Review Tribunal thereby increasing the judicial complement to 2 members. This change resulted in an increase in the number of resolved cases leading to the increase in the clearance rate.

The discrepancy in the data provided as “pending cases on 31st December 2014” results from an internal exercise being carried out by the Court Administration in which cases that have been prescribed, are being cleaned from the system. This exercise is going to be carried out more frequently so that it does not reflect in discrepancies in the data that is published.

**(2013):** In 2013, the number of administrative law cases continued increasing. In this respect, it should be recalled that the Administrative Court was created in 2010 and, as a result, in 2010, there were few cases before this new jurisdiction. Subsequently, as time passed, the number of areas of competence of the Administrative Court has increased - as a result, cases increased considerably too.

**(2012):** In 2012, the increase of the number of administrative law cases has been justified by the fact that the Administrative Court was set up in late 2010, as a result of which, figure given in the previous report reflected the operation of the Court over a couple of months only. For 2012, the communicated figures reflect the operation of the Court over a twelve month period.

**(2010):** In the ambit of the 2010 exercise, it has been explained that in Malta, enforcement of cases is carried out by the Court Marshalls (enforcement agents) as a result of which, there is no need to refer the enforcement to the court as a case, but merely a warrant of enforcement is presented, of which, no data was available.

As to “business register cases”, all cases relating to business matters are heard by the Civil Court. Accordingly, no separate data exists.

## Netherlands

**(General Comment):** It is noteworthy that in the Netherlands, it is not possible to say whether incoming or pending cases will be litigious or non-litigious. Accordingly, this distinction is only made for the resolved cases. As to the lack of horizontal consistency that can be observed, the reason is that the official number of cases pending on January 1st is determined at different time then the other 3 categories (official incoming, official resolved, official pending on December 31st). Due to time lags in registration and dynamics in the data systems, if the cases pending on January 1st are measured at the same time as the others, the result would be different. Land and business registry cases are not handled in Dutch courts. As to the insolvency cases, their number cannot be identified separately and is encompassed within the general category of civil and commercial litigious cases. The category "civil and commercial non-litigious cases" includes uncontested civil/commercial summons, and civil requests (verzoekschriften), both commercial and family cases.

**(2018):** In the Netherlands, there are some registers that are kept by the judiciary. Those do not include a land- of business registry. See: <https://www.rechtspraak.nl/Registers>

Most registers are related to debt, bankruptcy and help or surveillance of people that are unable to handle their financial situation. There is also a register of 'nevenfuncties', which lists all the jobs/positions that judges fulfill next to being a judge. Mutations in these registers are not counted as court cases. For the category "other registry cases", since the Dutch system does not count mutations in the registers as court cases, the answer is NAP.

**(2017):** None

**(2016):** Number of administrative law cases litigious plus non-litigious.

In 2016, there has been a strong decrease in numbers of cases compared to 2014. This decrease pertains to the group of misdemeanours, in particular the group of traffic offences ("Mulder Law"). The cases of "vorderingen dwangsom" (coercive detainment) are no longer treated by the Public Prosecution. This following complaints at the Ombudsman. These coercive detainment cases increased at first strongly in 2013 and 2014. But after that decision of the Public Prosecution The "Mulder Law" cases decreased from 200.000 in 2014, via 100.000 in 2015 to 40.000 in 2016.

## Poland

**(General Comment):** The attention should be drawn on the fact that it is not excluded to notice horizontal inconsistencies due to omissions or mistakes in statistical information generated by courts as well as to structural changes within the court system. As for the category "civil (and commercial) litigious cases", it includes as well litigious family and labour (employment) cases. Besides, it encompasses also some types of cases decided under chapter II of the Civil Proceedings Code that concern non-litigious cases (such as distribution of inherited assets, separation of common property, demarcation of the real estate) which nature in fact is litigious because of the opposite interests of the parties and contradictory ways of presenting their arguments.

**(2018):** The discrepancy between 2016 and 2018 was realised in 2017 due to the increasing number of mostly non-litigious cases. More details in 2017 data.

Number of pending cases in the category 2.1. General civil (and commercial) non-litigious cases has dropped slightly. That situation is caused by high effectiveness of courts. Number of resolved cases is higher than number of incoming cases. That situation has maintained since 2017.

Higher number of pending cases in Non-litigious business registry cases is temporary and it is a result of higher number of initiated compulsory proceedings. If it is ascertained that the application for entry in the Register or compulsory documents have not been submitted despite expiry of the deadline, the registry court shall call on the obliged parties to submit them.

We observed that the effectiveness of courts has increased and therefore number of pending cases in mentioned category has dropped at the end of the year.

In regard to non litigious land registry cases we observe in Divisions of Land and Mortgage higher staff turnover. It contributes to problems with solving cases, therefore number of pending cases has increased.

In regard to "other" cases we have observed significant increasing of incoming cases without specified category. In this category we include following cases: exemption from costs, reconstruction of files, affidavit of assets, excluding judge etc. Higher number of pending cases on 31 Dec. is a consequence of high number of in incoming cases during the year. It was probably temporary situation.

**(2017):** As to a general explanation for discrepancies in 2016 to 2017 data, it has to be stated that in 2016, there was a substantial number of incoming non-litigious cases, mostly general civil cases, but also registry cases (around 700k cases total).

This important number of cases was not resolved and the backlog remained important at the end of the year. This could explain the large difference of pending cases between 1 Jan 2016 and 1 Jan 2017.

2.1. In 2016 there were serious problems with the information system which is in use in electronic proceedings therefore the number of pending cases on 1 Jan. ref. year has increased. In 2017 we did not notice any problems with mentioned system, so the number of resolved cases has increased significantly. At the same reason the number of pending cases on 31 Dec. 2017 has dropped.

We indicate that fluctuation of the number of cases can be also caused by implemented organizational changes in courts (changes in staff, changes in the organization of work). 2.2. Registry cases (2.2.1+2.2.2+2.2.3) discrepancies are justified in points 2.2.1 and 2.2.2.

2.2.1. Non litigious land registry cases. Higher number of pending cases (on 1 Jan. ref. year and on 31 Dec. ref. year) is caused by Higher number of incoming cases than resolved cases. This situation is related to large-scale investments in infrastructure in Poland Building new roads is closely connected with changes in land registry. We need to indicate that courts have to cope with large number of difficult cases. (Mentioned reason is related to resolved / incoming cases)

2.2.2. Within the changes in business registry cases we can observe significant increase in all types of Application for registration

(first registration) cases, but there is also considerable increase in general business cases (changes in the registry, including cases of

removing from registry). We indicate that it could be caused by fluctuation in compulsory proceedings. Mentioned proceedings are carried on in the cases where it is found that an application for an entry in the National Court Register or the documents whose submission is obligatory were not submitted despite the lapse of the time limit. The registry court shall summon the obliged persons to submit them, and shall set an additional 7-day time limit. We emphasize, that the registry court shall discontinue the compulsory proceedings, if it can be concluded from the circumstances of the case that the proceedings will not lead to the fulfilment of the mentioned obligation. (Mentioned reason is related to resolved / incoming and pending cases)

2.2.3. and 2.3. - Categories do not exist in our judicial system.

**(2016):** Within the changes in business registry cases we can observe significant increase in all types of Application for registration (first registration) cases, but there is also considerable increase in general business cases (changes in the registry, including cases of removing from registry).

In 2016 there were serious problems with the information system which is in use in electronic proceedings therefore the number of pending cases had increased.

## Portugal

**(General Comment):** Since 2007, statistical data concerning pending cases in 1st instance judicial courts are collected through the courts information systems. Being dynamic systems, allowing regular corrections and up-dating, the data collection may lead to oscillation data from previous years resulting in variations in pending cases.

**(2018):** The question 91\_1 "Civil (and commercial) litigious cases", includes the case-flow of civil justice, labour justice and juvenile justice. It does not include civil and labour enforcement cases.

On 1 September 2013, the new Code of Civil Procedure entered into force, establishing a new regime for the enforcement action in Portugal, based on a new paradigm, which states that the processes that run in court must stand out clearly - those who are dependent on the commission of an act of the judge or the secretary – from those who run out of court. This new model, which enables a new way of organizing tasks, of work monitoring and of differentiating responsibilities is provided for in Article 551, paragraph 5 of the new Code of Civil Procedure. This new system follows more closely the current model in other countries and, without prejudice to the specificities of each planning and method of statistical production, will facilitate the future approach to a comparison of the Portuguese system with that of other countries. From a statistical point of view, this new model has not yet however been reflected in numbers, as work is still ongoing aimed at demarcating the procedures that are in court, waiting for an act, from those that are being handled by other entities. Since is not yet possible to provide figures that reflect the amount of work taken on by the courts as referred above, the data does not include civil and labour. The number of enforcement cases for the year 2018 are: Pending cases on 1 Jan. 2018 700.638; Incoming cases:127.646; Resolved cases:222.480; Pending cases on 31 Dec. 2018: 605.804 This numbers correspond to the total number of existing procedures in Portugal in 2018, following the existing model prior to the entry into force of the said legal diploma.

For this reason, the alerts and notes transmitted in previous years with regard to comparisons between countries still remain. A comparative reading of these values must, as we have repeatedly drawn attention, be very cautious, refraining from any comparison in terms of volume or duration of cases and should be limited to the evaluation of the development indicators.

The question 91\_3 "Administrative law cases", includes administrative and tax cases.

The number of Pending cases on 1Jan. that correspond only to tax cases is 47931

The number Incoming cases that correspond only to tax cases is 14895

The number of Resolved cases that correspond only to tax cases is 16828

The number of pending cases on 31 Dec. that correspond only to tax cases is 45998

91.1 Due to increased efficiency of first instance courts, we can notice for the last several cycles a down-ward trend in respect of the number of pending cases, namely civil and commercial litigious cases

**(2017): Q 91.1** - the decrease of pending cases older than 2 years can be explained by the global decrease of these cases. There were no legislative changes that could explain this decrease.

The question 91\_1 "Civil (and commercial) litigious cases", includes the case-flow of civil justice, labour justice and juvenile justice. It does not include civil and labour enforcement cases.

On 1 September 2013, the new Code of Civil Procedure entered into force, establishing a new regime for the enforcement action in Portugal, based on a new paradigm, which states that the processes that run in court must stand out clearly - those who are dependent on the commission of an act of the judge or the secretary – from those who run out of court. This new model, which enables a new way of organizing tasks, of work monitoring and of differentiating responsibilities is provided for in Article 551, paragraph 5 of the new Code of Civil Procedure. This new system follows more closely the current model in other countries and, without prejudice to the specificities of each planning and method of statistical production, will facilitate the future approach to a comparison of the Portuguese system with that of other countries. From a statistical point of view, this new model has not yet however been reflected in numbers, as work is still ongoing aimed at demarcating the procedures that are in court, waiting for an act, from those that are being handled by other entities. Since is not yet possible to provide figures that reflect the amount of work taken on by the courts as referred above (the technical work is still on going), the data does not include civil and labour enforcement cases. The number of enforcement cases for the year 2017 are: Pending cases on 1 Jan. 2017: 804.423; Incoming cases: 148.713; Resolved cases: 249.837; Pending cases on 31 Dec. 2017: 703.299. This numbers correspond to the total number of existing procedures in Portugal in 2017, following the existing model prior to the entry into force of the said legal diploma.

For this reason, the alerts and notes transmitted in previous years with regard to comparisons between countries still remain. A comparative reading of these values must, as we have repeatedly drawn attention, be very cautious, refraining from any comparison in terms of volume or duration of cases and should be limited to the evaluation of the development indicators.

The question 91\_3 "Administrative law cases", includes administrative and tax cases.

The number of Pending cases on 1Jan. that correspond only to tax cases is 49.943

The number Incoming cases that correspond only to tax cases is 14.707

The number of Resolved cases that correspond only to tax cases is 16.811

The number of pending cases on 31 Dec. that correspond only to tax cases is 47.839

**(2016):** " Item 91-1 "Civil (and commercial) litigious cases", includes the case-flow of civil justice, labour justice and juvenile justice. It does not include civil and labour enforcement cases. On 1 September 2013, the new Code of Civil Procedure entered into force, establishing a new regime for the enforcement action in Portugal, based on a new paradigm, which states that the processes that run in court must stand out clearly - those who are dependent on the commission of an act of the judge or the secretary – from those who run out of court. This new model, which enables a new way of organizing tasks, of work monitoring and of differentiating responsibilities is provided for in Article 551, paragraph 5 of the new Code of Civil Procedure. This new system follows more closely the current model in other countries and, without prejudice to the specificities of each planning and method of statistical production, will facilitate the future approach to a comparison of the Portuguese system with that of other countries. From a statistical point of view, this new model has not yet however been reflected in numbers, as work is still on-going aimed at demarcating the procedures that are in court, waiting for an act, from those that are being handled by other entities. Since is not yet possible to provide figures that reflect the amount of work taken on by the courts as referred above, the data does not include civil and labour enforcement cases. The data on enforcement cases for the year 2016 is: pending cases on 1 Jan. 2016: 934.860; incoming cases: 158.164; resolved cases: 289.402; pending cases on 31 Dec. 2016: 803.622. These numbers correspond to the total number of existing procedures in Portugal in 2016, following the existing model prior to the entry into force of the said legal diploma. For this reason, the alerts and notes transmitted in previous years with regard to comparisons between countries still remain. A comparative reading of these values must, as we have repeatedly drawn attention, be very cautious, refraining from any comparison in terms of volume or duration of cases and should be limited to the evaluation of the development indicators. Item 91\_3 "Administrative law cases", includes administrative and tax cases. The separate data on tax cases is as follows: pending cases on 1Jan. - 53.597; incoming cases - 16.445; resolved cases - 20.222; pending cases on 31 Dec. - 49.820. Regarding the decrease in the number of incoming administrative law cases, it results from the decrease in the number of incoming tax law cases, in particular in what concerns misdemeanour appeals".

**(2015):** The category "civil (and commercial) litigious cases" includes the case-flow of civil justice, labour justice and juvenile justice. It does not include civil and labour enforcement cases. On 1 September 2013, the new Code of Civil Procedure entered into force, establishing a new regime for the enforcement action in Portugal, based on a new paradigm, which states that the processes that run in court must stand out clearly - those who are dependent on the commission of an act of the judge or the secretary – from those who run out of court. From a statistical point of view, this new model has not yet however been reflected in numbers, as work is still ongoing aimed at demarcating the procedures that are in court, waiting for an act, from those that are being handled by other entities. It is not yet possible to provide figures that reflect the amount of work taken on by the courts as referred in that table. Just for information, the data on the total number of existing enforcement procedures in Portugal in 2015, following the existing model prior to the entry into force of the said legal diploma is the following: pending cases on 1 Jan. 2015: 1.000.446; incoming cases: 199.359; resolved cases: 272.191; pending cases on 31 Dec. 2015: 927.614.

The category "administrative law cases" includes administrative and tax cases. The separate data on tax cases is the following: pending cases on 1Jan - 47.866; incoming cases - 24.808; resolved cases - 19.164; pending cases on 31 Dec. - 53.510.

**(2014):** For the 2014 exercise, data are not available due to technical constraints that resulted from the disruption of communications between the informatics system that supports the courts activity and the Justice Statistics Information System. The Portuguese Ministry of Justice is working and strongly committed in recovering the information missing in order to establish the normal functioning of the System. Other activities are in course, namely to ensure the accuracy of these data. Data regarding enforcement proceedings and insolvency proceedings are to be due at the end of 2015.

**(2013):** With regard to the increase observed in respect of the number of resolved non-criminal cases and the number of resolved enforcement cases between 2010 and 2013, it is noteworthy that Portugal took important measures in order to improve the courts clearance rate and backlogs. Within these procedures, some measures were focused primarily on enforcement cases, since they represent 70% of the total of pending cases. For example, the government adopted measures with the purpose to eliminate cases where there are no assets to execute or no procedural momentum, as well as measures with the aim to limit the number of incoming cases, establishing initial court fees. In what concerns structural measures, it should be noticed that the new Procedural Civil Code has been adopted in September 2013. In addition, courts with excessive number of pending cases were subject to particular assistance of specialized teams.

**(2012):** With regard to the total number of incoming non-criminal cases and the total number of incoming enforcement cases, the figures provided for 2012 reflect the effects of the entry into force of Decree 113-A/2011 of 29 November, which proceeds to a major judiciary reorganization. These figures reflect the corresponding movement of cases between organizational units. As a result, in 2012 a higher number of cases that have not entered ex novo in the Portuguese courts were taken into account. These cases have ended in the unit/court where they left and entered into the new courts where they were transferred.



**(2010):** In the frame of the 2010 exercise, it has been specified that the total of civil and commercial litigious cases includes the case flow of civil justice, civil-labour and juvenile justice. The number of enforcement cases encompasses de case-flow of civil justice and civil-labour enforcement.

## Romania

**(2018):** In the national Statis system, the cases are recorded on different categories of pending cases. So, in the last column, there are number of cases pending for more than 3 years instead of 2.

Referring to the non-litigious business registry cases, the differences in the statistical data are given by the dynamics in the business environment and the interactions at economic level and do not relate to any manifestation at the level of public authority. By referring to total requests that are the object of registration in the trade register, the influence is insignificant. Referring to the administrative cases, the decrease in the number of pending cases in administrative matters can be determined by aspects such as: certain types of cases that have been exhausted before courts (e.g cases on salary rights of public servants initiated in 2010) or cases such as those on pollution taxes that were mostly exhausted before courts and for which administrative procedures have been expressly regulated as to discharge the huge workload in courts that they have generated. In terms of incoming administrative cases, when referring to a decrease in their number, similar reasons that justify the decrease in the number of pending administrative cases should be taken into consideration, namely, for example, those referring to the administrative procedures that have been expressly regulated as to discharge the huge workload in courts (e.g. regarding to the cases on pollution taxes).

**(2017):** In the national Statis system, the cases are recorded on different categories of pending cases. So, in the last column, there are number of cases pending for more than 3 years instead of 2.

“Administrative law cases”: indeed, the data are correct, namely there is a significant increase in the number of incoming cases in 2017 that could be explained by the changes brought in 2013 to the Law no. 554/2004 of administrative litigations; the amendments resulted in a high number of second appeals in this matter (by number of second appeals we understand all second appeals under the competence of both the Supreme Court (High Court of Cassation and Justice) and of the courts of appeal, because in this matter some of the cases shall be judged in first instance by tribunals and others by the courts of appeals).

**(2016):** In the national Statis system, the cases are recorded on different categories of pending cases. So, in the last column, there are number of cases pending for more than 3 years instead of 2.

The high clearance rate of administrative cases in previous cycles has led to lower significantly the number pending cases. The increase of the number of incoming cases is a consequence of a higher number of requests filed in administrative domain that also triggers an increase in the number of resolved cases. The decrease in the number of non-litigious pending cases as well as "other" pending cases is mostly due to lower number of incoming cases.

**(2014):** By the decision n° 46/2012, the Superior Council of Magistracy has decided that all the courts will implement by 1 January 2014 the IT system of collecting data. The new method is based on new definitions of the indicators. Accordingly, a case is transferred from the field “stocks” to the field “closed” only when the final decision, including its reasoning is drafted signed and communicated to the parties. For that reason, the number of pending cases on 31 December 2013 cannot be identical with the number of pending cases on 1st January 2014.

The initial total number of pending cases has increased as a result of reporting the data into Ecris database. The number of incoming cases and this of resolved cases are comparable from one year to another for the period 2010-2013. The stocks at the end of the period is in relation to the adjustment of the stocks at the beginning of the period, but comparable with 2012.

Concerning the number of administrative law cases the workload has constantly decreased starting with 2012. The increase of stocks initially communicated for 2013 comes from the high number of incoming cases in 2012. The final stock of 2014 is lower also because of the lower number of the new cases in 2013. It may also be noticed that the new cases closed in 2013 was higher than in 2012. The high decrease in the number of incoming, resolved and pending administrative law cases on 31 December between 2013 and 2014 is progressive and is caused by the social climate.

**(2013):** With regard to the category “civil and commercial litigious cases”, because of the delays between hearings that are often very long (usually the first hearing is determined by an electronic system after a long period of time, in relation with the actual workload of judges), the new entered files are not usually finalised within a year.

With regard to the category “civil and commercial non-litigious cases”, all the indicators kept a growing trend in 2012 and 2013. As for the stock of files (pending on 31.12), the increase between 2012 and 2013 is due to the fact that during the same period the number of resolved files has also decreased.

As to the trends observed in 2013 in respect of the “non-litigious enforcement cases” and “non-litigious land registry cases”, data are correct.

As to the category “administrative law cases”, the big differences have always been a reason for concern and continuous analysis. In the report on the status of Judiciary on 2012, it was noted that “in the administrative contentious and fiscal matters, the most of the cases were related to the restitution of the tax for pollution, but also to the obligation of the authorities to register the vehicles, without the payment of the tax for pollution (obligation to perform)”. It should be mentioned that the actions of the legislative have led to the growth of the number of administrative cases in the past 5 years, at tribunals with more than 400% and at the courts of appeal with around 200%.

**(2012):** With regard to the category “civil and commercial non-litigious cases”, all the indicators kept a growing trend in 2012.

As to the category “administrative law cases”, the big differences have always been a reason for concern and continuous analysis. In the report on the status of Judiciary on 2012, it was noted that “in the administrative contentious and fiscal matters, the most of the cases were related to the restitution of the tax for pollution, but also to the obligation of the authorities to register vehicles, without the payment of the tax for pollution (obligation to perform)”. It should be mentioned that the actions of the legislative have led to the growth of the number of administrative cases to be solved in the past 5 years, at tribunals with more than 400% and at the courts of appeal with around 200%.

**(2010):** In 2010, the increase of the number of pending cases before first instance courts fitted within the general trend of increase of the total workload for the respective period of time at national level. As it can be noticed, the number of incoming cases also increased significantly as well as other indicators. The factors influencing the number of new cases within the court were not inherent to the judicial phenomenon.

Although the number of resolved cases increased during the respective period, the fact that the number of the new cases was significantly higher (including the already existing cases) led to a higher final stock of cases at the end of the reference period.

## Slovakia

**(General Comment):** For 2016 data, new methodology was implemented based on the working group’s conclusions and CEPEJ mission’s recommendation (06/2016). Former reporting structure was not consistent with the methodology of CEPEJ, which could lead to inappropriate comparison of Slovak Republic (SR) with other countries. Also, the Ministry of Justice (MoJ) realized that evaluation of courts’ performance by disposed and unresolved (decided and undecided) cases is discriminating SR in comparison with other countries in European Union (EU) as this methodology is not counting a decision of first instance court as disposed until the case becomes valid. This results into reporting such case as unresolved despite respective court has already made a decision and it is no longer in its disposition how - and more importantly when - the case will be resolved (disposed) by the second instance court. This is the nature of reporting of many “unresolved” cases on courts despite court already decided, in fact. Newly proposed way of reporting extracts the numbers of decided cases in respective court instances from “unresolved” and allocates these numbers to those court instances that made an actual decision in respective time. This means that decision validity state is not being awaited for as it could potentially contain an appeal and thus also a time that a case spends on second instance court. Upon decision’s validity the case would become „disposed/resolved“ at the first instance court but most probably it would not be disposed in the same period when it was decided by the (first instance) court. This past methodology (applied by 2016) resulted (visually) in accumulation of unresolved cases while some of them were already decided by first instance court.

**(2018): 1.** Differences in the initial states of things as of 1 January 2018 different from the final states as of 31 December 2017 are due to the introduction of electronic data collection through the Data Collection Application (hereinafter referred to as AZU). When introducing electronic data collection in 2018, the courts were allowed to record the actual state of pending cases as of 1 January 2018 with the aim of not transmitting any inaccuracies from paper collection of previous periods. These differences should not occur in the next year due to the introduction of automatic transfer of the number of undecided cases from the end of the previous period in the electronic data collection.

2. Another reason for the differences in the opening cases as of 1 January 2018 from the closing stocks as of 31 December 2017 is the change in the classification of some court registers between rows in the table in question 91. The change of classification was carried out on the basis of the recommendation of the national correspondent for the SR and after its thorough consultation with the members of the working group GT CEPEJ - EVAL

**(2017):** The data in the table are not horizontally consistent. This is caused by the fact, that the data on pending cases on 1. January 2017 (the same as data on 31. December 2016 given for the previous cycle) were collected in a one-shot collection for the Justice Scoreboard 2017 and were not bound by control patterns of horizontal consistency as it is in the new electronic data collection active since January 2018. The improper initial number of unresolved cases taken from a "paper" collection of data in 2016 caused such differences. Likewise, the transition from 2015 final numbers to 2016 initial numbers were counted up manually from paper collections. We cannot therefore consider the initial numbers as of 1 January as reliable. The transition between the old system of collecting the statistical data to new one is more complicated than was expected, with the setting up of Analytical centre of the MoJ, application of CEPEJ methodology and its tools is one of the targets in the ongoing project between CEPEJ and Ministry of justice of the Slovak republic.

There are still two different IT tools used to collect the statistical data from the courts to Analytical centre. Some inconsistencies in data between the old and new system persist.

The Analytical centre makes every effort to complete the transition between two systems as soon as possible to get reliable data as soon as possible.

As to administrative cases, until the 30. June 2016 the case-jurisdiction in administrative matters in the first instance stipulated by law was divided between Regional courts and the district courts. The general rule was, that the general jurisdiction in first instance lies at the Regional courts. However, there was a small number of proceedings (enumerated in law) where the District courts had the jurisdiction to act as a court of first instance. In reality, more than 90% of all administrative cases were tried by the Regional court as the courts of first instance.

Since 1. July 2016 the new Code of the administrative procedure came into force. According to this new law the Regional courts have the exclusive jurisdiction to try administrative cases as the courts of first instance.

As for the appeal procedure, there is the general rule that the appellate court is the court one level above in the structure of the court system. It means that the appeals against the decisions of the District courts are processed at the Regional courts and the appeals against the decisions of Regional court are processed at the Supreme court as the court of appeal.

In our data for administrative cases in the year 2017 there were some appeal procedures pending at Regional courts as the courts of appeal as the result of application of the previous procedural rules described in point 1. Those appeal proceedings were indicated in table to Q 97

All appeals against the decisions of Regional court (as the courts of first instance) were always tried by the Supreme court and we are presenting this data for all evaluation cycles in the table to Q 99

**(2016):** The new structure of data presented by the Ministry of Justice is the reason for the discrepancies and incompatibility of the data with the previous cycles. As regards the category "general civil non-litigious cases" we notice a decrease of incoming cases as of the year 2013.

In this cycle the succession cases were classified as "Other non litigious cases" while in previous years they were classified as "general civil (and commercial) non litigious cases."

**(2014):** In 2014, it is possible to notice a general increase of the number of incoming and pending other than criminal law cases at all levels of the judiciary. This is mainly a consequence of the increase of the number of litigious cases. The Slovak judicial system for a several years faces significant increases of claims filed with the courts by debt-collecting companies and non-bank loan companies against consumers, as well as class actions of one private company against the State for alleged damages etc. The capacity of judges and court staff to resolve all the cases in a short time is limited.

The higher number of resolved administrative cases in the year 2014 was achieved by the intensive effort to reduce the existing backlogs in administrative cases.

**(2013):** For 2013, a general remark was provided in respect of questions 91, 97 and 101, explaining that there were no specific reasons justifying the variations in the numbers of cases of the particular categories. It was stressed that the Slovak judicial system was facing different types of claims which massively loaded courts of all instances. For example, there was a huge number of legal actions arisen from the loans provided by the so called "non-bank loan companies" where courts had to consider constant violations of the consumer protection law. Besides, there was a huge number of class actions against the State, carried out by one of the non-bank companies for alleged damages etc. The capacity of the court staff to resolve all of the filed cases in the appropriate time period was limited despite the measures which have been taken. In spite of the positive trend concerning the increase of the number of total resolved cases, the number of incoming cases was increasing even more, causing backlogs.

**(2012):** The number of pending enforcement and business registry cases was gradually and considerably decreasing over the period 2011-2012. As concerns the variation noticed in respect of the number of incoming and resolved administrative law cases, it was due to the fact that in 2010 a meaningful number of specific collective claims were filed and resolved.

**(2010):** In the frame of the 2010 exercise, it was specified that the number of enforcement cases did not include enforcement cases executed by private distrainers. It subsumed only enforcement proceedings before courts intended to enforce financial claims of the Judicial Treasury, arisen from the unpaid court fees and the costs of the State. The number of resolved cases exceeded the number of incoming cases, because courts decided the older unresolved cases (the backlog).

## Slovenia

**(General Comment):** Category 1. 'Civil (and commercial) litigious cases' at first instance includes: civil litigious cases at local and district courts, various civil cases at local and district courts, legal aid at local and district courts, international legal aid at district courts, commercial litigious cases at district courts, labour law cases at labour courts, social law cases at social court, various labour and social law at labour and social courts, legal aid at labour and social courts. insolvency cases including compulsory composition, bankruptcy of legal person, bankruptcy of physical person, bankruptcy of inheritance, compulsory dissolution, simplified compulsory composition and preventive restructuring at district courts. The number includes the labour law and social law cases (before specialised labour and social law courts) due to their similarity to litigious cases in material and procedural aspects.

Q91 - Category 2.1. 'General civil (and commercial) non-litigious cases': see Q92.

Q91 - Category 2.2.1. 'Non litigious land registry cases' at first instance includes (at local courts): land registry cases, decisions on appeals at first instance and various land registry cases.

Q91 - Category 2.2.2 'Non-litigious business registry cases ' at first instance includes (at district courts): business registry cases and various business registry cases.

Q91 - Category 2.2.3. 'Other registry cases': No cases were included in this category.

Q91 - Category 2.3. 'Other non-litigious cases': No cases were included in this category.

Q91 -Category 3. 'Administrative law cases' at first instance include (at the Administrative court): - administrative cases and various administrative cases.

Q91 - Category 4. 'Other cases': see Q93.

The above listed cases are classified into CEPEJ categories slightly differently over the years.

Q 91, 97, 99, 101 - Inconsistencies:

Inconsistencies within the tables are possible due to the peculiarity of the Supreme Court's Data Warehouse (used in the Slovenian judiciary as the official source of data since January 1st 2012, at every court, and for providing data to the Ministry of Justice and at the Judicial Council).

It is a "live" system (dynamic reporting), meaning that the reported figures for a specific date or period of time inevitably vary for different reasons (e.g. the data was not promptly entered into the CMS; in some instances, the decision, in which category some specific new cases should be included, may be subsequently changed and when data are unified some figures change; there is also the possibility that a mistake was done when entering the data and was later detected in the quality check and corrected.)

In Data warehouse reports, every category (column in the table) is calculated (counted) separately, therefore the „Pending on 31 Dec“ may not equal to the formula (Pending 1 Jan + Incoming – Resolved) due to fore mentioned influences."

**(2018):** In general, the trend of decreasing number of incoming cases can be observed in all types of civil cases, causing also a decrease in number of resolved and pending cases. In recent years, the number of incoming cases is generally decreasing due to several reasons, partly due to a better economic situation in Slovenia and partly to a successful introduction of new business models in the Slovenian judiciary (informatisation, change of perception when litigants and debtors do not see any profit in prolonging court procedures, gradual settlement of case-law). Accordingly, in last years, clearance rate is at or slightly above 100%.

Administrative cases: The Administrative court is faced with the influx of new cases, due to the implementation of the ECHR judgement 60642/08 (24,5 % of incoming cases in 2017). This caused an increase in the pending and resolved cases. In these cases, the court is faced with new legal and factual issues, as well as administrative difficulties - the actions are often incomplete or the information is insufficient, filled in foreign languages, the foreign parties have yet to nominate a proxy etc. The court has established a special office to perform a preliminary examination of the actions and assist in the exchange of documents between parties, however longer times for resolving cases are expected due to the aforementioned difficulties and the overburdening of the court.

**(2017):** In recent years, the number of incoming cases is generally decreasing due to several reasons, partly due to a better economic situation in Slovenia and mainly to a successful introduction of new business models in the Slovenian judiciary (informatisation, change of perception when litigants and debtors do not see any profit in prolonging court procedures, gradual settlement of case-law). Considering the higher number of incoming cases (number of pending cases is approx. 20%-30% of all incoming cases), a slight variation in incoming cases might have a considerable effect on the number of pending cases. For discrepancies, see general comments.

The Administrative court is faced with the influx of new cases, due to the implementation of the ECHR judgement 60642/08 (24,5 % of incoming cases in 2017). In these cases, the court is faced with new legal and factual issues, as well as administrative difficulties - the actions are often incomplete or the information is insufficient, filled in foreign languages, the foreign parties have yet to nominate a proxy etc. The court has established a special office to perform a preliminary examination of the actions and assist in the exchange of documents between parties, however longer times for resolving cases are expected due to the aforementioned difficulties and the overburdening of the court. At the end of 2017, the first case was ready to be processed on the merits of the case.

**(2016):** In recent years, the number of incoming cases is generally decreasing due to several reasons, partly due to a better economic situation in Slovenia and mainly to a successful introduction of new business models in the Slovenian judiciary (informatisation, change of perception when litigants and debtors do not see any profit in prolonging court procedures, gradual settlement of case-law). Considering the higher number of incoming cases (number of pending cases is approx. 20%-30% of all incoming cases), a slight variation in incoming cases might have a considerable effect on the number of pending cases. For discrepancies, see general comments.

**(2015): Differences in incoming and pending cases (2., 2.1, 2.2, 2.2.1, 2.2.2 - Non litigious cases):**

- In recent years, the number of incoming cases is generally decreasing due to several reasons, partly due to a better economic situation in Slovenia and mainly to a successful introduction of new business models in the Slovenian judiciary (informatisation, change of perception when litigants and debtors do not see any profit in prolonging court procedures, gradual settlement of case-law).

- Considering the higher number of incoming cases (number of pending cases is approx. 15%-20% of all incoming cases), a slight variation in incoming cases might have a considerable effect on the number of pending cases.

**(2014):** In the frame of the 2014 exercise the distribution was the following:

1. 'Civil (and commercial) litigious cases' at first instance includes: P, R, Pom, Pom-i, Pg, Pd, Ps, R, Pom.

2.1 „General civil (and commercial) non-litigious cases“at the first instance includes

1. (former category 2. „General civil (and commercial) non-litigious cases“): N, Ng, Pl, Plg, D, Pr; and 2. (former category 3. ' Non litigious enforcement cases'): I, Ig, In, VL, Z, Zg and R-i.

2.2.1. 'Non litigious land registry cases' at first instance includes (at local courts): Dn, Sdn, Rz.

2.2.2 'Non-litigious business registry cases ' at first instance includes (at district courts): Srg and R-Srg.

2.2.3. 'Other registry cases': NAP.

2.3. 'Other non-litigious cases': NAP

3. 'Administrative law cases' at first instance include (at the Administrative court): U, I Up, II Up.

4. „Other cases“ at first instance includes: Bpp ,COVL, Ov-i, Ov-H and St [(St-01), (St-02), (St-03), (St-04) (St-05)].

In previous cycles, all the mentioned Insolvency (St) cases have been accounted in former category 1. 'Civil (and commercial) litigious cases'."

The number includes the labour law and social law cases, due to their similarity to litigious cases in material (employment contract derives from civil law contract) and procedural (the court procedure in labour and social cases is based on general civil law procedure) aspects. The fore mentioned cases are decided before specialised labour and social law courts and not the courts of general jurisdiction.

**(2013):** In the frame of the 2013 exercise the distribution was the following:

Civil and commercial non-litigious cases at first instance include: N, Ng, Pl, Plg, D, Pr.

Civil and commercial litigious cases at first instance include: P, R, Pom, Pom-i, Pg, St [(St-01), (St-02), (St-03), (St-04) (St-05)], Pd, Ps, R, Pom.

Non-litigious enforcement cases at first instance include (all of them are at local courts): I, Ig, In, VL, Z, Zg, R-i.

Non-litigious land registry cases at first instance include (at local courts): Dn, Sdn, Rz.

Non-litigious business registry cases at first instance include (at district courts): Srg, R-Srg.

Administrative law cases at first instance include (at the Administrative court): - U, I Up, II Up.

"Other" civil law cases at first instance include: Bpp, COVL, Ov-i, Ov-H."

Changes for Q 91 (as well as for Q 97):

1. In civil and commercial litigious cases (1st category) we included the labour law and social law cases that are proceeded by specialised labour and social law courts. For no specific reason they were not included in the reported figures on the number of first instance cases. We included them in the 1st category, since they are similar to litigious cases in material (employment contract derives from civil law contract) and procedural (the court procedure in labour and social cases is based on general civil law procedure) aspects.

2. Various cases – the cases that do not fit exactly to the determined types of civil, commercial, non-litigious, land and business registry, enforcement and administrative law cases, were previously included in other cases (7th category). We decided that 'Other cases' should include only cases outside of the above mentioned legal fields. As various cases do belong to all categories from the 1st to 6th, we included them in the categories that correspond to legal field of each type of various cases.

Variations: With regard to the category 'non-litigious business registry cases', the increase of the number of pending cases on 31 December 2013 can be explained with the fact that there were 8.000 more incoming cases in 2013 than in 2012, but courts were not able to handle the case-load (they solved 200 less cases than they had received). Consequently, the number of pending cases increased, but not as much as in the reported figures. There should be 772 pending cases on 31 December 2013, which is due to the problem with ensuring horizontal consistency' ".

**(2012):** In the frame of the 2012 exercise the distribution was the following:

"Civil and commercial non-litigious cases at first instance include: N, Ng, Pl, Plg, D and P."

Civil and commercial litigious cases at first instance include: P, Pg, St [(St-01), (St-02), (St-03), (St-04) (St-05)].

Non litigious enforcement cases at first instance include (all of them are at local courts): I-ns, Ig-ns, In, Nt\*, I-vl\*, Ig-vl\*, VL, Z, Zg, R-i.

Non litigious land registry cases at first instance include (at local courts): Dn, Rz.

Non litigious business registry cases include (at district courts): Srg.

Administrative law cases at first instance include (at the Administrative court):- U.

"Other" civil law cases at first instance include: Pom , Pom-i, R, Rg, Ov-i, Ov-H, Bpp, COVL, II Upr, I Upr.

\* The following categories existed additionally in 2012:

- Nt – cases for enforcement of the non-monetary claim,

- I-vl – cases for enforcement on the basis of authentic document resulting from the period before the establishment of the Central Department for Authentic Document,

- Ig-vl – enforcement on the basis of authentic document in commercial matters resulting from period before the establishment of the Central Department for Authentic Document,

Changes: In the category "Civil and commercial litigious cases at first instance" we included bankruptcy proceedings, which were in the previous round counted as 'other cases'. The example for this 7th category was "insolvency registry cases", so we mistakenly included here all the cases pursuant to the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act handled by district courts. These are not insolvency registry proceedings, but are according to the Explanatory note to be understood as litigious proceedings.

Variations: The figures of pending cases on 1 January 2012 for non-litigious business registry cases are higher than in 2010, since the number of incoming cases rose from 37 248 in 2009 to 44 960 in 2010 and 48 383 in 2011, which is probably due to the somehow postponed effect of the financial and economic crisis. Nevertheless, courts managed to solve almost all incoming cases, so the number of pending cases is not high, compared to the number of incoming cases.

The rise of total of incoming and resolved cases has to do with the fact that we included for the first time cases that are processed by the Central Department for Authentic Document which operates as a part of Local Court of Ljubljana and has jurisdiction over all enforcement cases on the basis of authentic documents in the state – COVL cases. Although this department has existed since 2008, the data on processed cases was not reported in the previous CEPEJ questionnaires. In 2012 the COVL department had 48 836 pending cases on 1 January, 227 231 incoming cases, 236 313 resolved cases and 39 728 pending cases on 31 December 2012. The nature of the COVL procedures is explained in Q 93.

The area of land registry cases has been in constant improvement since a successful computerisation project in 2003 – the average disposition times have fallen from 18 months to 2 weeks. The lowering of the number of pending cases is the consequence of a better organisation of work and of the totally electronic procedure.

**(2010):** In the frame of the 2010 exercise the distribution was the following:

Civil and commercial non-litigious cases in the first instance include: N,Ng,D, different St, and Pr.

"Other" civil law cases in the first instance include: R, Pl, Pom, R , Plg , Pom-i , Ov-i, Ov-H, Zg, Bpp-d, Il Upr, I Upr, Bpp-a .

Variations:

The decrease in the total number of other than criminal law cases from 443.133 pending cases on the 1 Jan. 2008 to 331.019 cases on the 1 Jan. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved cases in 2008 and 2009 exceeded the number of incoming cases that caused the reduction in the number of pending cases. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources (the number of judicial assistants has increased). On the other hand, the increase in the number of resolved enforcement cases can be attributed to technological developments (the creation of the Central department for enforcement on the basis of authentic documents that is supported by ICT).

## Spain

**(General Comment):** When an error is detected in the statistics of a Court, the latter is allowed doing regularization, what means that the Court communicates the correct figure and rectifies the wrong one even if this does not concord with figures offered for previous exercises. This situation can happen for example in the specific control of cases that the Court makes when a judge leaves the Court (called "alarde"), but in general, in any case in which the Judicial Counsellor detects an error that comes from previous exercises but cannot be localized. The system prefers to correct the data than continue and amplify the error.

These regularizations and the cumulated cases and the re-opened cases are the causes for the horizontal inconsistencies.

**(2018):** The Court of Justice of the European Union (CJEU) of December 21, 2016 and other previous Judgments have meant a massive interposition of lawsuits based on that doctrine, for the civil challenge of general conditions included in financing contracts with real estate guarantees in which the borrower is a natural person. Measures, referred to in previous CEPEJ questionnaires, of specialization of certain judicial bodies have been adopted.

Regarding registry cases, Spain Land Registry and Commercial Registry do not depend on Courts. But, if one disagrees with a decision of the Register (Land or Commercial) or of the Directorate General for Registers and Notaries, he/she can appeal the decision against Courts.

**(2016):** Concerning the Administrative Law cases, between 2014 and 2016, the decrease of 'Pending cases' is probably because the number of resolved cases, both in 2015 and 2016 has been higher than the number of incoming cases (reinforcement measures have been applied).

**(2015):** The horizontal consistency can not be respected because of reopened, cumulated and regularised cases.

Law 10/2012 governing certain fees in the area of the Administration of Justice could explain (especially in Administrative Law cases) the decrease in the number of incoming administrative cases, and logically the decrease in the number of resolved and pending cases.

**(2014):** In the frame of the 2014 exercise, the decrease observed with regard to the category "civil and commercial litigious cases" in respect of all the items (pending, incoming, resolved, pending cases) has been justified by two main reasons. Firstly, since the payment order procedures do not need a decision made by a judge but are of the competence of the judicial counsellor, they have been subsumed in the category of non-litigious civil and commercial cases. Secondly, since paying court fees for natural persons has been compulsory until March this year, there has been a decrease in the incoming cases.

The decreases noticed in the number of pending administrative law cases on 1 January 2014 and the number of pending administrative law cases on 31 December 2014 are due to the decrease of the incoming administrative law cases in 2012. In this respect, it should be recalled that in 2012, there was a decrease of the number of files related to the Public Administration owing to two parameters: plaintiffs have been sentenced to pay the court fees, on the one hand, and, since 2012, they have to be assisted by a lawyer to file an administrative case, on the other hand.

**(2012):** In the frame of the 2010 and 2012 exercises, the lack of horizontal consistency with regard to the total number of pending cases on 31 December has been explained by the fact that inspection services are entitled to correct the number each time they find it inaccurate.

Owing to the economic crisis, the number of civil cases increased significantly, particularly this of small claims. In the frame of the 2012 exercise and with regard to the sub-category "incoming administrative law cases", a considerable variation can be noticed within the periods 2008-2010 and 2010-2012. The explanation lies in the meaningful increase of the number of these cases in 2010, due to the reduction of the salaries of civil servants. In 2012, this number decreased with the decrease of the number of files related to the Public Administration. Two main reasons are advanced in this respect: plaintiffs are sentenced to pay the court fees, on the one hand, and, since 2012, they have to be assisted by a lawyer to file an administrative case, on the other hand.

Besides the general explanation concerning the lack of horizontal consistency, it should be mentioned that this inconsistency is also a result of the inclusion within the table of data related to restarted procedures, while there is not a specific item dedicated to this category of cases.

**(2010):** In the frame of the 2010 and 2012 exercises, the lack of horizontal consistency with regard to the total number of pending cases on 31 December has been explained by the fact that inspection services are entitled to correct the number each time they find it inaccurate.

Owing to the economic crisis, the number of civil cases increased significantly, particularly this of small claims.

## Sweden

**(General Comment):** In respect of the discrepancies that can be observed between the number of pending cases indicated for December of one year and the number of pending cases communicated for January of the next year, it is noteworthy that it is possible to register data afterwards in the operational system Vera which is 'alive'. Accordingly, if one produces data for the same dates at two different moments, one can get small differences in the results.

Land registry cases and business registry cases are not handled at courts in Sweden. Owing to that the reply in their respect is NAP.

**(2018):** Migration cases are included in administrative law cases. 2018 had an increase in incoming cases at the administrative courts due to a general increase of nearly all case categories. Civil and commercial litigious cases also increased in 2018 compared to 2017.

**(2017):** 2017 had an increase in incoming cases at the administrative courts due to an increase of social Insurance cases and migration cases. A great many immigrants came to Sweden in 2015 and this reflects the number of incoming cases to the courts in 2017. Regarding the increase in social insurance cases, the Swedish Social Insurance Agency resolved a lot of cases previous year and this resulted in an increase of appealed cases to the administrative courts. Also the Swedish Social Insurance Agency has been more restrictive in granting sickness allowance, sickness benefit and activity allowance.

**(2014):** Till 2014 and the new CEPEJ methodology of presentation of data, the enforcement cases were not presented separately, but subsumed in the category of civil litigious cases.

## Question 92

### Austria

**(General Comment):** The category of civil and commercial non-litigious cases for all of cycles includes: commencement of bankruptcy proceedings; bankruptcy proceedings; composition proceedings; non-litigious proceedings about rent, nonprofit cooperative association for housing, home ownership; proceedings about lease of farm land; wardship cases in connection with administration of assets, custody and maintenance; uncontested payment orders.

**(2014):** For the year 2014, this category has been extended to the enforcement cases.

### Belgium



**(General Comment):** Commercial Court (2.2.2): non-contentious cases related to the commercial register: the number of incoming cases = the number of cases handled, because only the filing date is known. For this reason, it was decided to indicate the same number in both columns. - this procedure only concerns acts registered by the legal persons department of the commercial courts and concerns the following acts: (free publication of the) deed of incorporation and amendment of the NPOs (and non-NPOs), (amendment of) the articles of association, directors, persons delegated to the daily management, auditors, dissolutions, liquidations, liquidators, copies of the register of members, annual accounts, general meeting, various and coordinated texts of the articles of association. For documents filed electronically, the incorporation deed and the amendment deed were recorded.

## Croatia

**(General Comment):** The category “civil (and commercial) non-litigious cases” encompasses all non-litigious cases that are not stated in the different categories.

**(2014):** For 2013 and 2014, the provided examples concern only question 92: exercise of the parental care; meeting and spending time with parent; obtaining the capacity to exercise rights of minor that became parent; decision with whom the child will be living; issuing of the permit for entering into marriage before age of majority; deprivation/returning of capacity to exercise rights; deprivation/returning /prolongation of parental care; deprivation of parents' right to live with the child and raise the child; content of court will; security of evidence; setting-up/derogation of necessary passage; setting-up of court deposit, opening of a safe; verification of a contract on life-long support; amortization of documents; trust of a child with behavioural disorder; the recognition of foreign court decisions; declaring a missing person dead; co-ownership dissolution; meetings and spending time with grandmother, grandfather, sister, brother, half-sister, step-brother; land borders; regulation of relations between co-owners; restraining a child; providing legal aid; conclusion of court settlement; inheritance statement; proof of death; regulation of co-ownership relationships; boundaries and necessary passage; determination of extramarital union; other- family non-litigious proceedings; storage of the testament; providing international legal assistance; verification; other –the rest of non-litigious proceedings; international child abduction; other - proclamation of the deceased and proof of death; the appointment of members of the companies body; the appointment of auditors, temporary/interim administrator; the safeguard of evidence; the establishment of a court deposit; opening of the safe deposit box; registry cases; previous measures; forcible establishment of lien; temporary measure; temporary and previous measures, recognition of arbitration decisions; recognition of a foreign court decision; cases entering in the scope of Article 4 point 2 of the Companies Act; court insurance by the transfer of ownership and rights.

**(2013):** For 2013 and 2014, the provided examples concern only question 92: exercise of the parental care; meeting and spending time with parent; obtaining the capacity to exercise rights of minor that became parent; decision with whom the child will be living; issuing of the permit for entering into marriage before age of majority; deprivation/returning of capacity to exercise rights; deprivation/returning /prolongation of parental care; deprivation of parents' right to live with the child and raise the child; content of court will; security of evidence; setting-up/derogation of necessary passage; setting-up of court deposit, opening of a safe; verification of a contract on life-long support; amortization of documents; trust of a child with behavioural disorder; the recognition of foreign court decisions; declaring a missing person dead; co-ownership dissolution; meetings and spending time with grandmother, grandfather, sister, brother, half-sister, step-brother; land borders; regulation of relations between co-owners; restraining a child; providing legal aid; conclusion of court settlement; inheritance statement; proof of death; regulation of co-ownership relationships; boundaries and necessary passage; determination of extramarital union; other- family non-litigious proceedings; storage of the testament; providing international legal assistance; verification; other –the rest of non-litigious proceedings; international child abduction; other - proclamation of the deceased and proof of death; the appointment of members of the companies body; the appointment of auditors, temporary/interim administrator; the safeguard of evidence; the establishment of a court deposit; opening of the safe deposit box; registry cases; previous measures; forcible establishment of lien; temporary measure; temporary and previous measures, recognition of arbitration decisions; recognition of a foreign court decision; cases entering in the scope of Article 4 point 2 of the Companies Act; court insurance by the transfer of ownership and rights.

**(2012):** For the 2012 exercise, the provided indications constitute replies to both questions 92 and 93.

The non-litigious cases were divided in the following categories:

1. Non-litigious cases referred to issues on personal status (status law): restriction, deprivation and returning of capacity to exercise rights; prolongation of parental care; deprivation and restriction of parental care; permit for entering into marriage; confession of fatherhood; detention in the institutions for mental diseases; promulgation of vanished persons dead and proving of death;
2. Non-litigious cases referred to property issues: inheritance proceedings; regulation of co-ownership relations; division of property and voluntary transmission of common property; boundary regime/regulation; amortization of decrees; conduction of different registers;
3. In the scope of non-litigious cases there have been developed special, different units: bankruptcy proceedings; liquidations and forced settlements; land registry proceedings; enforcement proceedings.

## **Czech Republic**

**(2014):** For all of the four exercises (2010, 2012, 2013 and 2014) the category of civil and commercial non-litigious cases encompasses cases of upbringing and maintenance of a minor. In 2014, it subsumes also declarations of admissibility of taking or keeping a person in a medical (health care) institution and declarations of death of persons.

## **Denmark**

**(General Comment):** Paternity, adoption, guardianship and others in the same category; cases under inquisitorial procedures.

## **France**

**(General Comment):** Other non-litigious civil cases include: divorce by mutual consent, legal separation, change of matrimonial regime, applications relating to parental authority, adoption, medically assisted procreation, incapacity of a minor, inheritance, compensation for invasion of privacy, change of name, civil status, nationality, operation of a grouping and discipline of notaries and ministerial officers.

**(2014):** In 2014, the category civil cases (and commercial) non-litigious are also included in non-litigious cases relating to enforcement.

**(2010):** 2010: The civil judge may rule in non-contentious matters, when in the absence of dispute it receives a request that the law requires to be under its control. In this context, the judge intervenes to check the acts and give them an authenticity (such is the case of approval of agreements resulting from alternative dispute resolution such as mediation, conciliation, compromise or participatory procedure) . Resort to the judge may also have to objective to ensure the protection of minors or incapacitated adult (approval of the deliberations of the family council on an amicable sharing for example), protection of the family (adoption order, change of matrimonial regime or divorce on joint petition, for example) or the protection of private individuals (provisional administrator nomination).

## **Germany**

**(2012):** In 2012, the value entered was calculated by deducting the contentious judgments from of all sets of proceedings that were resolved before the Local and the Regional Court in civil cases (not including those passed on within the court). Those sets of proceedings that are resolved other than by contentious judgment were particularly resolved by default, acknowledgement or waiver judgments, settlements, withdrawal of the charge or of the motion, staying of the proceedings or non-pursuance and orders in accordance with section 91a of the Code of Civil Procedure.

**(2010):** In 2010, the value entered was calculated by deducting the contentious judgments from of all sets of proceedings that were resolved before the Local and the Regional Court in civil cases (not including those passed on within the court). Those sets of proceedings that are resolved other than by contentious judgment were particularly resolved by default, acknowledgement or waiver judgments (369 185), settlements (259 591), withdrawal of the charge or of the motion (182 384), staying of the proceedings or non-pursuance (73 392) and orders in accordance with section 91a of the Code of Civil Procedure (53 604).

## **Ireland**

**(2014):** Starting 2014 the category: "Appointment of care representatives" was added to the "Civil (and commercial) non-litigious cases"

## **Lithuania**

**(2014):** For 2013 and 2014, the category "civil and commercial non-litigious cases" includes court orders.

**(2013):** For 2013 and 2014, the category "civil and commercial non-litigious cases" includes court orders.

## Luxembourg

**(2014):** 2014: Category 2 (civil (and commercial) non-litigious cases) refers to European payment orders issued by two district courts. They are handled almost immediately, so that there is no stock at the end of the period. That is why the pending cases as well as incoming cases are classified as NAP.

**(2013):** 2012: Category 2 (civil (and commercial) non-litigious cases) refers to payment orders issued by district courts. They are handled almost immediately, so that there is no stock at the end of the period.

**(2012):** 2012: Category 2 (civil (and commercial) non-litigious cases) refers to payment orders issued by district courts. They are handled almost immediately, so that there is no stock at the end of the period.

## Poland

**(General Comment):** The category of civil (and commercial) non-litigious cases (including non-litigious family cases) covers all the rest of cases decided under chapter II of the Civil Proceedings Code which are non-litigious cases (such as ascertainment of the acquisition of an inheritance, cases connected with birth, marriage and death records, declaration of dead, adoption as well as summary and injunction proceedings in money payment cases).

## Portugal

**(2013):** On the occasion of the 2010, 2012 and 2013 exercises, it has been specified that the category of civil (and commercial cases) litigious cases includes the case flow of civil justice, labour justice and juvenile justice.

**(2012):** On the occasion of the 2010, 2012 and 2013 exercises, it has been specified that the category of civil (and commercial cases) litigious cases includes the case flow of civil justice, labour justice and juvenile justice.

**(2010):** On the occasion of the 2010, 2012 and 2013 exercises, it has been specified that the category of civil (and commercial cases) litigious cases includes the case flow of civil justice, labour justice and juvenile justice.

## Slovakia

**(General Comment):** The category "civil (and commercial) non-litigious cases" includes all cases arisen from legal relationships regulated by family law (maintenance cases, custody of the child, visiting rights, guardianship, divorce cases with the ruling on rights and obligations towards the minor child etc.), cases related to assessment of the legal capacity of natural persons, reminder procedure (electronic payment orders).

## Slovenia

**(General Comment):** Categories used in "Civil and commercial non-litigious cases": all non-litigious civil cases at local and district courts, non-litigious commercial cases at district courts (different kinds of personal and family status, property and other disputes, provided by the Non Contentious Procedure Act or other law, procedures for issuing a payment order at local and district courts in civil matters, procedures for issuing a payment order in commercial matters at district courts, cases pursuant to the Inheritance Act at local courts, cases pursuant to the Mental Health Act at local courts; and civil enforcement cases on the basis of an enforcement title, commercial enforcement cases on the basis of an enforcement title, cases for enforcement on real-estate property, enforcement cases on the basis of authentic document in civil matters after the writ for the execution became final, temporary injunctions in civil matters, temporary injunctions in commercial matters, various enforcement cases. The above listed cases are classified into CEPEJ categories slightly differently over the years.

**(2014):** 2014 Category 2.1 „General civil (and commercial) non-litigious cases“at the first instance includes 1. (former category 2. „General civil (and commercial) non-litigious cases“): N, Ng, PI, Plg, D, Pr; and 2. (former category 3. ' Non litigious enforcement cases'): I, Ig, In, VL, Z, Zg and R-i.

**(2013):** 2013 Civil and commercial non-litigious cases at first instance include: N, Ng, PI, Plg, D, Pr.

**(2012):** 2012 "Civil and commercial non-litigious cases at first instance include: N, Ng, Pl, Plg, D and P."

**(2010):** 2010: Civil and commercial non-litigious cases in the first instance include: N,Ng,D, different St, and Pr.

### Spain

**(2014):** For the 2014 exercise, the category "civil and commercial non-litigious cases" encompasses payment order procedures and requests for undisputed matters such as settlement proceedings and divorce with mutual consent.

**(2012):** For the 2010 and 2012 exercises, the category "civil and commercial non-litigious cases" includes non-litigious divorces and cases of voluntary jurisdiction and internments as well.

**(2010):** For the 2010 and 2012 exercises, the category "civil and commercial non-litigious cases" includes non-litigious divorces and cases of voluntary jurisdiction and internments as well.

### Sweden

**(General Comment):** The category of civil and commercial non-litigious cases includes joint petitions for divorce and cases related to custody of children.

### Question 93

### Austria

**(General Comment):** The category of other cases encompasses: probate proceedings; cases concerning the administration of justice; cancellation proceedings and proceedings in connection with [official] declaration of death; authentication of signatures; proceedings intended to render legal assistance in civil matters for other courts (also international ones); general civil proceedings, that are not allocated to other categories of cases; some non-litigious family matters.

### Belgium

**(General Comment):** other: number of protective cases concerning minors before juvenile courts. These are the 'facts qualified as offences' (offences committed by minors) and the facts 'situations of minors in danger'.

### Bulgaria

**(General Comment):** Till 2014, the sum of all civil and commercial cases (litigious and not litigious) heard by first instance courts was represented within item "other". However, in order to ensure better consistency of the comparative analyses of the CEPEJ, starting from 2014 exercise, even the category "other" is answered by "NA".

### Croatia

**(2014):** In 2013 and 2014 the reply NAP in respect of the category "other" is due to the fact that a bankruptcy registry has not been established in the Republic of Croatia.

**(2013):** In 2013 and 2014 the reply NAP in respect of the category "other" is due to the fact that a bankruptcy registry has not been established in the Republic of Croatia.

**(2012):** For the 2012 exercise, the provided indications constitute replies to both questions 92 and 93. Non-litigious cases were divided in the following categories:

1. Non-litigious cases referred to issues on personal status (status law): restriction, deprivation and returning of capacity to exercise rights; prolongation of parental care; deprivation and restriction of parental care; permit for entering into marriage; confession of fatherhood; detention in the institutions for mental diseases; promulgation of vanished persons dead and proving of death;
2. Non-litigious cases referred to property issues: inheritance proceedings; regulation of co-ownership relations; division of property and voluntary transmission of common property; boundary regime/regulation; amortization of decrees; conduction of different registers;
3. In the scope of non-litigious cases there have been developed special, different units: bankruptcy proceedings; liquidations and forced settlements; land registry proceedings; enforcement proceedings.

## Cyprus

**(General Comment):** In Cyprus the number of cases presented in Q91 includes military court cases, rent tribunal cases, labour court cases and admiralty cases.

## Czech Republic

**(General Comment):** For 2010 and 2012 the category "other" subsumes electronic payment orders and probate proceedings, while for 2013, it encompasses only electronic payment orders. By contrast, for 2014, its content covers insolvency cases.

## Denmark

**(General Comment):** Estate of deceased persons, notary, insolvency cases not included under 2.2.2. above.

## Germany

**(2014):** For the 2013 and 2014 exercises, the category "other" includes: Local Court family cases; guardianship and curator cases at the family court; custodianship cases; curator cases at the custodianship court; proceedings regarding judgments and orders at the labour court.

**(2013):** For the 2013 and 2014 exercises, the category "other" includes: Local Court family cases; guardianship and curator cases at the family court; custodianship cases; curator cases at the custodianship court; proceedings regarding judgments and orders at the labour court.

**(2012):** In the ambit of the 2012 exercise the category "other" includes: family-court jurisdiction, labour courts (proceedings leading to a judgment or a decision) as well as guardianship and custodianship courts. The figures do not include 1 426 805 new legal matters related to payment proceedings before labour courts, registry office cases, inheritance cases, custody, agriculture, legal aid, deposit cases and public notice proceedings with regard to which resolution or the number of cases pending at the beginning and at the end of the year are not recorded. The figures also do not include 202 106 new legal cases related to insolvency proceedings with regard to which only resolution is recorded (292 821).

**(2010):** In the ambit of the 2010 exercise, the category "other" includes: family-court jurisdiction, labour courts and guardianship and custodianship courts. The figures do not include 1 983 931 new legal matters related to registry office cases, declarations of death, inheritance cases, custody, agriculture, legal aid, deposit cases, public notice and insolvency proceedings with regard to which resolution or the number of cases pending at the beginning and at the end of the year are not recorded.

## Hungary

**(2013):** In 2010, 2012 and 2014 the category "other" encompasses insolvency registry cases and labour litigious cases. In 2012, additionally it includes misdemeanour cases. In 2013, the category subsumes insolvency cases and non-litigious labour cases.

## Ireland

**(2014):** From 2014, the range of 'Other cases' has been revised to incorporate the category 'certificates of taxation of legal costs issued'. This can explain the fact that different elements have been included in the category 'other' in 2013 and 2014.

## Italy

**(2014):** In the ambit of the 2014 exercise, the category "other" encompasses the number of enforcement cases.

## Lithuania

**(2013):** For 2010, this category encompasses only cases of administrative offence, while since 2012 it subsumes also the administrative offence cases in the process of execution.

## Luxembourg

**(2010):** 2010: the last category "other cases" includes insolvency cases. There is no backlog in this matter since these cases are always urgent.

## Poland

**(General Comment):** The category "other" includes first of all social security cases and cases related to the application of correctional and educational measures as required in juvenile cases and execution of guardianship or tutoring.

## Slovakia

**(General Comment):** The category "other" encompasses bankruptcy and debt restructuring cases, including the debt elimination procedure (bankruptcy of the natural persons), issuing of the enforcement permission for the enforcement agents, enforcement of court rulings on the visiting rights to minor child and enforcement of court fees receivables.

## Slovenia

**(General Comment):** Category 4. „Other cases“ at first instance includes: free legal aid at district courts, labour courts and at the Administrative court, enforcement cases on the basis of authentic document in civil matters before the writ for the execution became final (all cases processed at the Central Department for Authentic Document at the Local Court of Ljubljana – exclusive jurisdiction), international attestations at district courts, attestations according to the Hague convention at district courts.

**(2014):** 2014 4. „Other cases“ at first instance includes: Bpp ,COVL, Ov-i, Ov-H and St [(St-01), (St-02), (St-03), (St-04) (St-05)].

In previous cycles, all the mentioned St cases have been accounted in former category 1. 'Civil (and commercial) litigious cases'."

**(2013):** 2013 "Other" civil law cases at first instance include: Bpp, COVL, Ov-i, Ov-H."

**(2012):** 2012 "Other" civil law cases at first instance include: Pom , Pom-i, R, Rg, Ov-i, Ov-H, Bpp, COVL, II Upr, I Upr.

**(2010):** 2010: "Other" civil law cases in the first instance include: R, Pl, Pom, Plg , Pom-i , Ov-i, Ov-H, Zg, Bpp-d, II Upr, I Upr, Bpp-a .

## Sweden

**(General Comment):** For 2012, 2103 and 2014, the category "other cases" encompasses property cases, environmental cases, cases relating to the Planning and Building Act.

**(2010):** For 2010, the category “other cases” encompasses property cases and environmental cases.

## Question 97

### Austria

**(2017):** In the area of appeal cases concerning other than criminal law cases only the categories of general civil law, labour law and social law are gathered. The administrative cases are NAP in second instance since they are presented in first and final instance.

**(2016):** In the area of appeal cases concerning other than criminal law cases only the categories of general civil law, labour law and social law are gathered. The administrative cases are NAP in second instance since they are presented in first and final instance.

### Belgium

**(General Comment):** Number of cases before courts of appeal, labour courts and cases of appeal against decisions of justices of the peace and police courts, at the first instance level.

Court of Appeal (civil matters): pending cases at 1/01/2018 = 33,018; pending cases at 31/12/2018 = 32,321; pending cases for more than 2 years from the date in which the case is brought before the courts of second instance = 13,507. Labour Court: pending cases at 1/01/2018 = 6236; pending cases at 31/12/2018 = 6201; pending cases for more than 2 years from the date in which the case is brought before the courts of second instance = 1535. Bron: datawarehouse (extraction 1/09/2019)  
no data on pending appeals against decisions of the justices of the peace and police courts at the first instance level.

**(2018):** Number of cases before courts of appeal, labour courts and cases of appeal against decisions of justices of the peace and police courts, at the first instance level.

Court of Appeal (civil matters): pending cases at 1/01/2018 = 33,018; pending cases at 31/12/2018 = 32,321; pending cases for more than 2 years from the date in which the case is brought before the courts of second instance = 13,507. Labour Court: pending cases at 1/01/2018 = 6236; pending cases at 31/12/2018 = 6201; pending cases for more than 2 years from the date in which the case is brought before the courts of second instance = 1535. Bron: datawarehouse (extraction 1/09/2019)  
no data on pending appeals against decisions of the justices of the peace and police courts at the first instance level.  
In administrative matters, there is no second instance. The Council of State is the only supreme court.

**(2017):** Number of cases before courts of appeal, labour courts and appeals against decisions of justices of the peace and police courts at the first instance level.

Courts of Appeal: Justice in numbers

**(2016):** Number of cases before courts of appeal, labour courts and cases of appeals against decisions of justices of the peace and police courts, at first instance.

### Bulgaria

**(General Comment):** The division by types of cases in the statistical forms published by Supreme Judicial Council of Bulgaria is quite different from the CEPEJ categorisation and for that reason breakdown cannot be made. Only administrative cases are possible to differentiate due to existence of administrative courts. Furthermore in Bulgaria registry cases are not resolved by the courts. They are under the competence of the Registry agency where is the property register, the commercial register, the BULSTAD register and the Register of the Property Relations between spouses.

Since there is no centralised Case Management System, the information on number of cases in different instances was summed up on the bases of the data collected from different courts and some mistakes are possible due to non-existence of control mechanism to check all the incoming courts data and spot eventual anomalies.

Till 2014, the sum of all civil and commercial cases (litigious and not litigious) heard by first instance courts was represented within item “other”. However, in order to ensure better consistency of the comparative analyses of the CEPEJ, starting from 2014, even the category “other” is answered by “NA”. The total is correct and represents the sum of the “administrative law cases” which number is identifiable, on the one hand, and all the civil cases considered as an overall category, on the other hand.

**(2016):** There is no particular explanation for the downward trend observed between 2014 and 2016 in respect of the number of pending cases on 1 January for the categories "total" and "administrative law cases". All the data provided is correct.

**(2012):** In the frame of the 2012 exercise, it has been explained that the number of pending administrative law cases on 31 December 2012 has increased because of the increase of the number of incoming cases in 2010 and 2012.

## Croatia

**(2018):** In category 1. Civil (and commercial) litigious cases there has been a decrease in the number of pending cases at the beginning of the period, received cases, resolved cases and also pending cases at the end of the year. This seems to be the trend for several years now. Although these courts are resolving less cases than in previous period, due to the reduced income, pending cases are still significantly decreased. Reduced number of received civil litigious and commercial cases on second instance do not have reason in for example law changes. Simply because less cases are resolved at first instance, less appeals are lodged to the second instance.

The increased number of pending administrative law cases at the beginning and at the end of the year as well as received cases is due to the extended jurisdiction of the High administrative court following law changes. The latter led to an increased inflow of cases and difficulty for the High administrative court to cope successfully with the income of second instance cases, especially since the number of judges remain the same as before law changes. This comment was provided also for last cycle. The rest of the categories which have increase or decrease in pending cases is just an effect of the incoming or resolved cases.

**(2017):** The increased number of pending administrative law cases at the beginning and at the end of the year is due to the extended jurisdiction of the High administrative court following law changes. The latter led to an increased inflow of cases and difficulty for the High administrative court to cope successfully with the income of second instance cases. This comment in more details was provided also for last cycle.

In this category there is more than 20% increase of pending cases at the beginning of reference year in comparison to the beginning 2016. The reason are land registry cases. Reason for increased number of pending land registry cases is decreased number of resolved cases in relation to the number of incoming cases (87%) during previous year (2016.) which affected results for 2017. In 2017, second instance courts also resolved less than received land registry cases.

The reason for the decreased number of pending business registry cases at the beginning of 2017 in comparison to the beginning of 2016 is the number of resolved cases in relation to the number of incoming cases (104%) during 2016. The lower number of received cases and Clearance rate of 106% lead to the decrease of the number of pending business registry cases at the end of 2017. The reason for the decreased number of pending "other non-litigious cases" at the beginning of 2017 in comparison to the beginning of 2016 is the significant number of resolved cases in relation to the number of incoming cases (185%!!) during 2016. Regarding the increased number of incoming cases of this type, there are in absolute numbers very few cases (154) and although there is an increase of more than 20% in comparison to previous year, we think that there is no significant explanation for this, which would affect the trends in following cycles. As for the decrease in the number of resolved "other non-litigious cases", there is no significant explanation for this, but we think that it will not influence the trend in future cycles.

The reason for the decrease of pending civil and commercial litigious cases older than 2 years in second instance courts lays in the fact that in 2017 second instance county courts and the High Commercial Court resolved significant amount of cases in relation to received cases (122%) with special focus on older cases. This led to a decrease of more than 17% of all pending cases and more than 30% of pending cases older than 2 years.

The reason for the decrease of pending non-litigious cases older than 2 years in second instance courts lays in the fact that in 2017 second instance county courts and the High Commercial Court resolved more cases than received (103%) with special focus on older cases. This led to decrease of more than 7% of all pending cases and more than 30% of pending cases older than 2 years (of which they have few in the beginning).The reason for the decrease of pending "general civil and commercial non-litigious cases" older than 2 years in second instance courts lays in the fact that in 2017 second instance county courts and the High Commercial Court resolved more cases than received (103%) with special focus on older cases. This led to decrease of more than 7% of al pending cases and more than 30% of pending cases older than 2 years (of which they have few in the beginning).The reason of the increase of pending registry cases older than 2 years in this category is entirely due to the increase of the number of pending land registry cases older than two years. The reason is already explained - the increase of pending cases in total is due to the difficulty of second instance courts to cope with the income of these cases. Finally, in respect of administrative law cases, due to the decrease of number of pending cases of this type in total, there is also decrease for 8 cases of pending cases older than 2 years (as stated before, we do not think that this is significant change taking into consideration absolute numbers and type of cases).



**(2016):** Second instance land registry cases, due to introducing separate case registers for certain type of cases on second instance courts, are now traceable as such in case management system. They have been taken out from Other non-litigious cases, where they were presented in previous cycles. The number of administrative cases, both in incoming and pending cases at the end of period is increasing. This is due to the law changes, which have extend jurisdiction of this court and consequently increase income of cases and unresolved cases at the end of period.

**(2014):** It is noteworthy that in 2012 and 2013, the ICMS could not recognize and divide cases into litigious or non-litigious. In 2014, the ICMS was improved as Croatia introduced updated and a very detailed code table, in order to extract more detailed case types from the system. Therefore, now the distinction between all cases in litigious and non-litigious cases as well as other types of cases can be made very accurately. This change of methodology of categorisation affected the difference between pending cases on 31 December 2013 and pending cases on 1 January 2014 which will disappear in the next cycle.

**(2013):** In the frame of the 2013 exercise it has been explained that the discrepancies that can be observed in respect of the category "total of other than criminal cases" between the number of pending cases indicated for December 2012 and the number of pending cases communicated for January 2013, result from an administrative correction of a specific small number of cases by the second instance courts after the closure of the statistic period, which the reporting system then generates as a difference concerning previously rendered data.

As to the category "civil and commercial litigious cases", owing to a different methodology of presentation of data, the number of pending cases in the end of 2012 does not coincide with the number of pending cases in the beginning of 2013. The number of pending cases on 31 December 2012 included second instance-civil and commercial courts' cases, bankruptcy cases, general non-litigious cases, enforcement cases, land registry cases and company registry cases. Since 2013, it is possible to provide data on the second-instance civil and commercial litigation cases and bankruptcy cases separately from the general non-litigious cases, enforcement cases, land registry cases and company registry cases.

The variations observed with regard to the category "total of other than non-criminal law cases" for the period 2010-2013 can be explained by the negative economic situation in Croatia, which resulted in the increase of incoming commercial and civil cases before first instance courts and consequently led to the increase of the second instance cases.

**(2012):** As to the variations observed in respect of the "administrative law cases", they are justified by the reform related to the administrative justice. Basically, till December 2011, they were adjudicated at the Administrative Court of the Republic of Croatia. Provided that the latter was overburdened, the two-instance administrative adjudication was introduced in January 2012. Four regional administrative courts were established as first instance courts (Zagreb, Osijek, Rijeka and Split), and former Administrative Court became second-instance High Administrative Court (appellate court).

## Cyprus

**(General Comment):** Cyprus has a two tier system therefore the supreme court is the second, highest and final instance court.

**(2016):** The Supreme Court is the appeal court. Accordingly, data is provided under question 99.

## Czech Republic

**(General Comment):** It is noteworthy that the methodology of presentation of data has been changed since the 2014 exercise. In fact, for 2010, 2012 and 2013, business register cases, administrative cases and insolvency registry cases which are decided by the regional courts (second instance courts) acting as first instance courts, were included in the table concerning the case-load of second instance courts (question 97). On the contrary, since 2014, administrative cases, business registry cases and insolvency cases (and also some litigious cases) which are still decided by the second instance courts acting as first instance courts, are subsumed within the table of question 91 (which was already the case for the 2008 exercise). However, this change is not reflected in question 46 concerning the number of second instance judges because it is very difficult to distinguish among them judges working on administrative cases, business registry cases and insolvency cases (and also some litigious cases).

**(2018):** In "Other cases" category, insolvency cases are reported.

In general, number of incoming cases is decreasing and it follows that the numbers of pending cases and resolved are decreasing as well (the situation is getting better). This may result in some big yearly changes and discrepancies.

**(2017):** In "Other cases" category, insolvency cases are reported. In this year the number of resolved insolvency cases greatly exceeded the number of incoming insolvency cases, which led to huge drop in pending cases at the end of the year and discrepancy appeared. The changes are connected to changes in first instance insolvency agenda.

**(2016):** Increase in the number of "other cases" in 2015 and 2016 is due to the change of methodology applied to these data.

**(2015):** Increases in the number of "other cases" are due to the change of methodology applied to the 2015 data.

**(2014):** In 2014, the high increase of insolvency cases is due to numerous cases of personal bankruptcies as well as to an unfavourable economic situation.

**(2013):** For the 2013 exercise, the totals do not include the number of non-litigious business registry cases which is not available.

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**(2010):** For the 2010 exercise, the totals do not include the number of non-litigious business registry cases which is not available.

## Denmark

**(General Comment):** It is noteworthy that all appellate cases are considered as "litigious cases" which explains the reply NAP for all the other categories, as well as the fact that the total coincides with the number of civil and commercial litigious cases. The number of "administrative law cases" which are litigious is encompassed in the number of "civil and commercial litigious cases".

Another important remark concerns cases that are not first instance cases before the two High Courts and which are included in question 97. Cases that begin as first instance at one of the two High Courts are not included in the figures in table 97.

**(2016):** Pending cases may vary a lot depending on the ratio of resolved cases compared to incoming cases. We can observe a decrease of about 30 % of pending cases ultimo the 2016. This is due to this "residual" nature of pending cases. The decrease in the pending cases between 2014 and 2016 is because in both calendar years 2015 and 2016 the number of resolved cases exceed the number of incoming cases.

**(2014):** In the ambit of the 2014 exercise, it has been emphasized that due to an improved business situation, courts on all levels receive fewer cases, i.e. civil cases, enforcement cases, forced sales, insolvency cases. Generally speaking, pending cases are also reduced thereby.

## Estonia

**(2015):** In respect of the civil and commercial non-litigious cases, the increase from 2013 in the number of pending cases resulted from the implementation of an efficiency-raising project in 2013 in Harju County Court. Accordingly, the efficiency of the latter increased significantly in civil cases. Owing to the fact that this court is the largest 1st instance court dealing with 1/3 of all of the cases in Estonia, it had an impact on the case-flow of the second instance courts (only 2 appeal courts competent in civil, criminal and administrative matters).

As to the administrative cases, it is noteworthy that as there are only 2 appeal courts in Estonia competent in civil, criminal and administrative matters, every change in the number of 2nd instance judges influences the statistics of the Courts of appeal. Between 2010 and 2012 there were a few vacant administrative judges' positions in one of the appeal courts which had an impact on the number of pending cases

**(2014):** On the occasion of the 2014 exercise, it has been emphasized that there has been an ongoing reform concerning the court budgets and judicial performance indicators. Agreements have to be adopted on the occasion of the budget negotiations between the Ministry of Justice and the courts concerning the efforts that need to be undertaken in court to clear the backlog and accelerate proceedings.

As to the increase of the total of pending other than criminal cases (beginning and end of the year), the reason is that 1st instance courts started the project of clearing backlogs and accelerating proceeding earlier. As a result, the number of incoming cases in 2nd instance courts increased in 2013 and resulted also in an increase of the number of pending cases by the end of the year 2013.

For 2014, non-litigious enforcement cases are included in the category “general civil (and commercial) non-litigious cases”.

**(2013):** In the frame of the 2012 and 2013 exercises, several clarifications were provided.

Firstly, in respect of the civil and commercial litigious cases, the observed variations were deemed to be normal, as a part of the ordinary dynamics of the case-flow.

Secondly, in respect of the civil and commercial non-litigious cases, the increase in the number of pending cases resulted from the implementation of an efficiency-raising project in 2013 in Harju County Court. Accordingly, the efficiency of the latter increased significantly in civil cases. Owing to the fact that this court is the largest 1st instance court dealing with 1/3 of all of the cases in Estonia, it had an impact on the case-flow of the second instance courts (only 2 appeal courts competent in civil, criminal and administrative matters). Owing to that, in 2014 one civil judge's position was given to the Tallinn Appeal Court in order to raise their efficiency.

As to the enforcement procedures, they are in the competence of public bailiffs who are completely independent from the judicial system but act as public authorities. The reply NA is justified by the impossibility to distinguish in the bailiffs' information system the enforcement proceedings where the enforcement instrument is court decision from all the other enforcement proceedings where the enforcement instrument is for example a fine made by police, an administrative act made by the tax authority etc.

In respect of the land registry and business registry cases, it should be recalled that they are within the competence of the 1st instance courts. If the decision of the registry is appealed, it goes to the first instance court as a regular civil case.

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**(2010):** In 2010, judges benefited of the assistance of extra advisors helping them to prepare the cases for solving.

## Finland

**(2018):** In 2017, the number of incoming cases has decreased for example due to some procedural changes and the courts have been able to resolve more pending cases. Accordingly, the number of pending cases at the beginning of 2018 has decreased.

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**(2013):** The category of civil and commercial non-litigious cases includes petitions for the 2012 exercise, divorce cases and petitions (without cases included in the other sub-categories) for the 2013 exercise. As for the category "other", according to the provided comments, in 2012 it encompasses cases, which Appeal Courts resolve as 1st instance, military justice cases and cases concerning prisoners. In 2013 it subsumes temporary procedural remedy cases, adjustment of the debts of a private individual - cases, restructuring of enterprises cases and bankruptcy cases and complaints.

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## France

**(2017):** As regards administrative law cases, the Council of State report indicates that it is a coincidence to have the same number for incoming and resolved cases.

**(2013):** 2012, 2013: The 'non-litigious matters relating to the implementation' (which answer is NA) exist but are included in the category 'non-litigious civil cases'.

**(2012):** 2012, 2013: The 'non-litigious matters relating to the implementation' (which answer is NA) exist but are included in the category 'non-litigious civil cases'.

## Germany

**(2015):** Question 97: A substantial number of the Länder was unable to provide information, meaning that any amount cited would not be meaningful in substantive terms.

**(2014):** The 2014 data are the same as those that have been provided in 2013. No update was available.

**(2013):** For 2013, two Landers did not provide any information.

The category "other " includes proceedings on complaints on appeal in family cases at the Higher Regional Courts and appellate proceedings on fact and law and proceedings on complaints on appeal at the Regional Labour Courts. In addition, given a lack of complete data, a total of 164 272 new legal cases or proceedings on complaints on appeal (in custodianship, accommodation, insolvency, estate, and costs cases, along with other complaints on appeal) were not considered in the category "other".

Regarding the slight horizontal inconsistency for the category "administrative law cases", it can partly be explained by the federal State structure of Germany. Moreover, data regarding incoming administrative law cases also reflected the number of appeals against decisions to grant provisional legal protection in the higher administrative regional courts and in the higher social courts; and appeals in matters of legal aid and other proceedings. In comparison with the previous years, the 2013 data are more accurate. The same applies regarding resolved cases even though no data was available for the appeals in matters of legal aid and other proceedings.

With regard to the sub-category "civil and commercial litigious cases" and the meaningful increase of the number of resolved cases, it should be noticed that in the frame of the 2013 exercise, the indicated figure encompassed the number of resolved civil and commercial litigious and not-litigious cases. For this cycle, it was impossible to distinguish between these two sub-categories.

**(2012):** In the frame of the 2012 evaluation it was stressed that the values regarding questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 108 corresponded to data of the year 2011.

## Greece

**(2017):** Concerning Civil and Commercial litigious cases but also administrative law cases, the numbers are different from those provided in the 2016 questionnaire due to the recent operation of the OSDDY-PP and OSDDY-DD Integrated Management Systems (please see the comments provided for Q91).

Variations in the number of resolved cases are explained by the fact that in 2017 the function of the courts was not affected by the strike of the lawyers, which took place in 2016.

**(2016):** Any deviations from the 2015 figures are due to a new way of collecting statistics. In fact, in 2016, a working group was set up to update and simplify the content of the statistical data requested by the judicial services of the country. The working group created tables followed by detailed instructions and training in relation to the requested information. According to the instructions given to the courts, some procedures they handle, in those which there is no participation of a judge, are not included in the data collected. In addition, in 2016 a long-term abstention by the lawyers of the country took place, resulting in reduction of numbers regarding the cases.

**(2012):** In the ambit of the 2012 exercise, it has been stressed that, as far as the statistical information provided by the courts is concerned (e.g. replies to questions 91 and 97), the system of collecting data could not comply with the CEPEJ methodology because it was planned having altogether different national needs in mind. Thus, schematically, a case brought into the Greek judicial system gets an initial reference number. However, in the process of being tried, it gets more than one reference number according to the laws. As a result the numbers of incoming and resolved cases do not match.

Moreover, the Ministry of Justice, Transparency and Human Rights was not able to verify the accuracy of the replies, due to the lack of IT system.

Besides, recent law changes have altered the jurisdiction of courts, so the figures communicated for 2012 could not be compared with these provided for the previous evaluation cycles.

**(2010):** The increases observed in respect of the number of “other than criminal law cases” in 2010 are explained by the fact that for 2008, the performance of the administrative courts was not reflected within this question.

## Hungary

**(2017):** With regard to variations observed in the numbers of “registry cases” and “other registry cases”, it is noteworthy that the content of these categories is the same for the last four cycles. As the legislation on civil societies was amended in 2014 this resulted in an increased number of registry cases, but since then the number of incoming cases is decreasing.

**(2016):** With regard to the pending cases, it is noteworthy specifying that the decrease of the “backlog” of the courts is an overall trend in the Hungarian judiciary.

As for the other variations observed within the frame of question 97, the “raw” figures in most of the categories can be considered as relatively low figures (e.g. some hundreds in the whole country), so even a not so huge increase or decrease result in a large percentage change.

**(2014):** In 2014, in contrast with the 2013 evaluation, some registration cases were also included within the category “civil and commercial non-litigious cases”. The item “other registry cases” includes registration of civil societies. The item “other non-litigious cases” includes court mediation and non-litigious labour cases.

The category “other” encompasses insolvency cases and labour cases.

## Ireland

**(2017):** The number of resolved civil and commercial litigious cases reflects a significant reduction in disposal of second instance appeals by comparison with that returned in the previous reporting cycle.

**(2016):** As concerns the number of resolved "Civil and commercial litigious cases", 2016 data reflects a significant increase in disposal of second instance appeals over that in the previous reporting cycle. Accordingly, the total of resolved cases is affected.

## Italy

**(General Comment):** - Non-litigious enforcement cases are not in the competence of the Courts of Appeal.

With regard to the administrative cases (which number is provided only since 2014), the appeals are dealt with by the Council of State (Consiglio di Stato) which is a legal-administrative consultative body ensuring the legality of public administration in Italy. The Council has jurisdiction on acts of all administrative authorities, except when these authorities lack discretionary power, in which case the dispute is considered to be one of civil law. Figures referring to the activity of the Council of State are inserted in the frame of question 99 and not question 97.

**(2017):** The number of pending "civil and commercial non-litigious cases", older than 2 years, decreased between 2016 and 2017. Generally speaking, pending cases older than 2 year have priority. However, in this specific case, the important reduction (in %) is mainly due to the fact that the numbers are small.

**(2016):** As regards the variations concerning the category "general civil (and commercial) non litigious cases", it should be noted that the Ministry of Justice has recently implemented a data warehouse system that can collect a huge number of data and events pertaining to millions of civil cases. The new DWGC (Data Warehouse for Civil Justice) is now fully operational and it represents a major improvement in terms of statistics and quality. Since 2015, data pertaining to Q.97 is extracted from the above Datawarehouse and it is to be considered more accurate than the figures provided in the past.

It should be noted that in 2014 for many cases it was not possible to distinguish between litigious and non-litigious cases because they were coming together in a bundle. With the data warehouse it is possible to tell whether any given procedure has either litigious or non-litigious nature. Besides, when comparing pending cases on 31 Dec 2014 with pending cases on 1 Jan 2016, the variations are less important.

**(2015):** The appeal of administrative case is dealt by the Council of State (Consiglio di Stato) which is a legal-administrative consultative body that ensures the legality of public administration in Italy. The council has jurisdiction on acts of all administrative authorities, except when these authorities lack discretionary power, in which case the dispute is considered to be one of civil law.

Figures referring to the activity of the Council of State (second instance of administrative justice) have been submitted to Q.99 rather than Q.97.

Figures on Q.97 (points 1 and 2) have been extracted from a new IT system called "Civil Data warehouse". This new system allows us to get in-depth information on single proceedings. Before the implementation of such data warehouse, statistics were based on aggregated variables that only partially could distinguish between litigious and non-litigious cases.

All cases dealt by the Supreme Court of Cassation has always a litigious nature.

## Latvia

**(General Comment):** In accordance with the provisions related to data gathering, all information must be recorded in the Court Information System within 3 days. However, the Court Information System functionality for the statistical reports provides in the System recorded figures at the end of the year. Consequently, submissions received in the previous year but registered the next year are considered as incoming cases for the new year.

Justice statistics do not distinguish between "non-litigious enforcement cases" and "non-litigious business registry cases" because such types of cases are not defined in the Civil Code. Accordingly, the reply in their respect is NAP. At any rate, both of these sub-categories of cases are not within the competence of courts neither in first instance (similar to the "non-litigious land registry cases"), nor in second instance. By contrast, the "non-litigious land registry cases" are dealt with by the regional courts in second instance and they are within the competence of the Land Registry Office only in first instance.

**(2018):** Partially due to court system reform, Court Information System database has undergone several error checks and data clean-ups, that has affected amount of cases, especially – pending. Data on court statistics are being calculated by automated systems and records on changes that affect data in database are not available. Any changes to the Court Information System can affect the data.

**(2017):** As regards the decrease from 2016 in administrative law cases pending on 1 Jan, it can be explained as there were much more resolved cases than incoming in previous cycle. As regards the decrease in the total of other than criminal pending cases, it can be explained as there was a change of pending civil law cases in second instance. This might be an issue due to reclassifying the starting moment of a court case. Also, much more resolved cases than incoming cases has decreased the amount of unresolved cases on 31 Dec.

**(2016):** The increase in pending civil cases is due to fewer resolved cases in 2015. Decrease in pending Administrative cases is due to more resolved cases in 2015.

**(2014):** In the frame of the 2013 and 2014 exercises it has been indicated that the category "other" includes the following types of cases from the Supreme Court : cases related to moral and physical damages; copyright related cases; family relationship; deprivation of citizenship; labour law cases; cases in respect of inheritance rights.

**(2013):** In the frame of the 2013 and 2014 exercises it has been indicated that the category "other" includes the following types of cases from the Supreme Court : cases related to moral and physical damages; copyright related cases; family relationship; deprivation of citizenship; labour law cases; cases in respect of inheritance rights.

**(2012):** The decreases observed in 2012 with regard to the totals in respect of the different items (pending, incoming and resolved cases) are the consequence of the evolutions noticed for each of the sub-categories in respect of the number of incoming cases. The decrease of the latter and the improvement of the judicial efficiency resulted in a decrease of the number of pending cases. The end of the economic crisis and the strengthening of the courts' capacity are general factors which have to be taken into account when analysing this positive trend.

As to the sub-category "civil and commercial litigious cases", the increase of the number of pending cases on 1 January 2012 is due to the increase of the number of incoming cases in different categories of cases such as different types of bankruptcy cases which know a long processing time. The duration of these special types of bankruptcy cases cannot be shortened by improving the efficiency of the judiciary. The increase of the number of resolved cases can be explained by the improvement of the work capacity of courts.

As to the sub-category "civil and commercial non-litigious cases", the decrease of the number of resolved cases and pending cases on 1 January 2012 and 31 December 2012 can be explained by the transfer of a part of the cases from the first instance courts to the Land Registry Department, following the legislative reform of 1 January 2012. The number of incoming cases has decreased essentially due to external (socio-economic) factors, namely the gradual exit from the economic crisis during 2010-2013.

As to the sub-category "non-litigious land registry cases", the increase of the number of resolved cases between 2010 and 2012 can be explained by the courts work reviewing a large number of cases in the law limited time because of external factors causing an increase of the number of incoming cases before the entry into force of the new provisions of the Civil Procedure Law on 1 January 2012.

As to the sub-category "administrative law cases", the decrease of the number of pending cases on 1 January 2012 can be explained by the courts work, namely the improvement of the judicial capacity and the decrease of the number of incoming cases due to external factors as public activity resubmission to the Administrative Court and internal factors. The decrease of the number of resolved cases can be explained by the limited capacity of courts work, the complexity of the cases, the parties' failure to appear for court hearings, etc. The decrease of the number of pending cases on 31 December can be explained by the improvement of the judicial capacity of courts and decrease of incoming cases due to external factors.

There are no cases in the sub-category "other". All cases are distributed among the mentioned categories No.1, No.2 and No.6.

The decreases observed with regard to the totals in respect of the different items (pending, incoming, resolved cases) are the consequence of the evolutions noticed for each of the sub-categories in respect of the number of incoming cases. The decrease of the latter and the improvement of the judicial efficiency resulted in a decrease of the number of pending cases on 1 January and 31 December. The end of the economic crisis and the strengthening of the courts' capacity are general factors which have to be taken into account when analysing this positive trend.

As to the sub-category "civil and commercial non-litigious cases", the increase of the number of resolved cases between 2012 and 2013 can be explained by the long pending backlog of complex cases before the courts of the second instance.

**(2010):** The variations concerning figures provided for 2010 are the consequence of these explained in the frame of question 91.

## Lithuania

**(General Comment):** In Lithuania, statistical data on case flow and their classification are made according to the specific regulations and are mainly based on the institutes of Civil, Criminal Codes and the codes of Civil and Criminal procedures, as well as the Code of Administrative Offences and the law on Administrative procedure. Therefore figures for some of the types of cases are unavailable because there is no such classification while making statistical reports. In respect of the variations that can be observed between figures provided for the different evaluation cycles and in the light of the above described peculiarity of the statistic system of Lithuania, it is noteworthy that cases the number of which is not available are included in other categories, i.e. "civil litigious", "civil non-litigious". Accordingly, the indicated totals are relevant.

**(2018):** The decrease in "other cases" (4), i.e. administrative offence cases (including cases in process of enforcement (execution), at second instance courts (appeal) in 2017-2018 period was related to the decreased number of resolved administrative offence cases in the first instance courts (see Q091).

**(2017):** As regards the category "other cases" which refers to cases of administrative offences and cases of administrative offences in process of enforcement (execution), the observed decreases in their numbers (pending at the beginning of 2017, incoming, resolved, pending at the end of 2017) are the consequence of the entry into force of the new Code of Administrative Offences.

**(2016):** The changes in number of cases are mainly related to the increased number of resolved administrative cases in the first instance administrative courts in 2015 and 2016 (the courts were fighting backlogs from previous years) and the renewed processes that were suspended in the second instance court due to the application to the Constitutional Court of the Republic of Lithuania (related to salaries of civil servants, decreased pensions, etc.).

**(2014):** The increase between 2013 and 2014 in number of cases can be explained by the increase in the number of incoming administrative cases and cases of administrative offence. They were mostly cases on remuneration of public servants in 2013 due to the decision of the Constitutional Court of the Republic of Lithuania, which recognized the laws on the reduction of the remuneration of state servants and judges unconstitutional. This also had an effect on the significant increase of the category "other cases" since this situation resulted in the increase of the number of cases of administrative offence (in execution process).

**(2010):** In 2010, the number of incoming cases increased considerably.

## **Luxembourg**

**(2016):** It is a fact that the number of appeals before the Court decreased between 2014 and 2016. A key reason is that the number of appellate judgments rendered by the court has decreased significantly. The first reason is that the court had to evacuate a large number of cases as a matter of priority under the so-called accelerated procedure provided for by the law of 18 December 2015 on international protection. For the judicial year 2015/2016, 355 judgments out of a total of 938 judgments (excluding striking off) were rendered in accelerated proceedings and therefore not subject to appeal.

**(2013):** 2013: because of the international events that have increased the number of asylum seekers, the administrative courts that have jurisdiction in case of appeal against a refusal of refugee status, have, in particular in 2013 but already during the 3-4 previous years, known a significant increase in this very specific litigation both at first instance level and appeal level.

## **Malta**

**(2017):** In Malta, the civil second instance courts comprise the Civil Court of Appeal in its Inferior and Superior Jurisdiction. To date, whilst we can collect the data relating to the incoming, resolved and pending caseloads of these courts, we cannot easily distinguish between the sub-divisions of case typology outlined above. What we can tell for sure is that all cases filed before the Courts of Appeal are civil and commercial litigious cases (including a minority of administrative law cases) so the figures provided at Category 1 reflect the global total of cases heard at the second instance courts. Non-litigious cases are not filed before these courts (hence NAP answers).

Concerning the variation between 2016 and 2017 in the pending cases older than 2 years, the reason is due to a different methodology used in 2016 and in 2017.



**(2016):** Regarding Civil (and commercial) litigious cases: 2015 was the best year in terms of number of resolved cases, mainly because the judiciary were trying hard to conclude cases that were ready for sentencing. In fact, our efficiency indicators reflected this effort. As regards to the other data, we do not, as yet, have those statistics at hand and hence, the last 3 evaluations were marked as NAP.

**(2014):** The discrepancy in the data provided for 2014 as “pending cases on 31st December 2014” results from an internal exercise being carried out by the Court Administration in which cases that have been prescribed, are being cleaned from the system. This exercise is going to be carried out more frequently so that it does not reflect in discrepancies in the data that is published.

**(2013):** The significant increase of the number of civil and commercial litigious cases between 2010 and 2013 was due to the fact that the number of appeals has increased substantially in the past few years and the jurisdiction of the Court of Appeal has been extended to include also appeals from large public contract awards. Accordingly, the Court of Appeal was not in a position to manage the considerable influx of cases.

**(2012):** In 2012, a number of judges in the Appeal Court retired and their replacement took some time to materialise, as a result of which, the number of decided cases decreased.

## Netherlands

**(General Comment):** As to the lack of horizontal consistency that can be observed, the reason is that the official number of cases pending on January 1st is determined at different time then the other 3 categories (official incoming, official resolved, official pending on December 31st). Due to time lags in registration and dynamics in the data systems, if the cases pending on January 1st are measured at the same time as the others, the result would be different.

**(2018):** If there is an appeal, cases are litigious in my view. I would tend to enter the value "0", but since the question is being asked, you probably see things differently. So I chose the answer "NA"

**(2017):** Administrative law cases, litigious plus non-litigious.

**(2016):** Administrative law cases, litigious plus non-litigious.

## Poland

**(General Comment):** The number of second instance administrative law cases coincides with the number of administrative law cases in third instance because the Supreme Administrative Court is also the court of second instance and it is impossible for the Statistics Division to divide its cases statistics.

**(2017):** 2.2.2. There is not any specific explanation for observed increase. We can indicate only that mentioned increase is related especially to Register of Pledges.

As regards General civil (and commercial) non-litigious cases, we have validated previous data and we have made some corrections. We also indicate that a number of pending cases on 1 Jan. ref. year have been increased due to higher number of incoming cases in 2016.

**(2016):** Within the changes in business registry cases we can observe significant increase in all types of Application for registration (first registration) cases, but there is also considerable increase in general business cases (changes in the registry, including cases of removing from registry).

In 2016 there were serious problems with the information system which is in use in electronic proceedings therefore the number of pending cases had increased.

**(2010):** In the frame of the 2010 exercise it was explained that the Poland judiciary system was struggling with delays especially in respect of “other than criminal cases”. There was an ongoing research in the Ministry of Justice concerning the structure of pending cases. The analysis of the gathered data indicated that the major drawback was connected to simple civil cases. The increase of the number of pending cases was also the result of the overall increase of incoming cases.

## Portugal

**(General Comment):** Since 2007, statistical data concerning pending cases in 2nd instance judicial courts are collected through the courts information systems. Being a dynamic system, allowing regular corrections and up-dating, this data collection may lead to oscillation data from previous years resulting in variations in pending cases.

In Portugal, there are not non-litigious cases in superior courts.

The category "other" does not exist in the higher instances.

It is noteworthy that before 2015, data concerning the total of "other than criminal law cases" did not include administrative law cases. Since 2015, administrative law cases are included in the total which explains the significant increase of cases.

**(2018):** Regarding the increase in the number of pending administrative law cases comparing to 2016, there were no legislative changes or others that could explain this variation".

**(2016):** There is no specific explanation as regards the increase in the number of civil and commercial litigious cases pending on 1 January 2016 between 2015 and 2016. The question 97\_3 "Administrative law cases", includes administrative and tax cases.

The number of Pending cases on 1Jan. that correspond only to tax cases is 3.909

The number Incoming cases that correspond only to tax cases is 1.809

The number of Resolved cases that correspond only to tax cases is 1.663

The number of Pending cases on 31 Dec. that correspond only to tax cases is 4.055

**(2015):** The question 97\_3 "Administrative law cases", includes administrative and tax cases.

## Romania

**(General Comment):** It is worth specifying that, since 2010, the first table (question no. 91) centralizes all the first instance cases (irrespective of the level of the courts), the second table (question no. 97) centralizes all the second instance cases – appeal (irrespective of the level of the court) and table no. 3 (question no. 99) shows the statistical data on all second appeal cases (last instance cases) from all courts (irrespective of their level).

**(2018):** In the national Statis system, the cases are recorded on different categories of pending cases. So, in the last column, there are number of cases pending for more than 3 years instead of 2.

The increase in the number of cases in appeal reflects the changes in the procedural provisions in the new codes; the jurisdiction of the courts in judging appeals and second appeals has changed. Accordingly, the number of appeals in the New Civil Procedural Code includes the number of appeals and second appeals from the Old Code and shows continuous increase since the entry into force of the provisions.

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The general increase in the number of cases in appeal reflects the changes in the procedural provisions in the new codes; the jurisdiction of the courts on judging appeals and second appeals has changed. Accordingly, the number of appeals in the new Civil Procedure Code includes the number of appeals and second appeals from the old Code and shows continuous increase after 2014.

**(2014):** By the decision n° 46/2012, the Superior Council of Magistracy has decided that all the courts will implement by 1 January 2014 the IT system of collecting data. The new method is based on new definitions of the indicators. Accordingly, a case is transferred from the field "stocks" to the field "closed" only when the final decision, including its reasoning is drafted signed and communicated to the parties. For that reason, the number of pending cases on 31 December 2013 cannot be identical with the number of pending cases on 1st January 2014.

The meaningful increases in figures observed between 2012 and 2014 are due to the fact that, in relation to the appeal, beyond the differences recorded in Statis, there was a change of jurisdiction in civil matters. Accordingly, the appeal (apel) became the main instrument to challenge a decision.

**(2013):** With regard to the category “civil and commercial litigious cases”, the observed evolutions between 2010 and 2013 are due to the fact that following the changes in the procedural provisions in the new codes, the jurisdiction of the courts on judging appeals and second appeals has changed. Accordingly, the number of appeals in the new Civil Procedure Code includes the number of appeals and second appeals from the old Code. Thus, even if the number of solved files in second instance is higher in 2013 than in the previous year, the number of new appeals (incoming cases in second instance) is higher. This explains the growth of the workload in the last period of time on these courts, although previously the trend was descending.

With regard to the category “civil and commercial non-litigious cases”, the analysis of data and the noticed evolutions and variations between 2010 and 2013 should be qualified. In fact, the figures are not so high and the growth and regress of a few cases during one year lead to relatively important variations. For example, a growth of only 8 cases at the end of the year will reflect a growth of 35%. The same reasoning should be applied with regard to the category “non-litigious land registry cases” where a growth of only 122 cases at the beginning of the year will reflect a growth of over 40%.

In respect of the category “non-litigious enforcement cases”, the considerable increases between 2010 and 2013 with regard to all the items (pending cases, incoming and resolved) were the consequence of the new distribution of competences between courts. Since 2013, all the enforcement cases are in the jurisdiction of the courts of appeal. The number of cases in third instance decreased correlatively.

Following the changes in the procedural provisions made in 2013, the second appeal, as means of review in the field of non-litigious business registry, became appeal, in accordance with the new principles of the Civil Procedure Code as regards the means of review.

## **Slovakia**

**(General Comment):** The new structure of data presented by the Ministry of Justice might cause the discrepancies and incompatibility with the previous cycles. At the level of the appeal courts the category “non-litigious cases” include appeals against the decision in cases related to minor child, inheritance cases, enforcement cases. The number of “administrative law cases” at the level of appeal courts encompasses administrative cases arisen from the previous expiring legislation (appeals lodged against decisions held by the District courts). The appeals against the decisions of the Regional courts as the administrative courts are tried by the Supreme court whose statistical data are included in Q 99.

**(2018):** The discrepancies in the number of pending cases as of 1 January 2018 in comparison with the final numbers as of 31 December 2017 were caused due to the introduction of electronic data collection through the Data Collection Application (hereinafter referred to as AZU). When introducing the electronic data collection in 2018, the courts were allowed to record the actual state of pending cases as of 1 January 2018 with the aim of not transmitting any inaccuracies from paper data collection of previous periods. These differences should not occur in the next year, given the introduction of automatic transfer of the number of undecided cases from the end of the previous period in the electronic data collection

**(2017):** As regards the trends of the decrease in all monitored indicators, the decrease in caseload at first instance courts has a secondary impact on the drop in caseload at the courts of appeal. We did not analyse in details the cause of decrease and the detail structure of caseload. The decrease of caseload has the positive effect of raising the CR to 121% and decreasing of total number of pending (unresolved) cases.

The data in the table are not horizontally consistent. This is caused by the fact, that the data on pending cases on 1. January 2017 (the same as data on 31. December 2016 given for the previous cycle) were collected in a one-shot collection for the Justice Scoreboard 2017 and were not bound by control patterns of horizontal consistency as it is in the new electronic data collection active since January 2018. The improper initial number of unresolved cases taken from a "paper" collection of data in 2016 caused such differences. Likewise, the transition from 2015 final numbers to 2016 initial numbers were counted up manually from paper collections. We cannot therefore consider the initial numbers as of 1 January as reliable. The transition between the old system of collecting the statistical data to new one is more complicated than was expected, with the setting up of Analytical centre of the MoJ, application of CEPEJ methodology and its tools is one of the targets in the on-going project between CEPEJ and Ministry of justice of the Slovak republic.

There are still two different IT tools used to collect the statistical data from the courts to Analytical centre. Some inconsistencies in data between the old and new system persist.

The Analytical centre makes every effort to complete the transition between two systems as soon as possible to get reliable data as soon as possible.

As to administrative cases, since 1 July 2016 the appeals against the decisions of the District courts are processed at the Regional courts and the appeals against the decisions of Regional court are processed at the Supreme court as the court of appeal.

In our data for administrative cases in the year 2017 there were some appeal procedures pending at Regional courts as the courts of appeal as the result of application of the previous procedural rules described in point 1. Those appeal proceedings appear in this table. All appeals against the decisions of Regional court (as the courts of first instance) were always tried by the Supreme court and we are presenting this data for all evaluation cycles in the table to Q 99

**(2016):** The new structure of data presented by the Ministry of Justice influenced also the second instance. Registry cases are all included in 2.1 and can not be separated by categories.

**(2014):** In respect of the variations observed in 2014 with regard to the category "administrative law cases", it is worth mentioning that the low number of cases makes small absolute variation large in relative terms.

**(2013):** For 2013, a general remark was provided in respect of questions 91, 97 and 101, explaining that there were no specific reasons justifying the variations in the numbers of cases of the particular categories. It was stressed that the Slovak judicial system was facing different types of claims which massively loaded courts of all instances. For example, there was a huge number of legal actions arisen from the loans provided by the so called "non-bank loan companies" where courts had to consider constant violations of the consumer protection law. Besides, there was a huge number of class actions against the State, carried out by one of the non-bank companies for alleged damages etc. The capacity of the court staff to resolve all of the filed cases in the appropriate time period was limited despite the measures which have been taken. In spite of the positive trend concerning the increase of the number of total resolved cases, the number of incoming cases was increasing even more, causing backlogs.

**(2010):** In 2010, there was a significant increase of the number of incoming civil cases, while the number of resolved cases did not increase sufficiently. Therefore, the number of pending cases in the end of the year increased.

## Slovenia

**(General Comment):** The distribution of cases for Q97 is the same as for Q91. Inconsistencies noticed are due the Data Warehouse system explained in Q91.

**(2018):** No particular explanation can be given for the general decrease of incoming cases (national trend), as well as for the increase in number of incoming registry cases.

**(2017):** In recent years, the number of incoming cases is generally decreasing due to several reasons, partly due to a better economic situation in Slovenia and mainly to a successful introduction of new business models in the Slovenian judiciary (informatisation, change of perception when litigants and debtors do not see any profit in prolonging court procedures, gradual settlement of case-law). Considering the higher number of incoming cases (number of pending cases is approx. 20%-30% of all incoming cases), a slight variation in incoming cases might have a considerable effect on the number of pending cases.

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**(2015): Differences in incoming and pending cases (2., 2.1, 2.2, 2.2.1, 2.2.2 - Non litigious cases):**

- In recent years, the number of incoming cases is generally decreasing due to several reasons, partly due to a better economic situation in Slovenia and mainly to a successful introduction of new business models in the Slovenian judiciary (informatisation, change of perception when litigants and debtors do not see any profit in prolonging court procedures, gradual settlement of case-law).
- Considering the higher number of incoming cases (number of pending cases is approx. 15%-20% of all incoming cases), a slight variation in incoming cases might have a considerable effect on the number of pending cases.

**(2013):** 2013 The area of land registry cases has been in constant improvement since a successful computerisation project in 2003 – the average disposition times have fallen from 18 months to 2 weeks. The lowering of the number of pending cases is the consequence of a better organisation of work and of the totally electronic procedure.

**(2012):** 2012 The figures of pending cases on 1 January 2012 for civil litigious cases (as well as for incoming, resolved and pending cases on 31 December 2012) are higher than in the previous exercise, because we included in this category the cases of bankruptcy proceedings (including: compulsory composition, bankruptcy of legal person, bankruptcy of physical person, bankruptcy of inheritance and compulsory dissolution), which were counted as 'other cases' in the previous evaluation cycle. The example in the questionnaire for this 7th category was 'insolvency registry cases', so we mistakenly included here all the cases pursuant to the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act handled by district courts. These are not insolvency registry proceedings, but are to be understood as litigious proceedings according to the CEPEJ Explanatory note.

With regard to the category "administrative law cases, in the previous round we included appeals in administrative disputes, which are lodged with and dealt with by the highest instance court, namely the Supreme Court of the Republic of Slovenia in this category (Q 97.6). To ensure internally consistent answers we decided to provide the data in this chapter regarding the instance of the court that decides on the case not the instance of the procedure in which the cases is decided. This means that all the cases that are addressed by the Supreme Court of the Republic of Slovenia are taken into account at question 97.

**(2010):** In 2010, The decrease in the total number of other than criminal law cases from 7.629 pending cases on the 1 Jan. 2008 to 5.138 cases on the 1 Jan. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved cases in 2008 and 2009 exceeded the number of incoming cases that caused the reduction in the number of pending cases. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources (the number of judicial assistants has increased).

## Spain

**(General Comment):** When an error is detected in the statistics of a Court, the latter is allowed doing regularization, what means that the Court communicates the correct figure and rectifies the wrong one even if this does not concord with figures offered for previous exercises. This situation can happen for example in the specific control of cases that the Court makes when a judge leaves the Court (called "alarde"), but in general, in any case in which the Lawyer of the Administration of Justice detects an error that comes from previous exercises but cannot be localized. The system prefers to correct the data than continue and amplify the error.

These regularizations and the cumulated cases and the re-opened cases are the causes for the horizontal inconsistencies.

**(2018):** The Court of Justice of the European Union (CJEU) of December 21, 2016 and other previous Judgments have meant a massive interposition of lawsuits based on that doctrine, for the civil challenge of general conditions included in financing contracts with real estate guarantees whose Borrower is a natural person. Measures, referred to in previous assessments, of spatialization of certain judicial bodies have been adopted. In 2018, the appeals to the judgments in matters of individual suitcases against general conditions included in financing contracts with real estate guarantees whose borrower is a natural person have reached the Provincial Courts (second Instance). The small (probably insignificant) number of Registry cases that arrive to the Second Instance is not distinguished of the Litigious cases. This is why the total number of cases can be provided

**(2016):** In respect of the increase in the number of incoming civil and commercial litigious cases as well as the increase of the total of incoming cases between 2014 and 2016, it should be mentioned that since March 2015 the fees to bring a case to the court were abolished in case of natural persons. Besides, in July 2016, the Constitutional Court declared the nullity of the fees to appeal.

**(2015):** Law 10/2012 governing certain fees in the area of the Administration of Justice could explain (especially in Administrative Law cases) the decrease in the number of incoming administrative cases, and logically the decrease in the number of resolved and pending cases.

**(2014):** For the 2014 exercise, the decrease of the number of pending administrative law cases in the beginning and in the end of the year is the result of the decreases observed and explained in first instance.

**(2012):** In the frame of the 2012 exercise, the lack of horizontal consistency with regard to the total number of pending cases on 31 December has been explained by the fact that inspection services are entitled to correct the number each time they find it inaccurate. Moreover, the horizontal inconsistency is also a result of the inclusion within the table of data related to restarted procedures, while there is not a specific item dedicated to this category of cases.

## Sweden

**(General Comment):** In respect of the discrepancies that can be observed between the number of pending cases indicated for December of one year and the number of pending cases communicated for January of the next year, it is noteworthy that it is possible to register data afterwards in the operational system Vera which is 'alive'. Accordingly, if one produces data for the same dates at two different moments, one can get small differences in the results.

**(2018):** The category "Other cases" include environmental and property cases as well as cases in relation to the Planning and Building act and so called other cases. The administrative law cases are handled by the administrative courts of appeal. Migration cases are included in administrative law cases. 2018 had an increase in incoming cases at the administrative courts of appeal due to an increase of social Insurance cases. Thus a higher number of pending cases at the end of 2018 than 2017.

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**(2016):** The category "Other cases" include environmental and property cases as well as cases relation to the Planning and Building act and so called other cases. The administrative law cases are handled by the administrative courts of appeal.

**(2015):** The increase in the number of pending cases in second instance courts are explained mainly by an increasing number of social security cases from the administrative courts to the administrative courts of appeal.

**(2014):** In the frame of the 2014 exercise, it has been indicated that the decrease in the number of pending administrative cases on 1 January over the period 2012-2014 can be partly explained by the fact that one of the district administrative courts handled a large amount of social security cases (about 4 000 cases regarding a question of social security for sailors). These cases were appealed in 2011 and resolved in 2012. Also there was an overall increase of cases in the district courts in 2011 due to reforms on the local court level which led to an increase in resolved cases during 2012 on the district court level. The increase of the number of pending administrative cases on 31 December over the same period is mainly explained by a large number of social security cases concerning EU law which were appealed before the District Administrative court in Stockholm during 2014. In addition there were a large number of cases concerning VAT on printing services that were appealed during 2014.

**(2010):** In the frame of the 2010 exercise, it is specified that the category "other" encompasses environmental and property cases, as well as other cases. By contrast, in 2008, only environmental and property cases are included within this category, which explains the observed variation between the two years.

## Question 99

## **Austria**

**(2018):** The reasons for this increase of the incoming administrative cases is related to the high number of cases in the field of asylum and aliens law.

**(2017):** To 3.:

Because of the model of business cases installed at the Supreme Administrative Court pending cases at the begin of a reporting year have to be analysed by calculation. Incoming cases are subtracted from the sum of resolved cases and of pending cases at the end of the reporting year. New applications within the same case cause a reopening of the concerned cases. Thus the number of pending cases changes. Therefore a completely consistent image of figures of pending cases from the end of previous year and those from the begin of the current year is not feasible.

**(2016):** The big variation is due to the fact that this cycle the administrative cases were included.

The administrative courts were established January 1st 2014. After their establishment the data of the administrative courts is introduced this cycle for the first time.

## **Belgium**

**(General Comment):** Civil, social and tax cases at the Court of Cassation  
Administrative affairs = cases "in cassation" at the Council of State

**(2018):** Civil, social and tax cases at the Court of Cassation  
Administrative affairs = cases "in cassation" at the Council of State

**(2017):** civil and commercial cases: cases in roles C, S and F at the Court of Cassation  
administrative cases: cases before the Council of State "in cassation": Out= 221 judgments and 214 non-admission orders

**(2016):** Civil, social and fiscal cases at the Court of Cassation  
Administrative cases = "cassation" cases in the State Council  
The decrease in administrative cases is due to a reduction in referrals to the Council of State for this type of case.

**(2014):** 2014: The civil and commercial cases include cases of roles C (private and public law), F (tax law) and S (employment law) of the Court of cassation.  
Administrative cases fall within the decisions of the Council of State in cassation.

**(2010):**  
2010: The increase of 26% regarding the total of other than criminal cases between 2008 and 2010 can be explained by an overall increase in civil cases and a major increase in cases concerning labour law before the Court of Cassation.

## **Bulgaria**

**(2018):** There are also some other non-litigious cases that are not included in the data. However their number is insignificant. The number of pending administrative cases older than 2 years decreased meaningfully because of reorganization of work in the Supreme Administrative Court (SAC). By issuing an internal order The Chairman/President of the SAC increased the workload of each judge to achieve these results.

**(2017):** The answer for 2. Non litigious cases (2.1+2.2+2.3) is NAP for previous cycles as well.

**(2016):** The increase in the number of pending administrative law cases (in the beginning and at the end of the year) is explained by the fact that data has been provided by different sources for 2014 and 2016.

## **Croatia**

**(2017):** Regarding the answers in this question, cases dealt with by the Supreme Court of the Republic of Croatia, as the highest instance court in the RoC, have been presented. We are unable to show separately the required categories. The Supreme Court of the RoC is in the process of preparing the implementation of the ICMS, which will in future enable the expression of cases by types. Source for this data is published data by the Supreme Court of the RoC for year 2017 on their website.

**(2016):** Due to a large influx of revision proceedings and a slower solving of cases in 2014 and 2015, at the beginning of 2016 the number of pending cases continues to increase. However in 2016 the Supreme Court of the Republic of Croatia significantly resolved more cases than in previous cycle and the number of pending cases had decreased compared with 2015 although not when compared with 2014.

**(2015):** In the table 99. cases dealt by the Supreme Court of the RoC, as the highest most instance court in the RoC, have been presented. We are unable to show separately the required categories. The Supreme Court of the RoC is in the process of preparing the implementation of the ICMS, which will in future enable the expression of cases by types.

**(2014):** After the new standardization of the audit, the Supreme Court has started to be less up-to-date since the number of received cases is far beyond the number of cases which the existing judges and advisors at the Supreme Court may solve. In resolving the cases at the Supreme Court, advantage is given to urgent cases (determined by laws) and to old cases.

## Cyprus

**(General Comment):** Q99 is NAP because Cyprus has a two tier system therefore the supreme court is the second, highest and final instance court.

**(2018):** Cyprus only has a two tier system. The Court of Appeal is also the Supreme Court, therefore the relevant data could be found in the section on second instance cases.

**(2017):** appeals filed against decisions of the administrative courts which was established in 2016 should be included in the pending cases on 1.1.2017 as Other cases include family court appeals  
Variation between 2016 and 2017 in administrative cases (incoming and resolved): this includes appeals filed against decisions of the administrative court

**(2016):** The supreme court is the appeal court

## Czech Republic

**(2018):** The category "other" includes appeals in last (third) instance of insolvency cases and incidence disputes.

**(2017):** The category "other" includes appeals in last (third) instance of insolvency cases and incidence disputes. This whole agenda is relatively new (since 2008) and it takes quite a long time to resolve a case (several years). Since the agenda is new, it took several years before the number of first-instance incoming cases stopped growing and reach somehow stable level. Of course, the number of appeals (second instance) and incoming case second instance cases started to grow as well, but later. For simplicity, it can be said that Supreme Court deals with appeals in final (third instance). It follows that the number of final instance cases in this agenda also started to grow and again, later than the number of incoming cases in second instance. Thus the number of incoming cases in this agenda (insolvency cases and incidence disputes) is currently growing. The court seems to be struggling to deal with this growth in number of incoming cases, yet it is difficult to understand the reasons behind it, as the growth does not seem to be very high in absolute numbers.

**(2016):** In 2016 the administrative cases were added and for that reason all numbers show variation. Previously the number of administrative cases on this instance was NA.

**(2012):** In the frame of the 2012 evaluation cycle, it was specified that the civil and other cases are within the competence of the Supreme Court, while the administrative cases are within the competence of the Supreme Administrative Court.



## Denmark

**(General Comment):** The number of incoming cases corresponds only to the number of admissible cases (excluding cases declared inadmissible which number is not available)

**(2018):** In the Danish context, non-litigious cases do not make sense. Pending cases may vary as it is residual in nature and is depending on the number of incoming and resolved cases and the ratio between those two.

It is also important, when we talk discrepancy, that there is a year between previous and present year (2016 - 2018). 2017 is missing, so data - in particular pending cases - may vary.

**(2017):** Pending cases primo and ultimo 2017 for the Supreme Court is found based on pending cases ultimo 2016, received cases in 2017 and resolved cases in 2017. Put differently, pending cases are now generated based on pending ultimo 2016 and cases in 2017.

**(2016):** In the Danish context, non-litigious cases do not make sense. Pending cases may vary as it is residual in nature and is depending on the number of incoming and resolved cases and the ratio between those two.

**(2015):** The number of incoming cases ("other than criminal cases") dropped between 2010 and 2015. Since the instance reform in 2007, the Supreme Court is now almost only a third instance court (instead of being partly a second instance court and partly a third instance court). Indeed, first instance pending cases at the two High Courts in 2007 have gradually already been appealed or finalised.

**(2014):** In the frame of the 2014 exercise, the attention was drawn on the fact that the number of incoming and resolved cases before the Supreme Court was still falling, since the reform of 1st January 2007. Before 2007, many cases started in one of the two High Courts and could be appealed directly to the Supreme Court as second instance. Since 2007, almost all cases start at the lowest level and consequently, much fewer cases are appealed to the Supreme Court. This effect of still fewer cases appealed to the Supreme Court following the reform could still be seen from 2012 to 2014.

## Estonia

**(General Comment):** It is noteworthy that the discrepancies that can be observed between the number of pending cases indicated for December of one year and the number of pending cases communicated for January of the next year, are due to the fact that the statistic system is alive and courts are entitled to modify and up-date data at any time.

Moreover, differences in the horizontal consistency may be explained by the fact that during the proceedings some cases are joined and some are disjoined.

**(2016):** The number of pending cases has increased because the number of cases where the Supreme Court has decided to open proceedings in the Supreme Court has increased.

## Finland

**(2018):** The total of incoming other than criminal cases decreased slightly in 2018 compared to 2017. The number of administrative law cases decreased slightly in 2018 but is still high. The general increase is mostly a consequence of the asylum crisis and the fact that cases from the administrative courts have reached the highest instance in 2017 and 2018.

**(2017):** The total of incoming other than criminal cases increased for the period 2016-2017. This increase is mostly due to the increase in the number of administrative law cases as a consequence of the asylum crisis and the fact that cases from the administrative courts have reached the highest instance in 2017 (which was not the case in 2016).

**(2016):** Courts were able to resolve more cases because the number of incoming cases decreased. The Supreme Administrative court got more resources and personnel due to the asylum crisis, but cases from the administrative courts have still not reached the highest instance.

**(2014):** In respect of the variations observed between 2012 and 2014 data, it is noteworthy that the statistics system has changed. Data is not received any more from the Central Statistical Office of Finland. Instead, the Ministry of Justice receives information directly from processing systems. This method of compilation of statistics does not quite support answering the question, as the information is run periodically and not daily. As a result, some discrepancies occur. As the system does not provide the numbers for 1 January 2014, it is necessary to calculate them separately from the correct data obtained on a later date.

## France

**(2014):** 2014: The statistics of the Court of Cassation are not based on the same information system as the ones of courts of first instance and appeal courts. If discontinued cases of the category non-litigious cases may be subject to an appeal, it is not possible to identify them, they are included in the figure given for civil litigious cases. Thus, the total figure is the one retained.

## Germany

**(2015):** Question 99:

The data provided date from 2014. At present, no data are available for 2015.

It is not possible to distinguish between litigious civil cases, respectively commercial cases, and those that are non-litigious. Accordingly, number 1 of the answer to question 99 includes all appeals on points of law brought in the civil matters before the Federal Court of Justice (Senates for civil matters including family law matters). However, the number of proceedings dealt with and concluded by litigious rulings in 2014 amounts to 600.

**(2014):** The 2014 data are the same as those that have been provided in 2013. No update was available.

**(2013):** For 2013, two Landers did not provide any information. Data provided for the civil (and commercial) litigious cases include all appeals lodged encompassing litigious and non-litigious cases as well as family law cases.

**(2012):** In the frame of the 2012 evaluation it was stressed that the values regarding questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 108 corresponded to data of the year 2011.

## Greece

**(2018):** “the discrepancy between the number of the resolved cases of 2017 and of 2018 for administrative law cases is due to the combination of the following factors:

- in 2018 a number of difficult cases, that had to do with the system of social insurance, was about to be completed
- lawyers become familiar with the filters regarding the cassation and its strict prerequisites, which lead to less rejections of cases as inadmissible and subsequently to a higher number of cases being discussed as far as their real facts are concerned.
- for the abovementioned reason the fast procedure provided for by the relevant code of procedure is not so often implemented
- there are still vacant places of councillors of state, i.e. of the highest rank.”

**(2017):** "Administrative law cases": the number of incoming cases decreased in mainly two sections of the Council of State (i.e. section b for tax issues (-239 cases) and section d for general issues (-692)).

**(2016):** Previous data concerning the total did not include administrative law cases.

## Hungary

**(2017):** The number of incoming cases decreased in most of the observed categories at the Supreme Court. This also resulted in a decrease in the number of resolved cases thus the number of pending cases increased.

**(2016):** Generally, the increase in the number of incoming cases at the Kúria (Hungarian Supreme Court) for 2016 is the result of the increasing use of extraordinary remedies by the parties. As the number of incoming cases increased, it resulted in an increase in the other categories as well.

**(2014):** In 2014, in contrast with the 2013 evaluation, some registration cases were also included within the category “civil and commercial non-litigious cases”. The item “other registry cases” includes registration of civil societies. The item “other non-litigious cases” includes court mediation and non-litigious labour cases.

The category “other” encompasses insolvency cases and labour cases.

On the occasion of the 2014 exercise, it has been stressed that one of the main aims of the judicial reform of January 1, 2012 was that the President of the Supreme Court (Kúria) and the Supreme Court itself should focus more on the quality of judicial work. As the President of the Supreme Court was released from the burden of the central administration of the court system, the Kúria was able to reduce its backlog as well as to focus more on the consistency of the national jurisdiction.

## Ireland

**(2018):** There has been an overall increase in the appeals in civil matters to the Supreme Court from 2016 and it is expected at this stage that this trend will continue into 2019.

**(2017):** Since the establishment of the Court of Appeal in 2014, the number of pending cases at third instance has fallen. However, the number of incoming cases at third instance has slightly increased between 2016 (164) and 2017 (190).

**(2016):** The reduced number of incoming and resolved cases reflects the consequences of the establishment of the new Court of Appeal which came into operation in October 2014.

**(2015):** The reduction in the number of incoming cases to the Supreme Court substantially reflects the change in the jurisdiction of the Supreme Court from that of a second instance appeal court to an appeal court which is primarily third instance in nature

**(2014):** 2014: Variation: The significant increase in the number of resolved civil (and commercial) litigious cases between 2012 and 2014 reflects a significant exercise undertaken by the Supreme Court in reviewing its caseload in preparation for the establishment in 2014 of the new Court of Appeal (which has assumed the previous second instance jurisdiction of the Supreme Court), which resulted in the striking out or withdrawal of a significant number of appeals then pending before the Supreme Court.

## Italy

**(General Comment):** - With regard to the administrative cases (which number is provided only since 2014), the appeals are dealt with by the Council of State (Consiglio di Stato) which is a legal-administrative consultative body ensuring the legality of public administration in Italy. The Council has jurisdiction on acts of all administrative authorities, except when these authorities lack discretionary power, in which case the dispute is considered to be one of civil law. Figures referring to the activity of the Council of State are inserted in the frame of question 99 and not question 97. · In Italy, non-litigious enforcement cases are not heard by the highest instance court. The latter only hears litigious enforcement cases.

**(2018):** The increase of the incoming civil litigious cases is ascribed to proceedings related to immigration matters. There is no specific explanation for the increase of resolved administrative cases. Other cases represent residual cases, such as cases regarding the competence or jurisdiction of the courts, correction of material errors.

**(2017):** The category "other cases" at Q.99 (Supreme Court) represents residual cases such as cases regarding the competence/jurisdiction of the court, corrections of material errors, etc. The 25% variation (in terms of number of resolved cases) has no particular explanation. Please also note that this category do not exist at first and second instance.

**(2016):** "Other cases" represent residual cases such as cases regarding the competence/jurisdiction of the court, corrections of material errors, etc. In respect of this category, the numbers are small and the observed variations should be put into perspective.

**(2014):** - In the frame of the 2014 exercise, it has been indicated that figures subsumed within the category “other” represent really residual cases (such as cases regarding the competence/jurisdiction of the court, corrections of material errors, etc.).

· As to the increases observed in respect of the “total of other than criminal law cases” with regard to all the items (pending, incoming, resolved cases), it is noteworthy that in 2014 for the first time “administrative law cases” dealt with by the Council of State were considered. If looking only to “civil (and commercial) litigious cases”, the differences are not that big. In general terms the Supreme Court of Cassation resolves fewer cases than incoming cases.

**(2012):** In the frame of the 2012 exercise, it has been specified that non-litigious enforcement cases are not heard by the highest instance court which hears only litigious enforcement cases. Before 2012, only litigious enforcement cases have been provided. For 2012, data related to litigious enforcement cases are the following: initially pending: 1090; incoming: 221; resolved: 413; finally pending: 898.

## Latvia

**(2018):** Supreme Court does not rely only on data in the Court Information System, they keep separate sheet for statistics

**(2017):** Supreme court has provided data for questions 1 & 2. As regards the decrease of Civil (and commercial) litigious cases, there was a major performance raise in 2016. Also, the Supreme court has only recently begun to collect statistics on their work performance and thus there was and still are some NA answers for CEPEJ questionnaire

**(2016):** Supreme court had accumulated too many unresolved cases and 1/3 of those are older than 2 years so they have made some changes and achieved progress.

**(2015):** An explanation for the rather large difference in case count for general civil and commercial non-litigious cases are changes in civil proceedings - while in 2014 undisputed compulsory execution cases were also heard by Supreme Court, in 2015 it was tasked with hearing decisions from Land registry, sworn bailiffs and notaries only.

**(2012):** In 2012, the decrease of the total of cases before the higher instance courts correlates with the general decrease of the number of civil cases.

**(2010):** In the frame of the 2010 exercise, it has been explained that the increase of the total number of pending and incoming cases was due to the increase of the auctions of immovable property. As to the increase of the total number of resolved cases, it is a result of the higher work load and the augmentation of the number of judges.

## Lithuania

**(2018):** The number of civil (and commercial) litigious cases (1.) of the cassation instance court (Supreme Court) pending at the end of the year decreased due to the general decrease of resolved cases at first instance. In 2018 the number of civil cases resolved at first instance courts decreased by 10.89% compared to 2017 and was 15.03 % lower than in 2016. This led to the slightly lower inflow and larger number of resolved cases, therefore, to the decreased number of pending cases at the end of the year.

**(2016):** NA was changed to NAP only for calculation purpose -situation hasn't changed.

**(2014):** In the frame of the 2014 exercise, it has been indicated that the Supreme Court of Lithuania received 1369 appeals (cassation) in criminal cases and 2794 appeals (cassation) in civil cases. 677 appeals in criminal cases and 2038 in civil cases were returned to the complainants.

2014: Different category of cases as in Q91, 97 and 99 exist in Lithuania, but they are all under the category 1. Civil (and commercial) litigious cases and it is not possible at this point to distinguish them from other cases.

The increase between 2013 and 2014 in number of cases can be explained by the increase in the number of incoming administrative cases and cases of administrative offence. They were mostly cases on remuneration of public servants in 2013 due to the decision of the Constitutional Court of the Republic of Lithuania, which recognized the laws on the reduction of the remuneration of state servants and judges unconstitutional. This also had an effect on the significant increase of the category “other cases” since this situation resulted in the increase of the number of cases of administrative offence (in execution process).

## Luxembourg

**(General Comment):** The pending files are now detailed between criminal and civil/commercial cases, thus this additional information is now available. There is no cassation possibility against the decisions of the administrative court of appeal.

**(2018):** Comparing 2016 to 2018, the increase in pending cases at the end of the period is 40.73%. However, there was already a clear increase in cases pending at the end of the period between 2016 and 2017, which is largely explained by a larger number of new cases in 2017. Between 2017 and 2018, the variation in cases pending at the end of the period is + 5%, which does not seem excessive, especially taking into account the low numbers.

**(2017): Q99:** total and civil and commercial litigation cases: the slight increase in the number of incoming cases in 2017 and the relatively stable number of resolved cases explain the increase in the number of pending cases at the end of 2017 to 109 .

**(2014): 2014:** several categories are in NAP because the Court of Cassation has no jurisdiction over these categories.

## Malta

**(2017):** In Malta the 2nd instance courts are the highest instance. Hence the NAP answer to this section.

**(2016):** In Malta the 2nd instance courts are the highest instance. Hence the NAP answer to this section.

## Netherlands

**(General Comment):** Information in this section is taken from the annual report of the High Court.

**(2018):** Cases handled by the High Court are 'litigious' by nature (= cases are settled at first instance if one party remains inactive)

**(2017):** the answer to this question is still not available.

**(2016): A** the moment the Supreme Court has not the data available to answer this question. The National Correspondent is consulting the Supreme Court to improve this situation.

**(2010):** In the frame of the 2010 exercise, it has been specified that the number of resolved appeal cases in the non-criminal sphere has risen substantially in 2009 (both commercial and family cases) and 2008 (family cases).

## Poland

**(2016):** In 2014 the Administrative Supreme court cases were not included and they are reintroduced in this cycle. In regard to administrative law cases we kindly indicate that administrative cases are excluded from the jurisdiction of the common courts. Administrative cases are proceeded by the Voivodship Administrative Courts and Supreme Administrative Court, which are only competent to proceeded such cases.

**(2012):** In the frame of the 2012 exercise, it has been indicated that the Supreme Court provided the Ministry of Justice with data set that allowed summing up non-criminal cases with administrative cases of the Supreme Administrative Court. Therefore it was possible to include both data-sets.

## Portugal

**(General Comment):** In Portugal, there are not non-litigious cases in superior courts.

The category "other" does not exist in the higher instances.

It is noteworthy that before 2015, data concerning the total of "other than criminal law cases" did not include administrative law cases. Since 2015, administrative law cases are included in the total which explains the significant increase of cases.

**(2018):** Regarding the slight decrease in the number of pending civil and commercial litigious cases at the beginning of the year 2018, comparing to 2016, there were no legislative changes or others that could explain this decrease

**(2017):** Q99.1 - The decrease in the number of pending civil and commercial litigious cases on 31 december 2017 is explained by the fact that the number of resolved cases in 2017 was superior to the number of incoming cases in the same year. There were no legislative changes or other that can explain this decrease.

**(2016):** In Portugal, there are not non-litigious cases in superior courts.

The category "other" does not exist in the higher instances.

It is noteworthy that before 2015, data concerning the total of "other than criminal law cases" did not include administrative law cases. Since 2015, administrative law cases are included in the total which explains the significant increase of cases.

The question 99.3 "Administrative law cases", includes administrative and tax cases.

The number of Pending cases on 1Jan. that correspond only to tax cases is 783

The number Incoming cases that correspond only to tax cases is 1.039

The number of Resolved cases that correspond only to tax cases is 946

The number of Pending cases on 31 Dec. that correspond only to tax cases is 876

**(2015):** The question 99.3 "Administrative law cases", includes administrative and tax cases.

**(2010):** In the frame of the 2010 exercise, it has been explained that the decrease of the total of pending on 31 December 2010 "other than criminal cases" is due to the amendment carried out to the legal regime of the civil appeals (Decree-Law 303/2007, of 24 August). It resulted in the adoption of measures designed to streamline the access to the Supreme Court of Justice. As a paradigmatic example of these measures, it should be referred that the value of the upper limit set for the High Courts has increased. Thus, in 2010, and compared with 2008, there has been a decrease in the number of incoming cases, followed by an increase in the number of completed cases greater than the number of incoming cases, which has led to a decrease in the number of pending cases.

## Romania

**(2018):** The differences compared to the previous cycle are due to changes brought by the Constitutional Court's decisions to the interpretation given by the High Court of Cassation and Justice to the legislation regarding the increasing number of incoming civil litigious cases and the decreasing number of civil litigious cases pending for more than 2 years.

**(2017):** In the national Statis system, the cases are recorded on different categories of pending cases. So, for the last column, there are mentioned the numbers for cases pending for more than 3 years. The increase in the number of incoming administrative cases may be explained by the modifications in terms of procedure, namely modifications regarding the jurisdiction for administrative cases brought in 2013 that might have generated later effects in terms of number of "second appeals" (peculiarity of our system); moreover, there should be mentioned that the number of second appeals in this question, refers to both the second appeals judged by the supreme court (High Court of Cassation and Justice) and by the courts of appeals, aspect that is valid even for the previous cycles.

**(2016):** In the national Statis system, the cases are recorded on different categories of pending cases. So, for the last column, there are mentioned the numbers for cases pending for more than 3 years. As result of the changes in the procedural provisions in the new codes; the jurisdiction of the courts on judging appeals and second appeals has changed and some of the cases that were under the jurisdiction of the High Court are now under the jurisdiction of the courts of appeal Consequently the number of cases in Supreme court shows significant decrease in all categories.

**(2014):** By the decision n° 46/2012, the Superior Council of Magistracy has decided that all the courts will implement by 1 January 2014 the IT system of collecting data. The new method is based on new definitions of the indicators and offers data with greater value for 2014. This partly explains the considerable increase of the number of pending administrative cases on 1st January between 2012 and 2014. Besides, the number of incoming cases in 2013 was higher than in 2014.

**(2013):** In respect of the administrative law cases, until 2013, there was only a second appeal that is encompassed in the answers to question 99.

## Slovakia

**(General Comment):** The collected statistical data for the Supreme Court do not distinguish the litigious and non-litigious cases. In the civil and commercial matters the Supreme court decides primarily on the applications for appellate review on legal questions. In the commercial cases it decides also in the appellate procedure against the decisions of the Regional courts as the courts of first instance. The administrative cases at the Supreme Court level includes the remedy procedures against the decisions of the Regional courts as the courts of first instance. Depending on the type of the administrative procedure it might be appeal procedure or the cassation review procedure.

**(2018):** The decrease in numbers of both incoming and resolved other than criminal cases may be explained by two important issues. First of all this is the complex change of the Civil and Administrative court procedure by introducing the new procedural rules which came into force since 1 July 2016. The other reason is the decrease of the caseload at the lower courts which naturally influence the number of cases at the Supreme court level.

**(2017):** The decrease in numbers of both incoming and resolved cases must be understood in connection with the data for previous years. As we explained in previous cycles (data 2014, 2015, 2016), at the level of the Supreme Court of the Slovak Republic there was the enormous increase of incoming (and resolved) cases related to consumer protection in civil and enforcement procedure. We recorded in previous years thousands of recurring submissions of several private loans' companies. These submissions started to be processed quicker and subsequently, its number dropped. The similar explanation is relevant also for the administrative cases.

As regards the variations, some inconsistencies in data between the old and new system persist, and they can be explained as the transition between the old system of collecting the statistical data to new one is more complicated than was expected, with the setting up of Analytical centre of the MoJ, application of CEPEJ methodology and its tools is one of the targets in the ongoing project between CEPEJ and Ministry of justice of the Slovak republic.

There are still two different IT tools used to collect the statistical data from the courts to Analytical centre. The Analytical centre makes every effort to complete the transition between two systems as soon as possible to get reliable data as soon as possible.

As to administrative cases, in the year 2017 there were some appeal procedures pending at Regional courts as the courts of appeal as the result of application of the previous procedural rules described in point 1. All appeals against the decisions of Regional court (as the courts of first instance) were always tried by the Supreme court and we are presenting this data for all evaluation cycles in this table.

**(2016):** The enormous increase of the incoming cases is related to consumer protection in civil and enforcement procedure.

**(2013):** For 2013, a general remark was provided in respect of questions 91, 97 and 101, explaining that there were no specific reasons justifying the variations in the numbers of cases of the particular categories. It was stressed that the Slovak judicial system was facing different types of claims which massively loaded courts of all instances. For example, there was a huge number of legal actions arisen from the loans provided by the so called "non-bank loan companies" where courts had to consider constant violations of the consumer protection law. Besides, there was a huge number of class actions against the State, carried out by one of the non-bank companies for alleged damages etc. The capacity of the court staff to resolve all of the filed cases in the appropriate time period was limited despite the measures which have been taken. In spite of the positive trend concerning the increase of the number of total resolved cases, the number of incoming cases was increasing even more, causing backlogs.

## Slovenia

**(General Comment):** The Supreme court has Criminal, Civil, Commercial, Labour and Social and Administrative department, The categories 1., 2.1 and 2.2.1 include corresponding cases from Civil, Commercial and Labour and Social departments registers. Category 3. includes registers of the Administrative department. The distribution of cases for Q99 is the same as for Q91.

Inconsistences noticed are due the Data Warehouse system explained in Q91.

**(2018):** Administrative cases - in 2017, the procedure of manifested inadmissibility was introduced in administrative cases, reducing the number of incoming (as well as resolved and pending) cases. As for other categories and Total, the difference is due to more efficient work of the Supreme court and due to aforementioned reason. Please note, the procedure of manifested inadmissibility cases are included in figures above.

**(2017):** Administrative cases: the higher number of pending administrative law cases older than two years is partially a result of higher workload of the court. Partially this is the consequence of the fact that some older cases are waiting on the decision of the Constitutional court regarding laws in question (mainly taxes and public access to information issues).

**(2015):** Differences in pending, incoming and resolved cases (2., 2.1, 2.2, 2.2.2 - Non litigious cases, 3. - Administrative cases):  
- Differences are mainly due to the small absolute number of cases and the nature of the cases (most complicated cases).

**(2014):** 2014: Variations: The numbers in that almost all categories for 2014 deviates more than +/- 20% from the 2012 data. This is due to a small (absolute) number of cases but also because the number of judges is smaller when compared to first and second instance and a single absence due to prolonged illness has a significant impact on the solving of some types of cases. We also believe that changes in economy (financial crisis), as well as in legislation, had impact on the overall statistics, but since cases at the Supreme Court level are "filtered" through courts of first and second instance, a direct connection cannot be established.

**(2012):** 2012: The decrease of the number of pending cases at the Supreme Court of the Republic of Slovenia can be attributed to different factors. On one hand procedural legislation has changed. Following the changes to the Administrative Dispute Act (2007) and the Civil Procedure Act (2008) the Supreme Court has now the right to decide in these types of cases whether to review a case or not. With the reform the admissibility criteria have changed and revision is now a remedy that depends mainly on the discretion of the Supreme Court. Now revision is admissible only, if the case raises a question of law of fundamental significance or if the development of law or the preservation of uniformity of case law requires a decision by the Supreme Court. The number of all incoming cases for the whole Supreme Court has dropped considerably from more than 5 000 in 2008 to less than 4000 in 2012). On the other hand this is the consequence of changes in human resources management. Firstly, the number of judicial advisers has risen and secondly, several judicial advisers were transferred from less burdened departments to those with more pending cases and consequently the productivity has risen and the number of pending cases decreased.

**(2010):** For 2010, The decrease in the several categories of cases is the result of the change in the Civil Procedure Act in 2008 that has introduced the leave to appeal for the extraordinary legal remedy of revision. According to the new legislation a panel of 3 judges of the Supreme Court is entitled to decide whether to let the panel of 5 judges decide on a revision. The revision is allowed only when it concerns a legal question on which the decision of the higher court departs from the case law of the Supreme Court, secondly, when it concerns a legal question on which there is no case law of the Supreme Court, especially if the case law of the higher courts is not settled and finally, when there is no settled case law of the Supreme Court on the issue. Additionally, the number of senior judicial advisers that help judges in preparing the decision has increased as well, thus increasing productivity.

## Spain

**(2018):** The Administrative Procedural Law allows the inadmissibility of the cassation appeal by resolution of a lower level than Civil Procedural Law. This explains partially the different clearance rate between this two rooms. In relation to the good resolution rate in Administrative is due in part to this cause: In previous years, a Judgement of the Court of Justice of the European Union declared Spanish law contrary to Community law authorizing the tax on retail sales of certain hydrocarbons. This fact meant the massive presentation of claims for the patrimonial responsibility of the State for the undue payment of the so-called "sanitary cent". Once the Supreme Court established jurisprudence, many of these cases were resolved more quickly.

**(2017):** The cause of the raise of administrative cases (pending at the beginning of 2017 and resolved) in the Supreme Court is the reform of the cassation appeal by the Final Disposition Third of the Organic Law 7/2015, and, on the other hand, a new organisation of the Third Courtroom.



**(2016):** As concerns the variations observed between 2014 and 2016 regarding the categories "total of other than criminal law cases"; "civil and commercial litigious cases"; "administrative law cases", it should be noted that:

- the increase in the number of cases in civil matters is due to the increase in conflicts of competence entered and resolved as well as the increase in the number of resolutions of appeals for unification of doctrine.
- the high increase in administrative matters is due to the massive presentation of claims for the State's patrimonial responsibility for the undue payment of the called "sanitary cent", because of the Judgement of the Court of Justice of the European Union that declared contrary to the Community law the Spanish law that authorized the Tax on Retail Sales of Certain Hydrocarbons.

**(2015):** Regarding administrative cases in 2015, there was a significant flow of incoming cases related with tax on retail sales of certain hydrocarbons. But before that, since 2011, the incoming administrative cases dropped due to the Law of courts' fees.

**(2014):** For the 2014 exercise, the decreases observed in respect of the number of pending administrative law cases in the beginning of the year and the number of resolved administrative law cases, are the result of the decreases observed and explained in first instance.

The increase in the number of pending civil and commercial litigious cases on 31 December between 2012 and 2014 is due to the economic crisis which resulted in the increase of the number of cases in the civil jurisdiction.

**(2012):** For the 2012 evaluation cycle, the category of civil and commercial litigious cases includes data on labour matters, special matters and military matters.

## Sweden

**(2018):** Administrative law cases are handled by the Supreme Administrative Court, while all the other cases in the table 99 are dealt with by the Supreme Court.

**(2017):** Administrative law cases are handled by the Supreme Administrative Court, while all the other cases in the table 99 are dealt with by the Supreme Court.

**(2015):** The decrease in the number of pending cases is explained by a reduced inflow regarding the two main case categories in the Supreme Administrative Court, tax cases and social security cases.

**(2014):** The main explanation for the decrease of the number of administrative pending cases on 31 December between 2012 and 2014 lies in the general decrease of incoming cases (tax cases and social security cases). Besides, district courts focussed on resolving older cases.

## Question 101

### Austria

**(General Comment):** For intentional homicide cases include only the cases against known offenders. The intentional homicide cases includes facts of murder, manslaughter, killing on demand, involvement in suicide and killing a child at birth (sec 75 to 79 criminal code).

For robbery cases include only the cases against known offenders and facts of robbery theft and heavy robbery (sec 131, 142 and 143 Austrian Criminal Code).

### Belgium

**(2018):** As a result of the new rules for counting and recording cases, the number of contentious divorce cases is lower than the one in the previous years.

Bankruptcy cases do not include cases that have been managed by the Regsol system and procedure since mid-2017. The number of pending and resolved cases cannot be calculated due to the unreliability of the available data.

Cases concerning asylum seekers include asylum cases before the Aliens Litigation Council (e. g. applications for recognition of refugee status or granting of the subsidiary protection status). Cases relating to the right of entry and residence include migration cases before the Aliens Litigation Council (appeals for annulment of individual decisions taken pursuant to the Act on Access to the Territory, Residence, Establishment and Removal of Foreign Nationals).

**(2017):** Appeals lodged with the Aliens Litigation Council (Conseil du contentieux des Etrangers (CCE)) in the context of an asylum procedure migration litigation.

**(2016):** "Justice of the peace: no data for pending cases (start + end)  
civil courts of first instance and family courts: no data for pending cases (start + end)  
Youth courts: no data for Eupen, Leuven, Brussels (Dutch-speaking), Tournai, Mons; no data for resolved cases, pending cases and length of criminal courts of first instance: no data for Turnhout, Tongeren, Hasselt, Leuven, Charleroi, Eupen; no data for durations and breakdown by type of offence; police courts : no data for civil cases: no data for new cases, pending cases and commercial court length: concerns (only) the following roles: general role (including contested claims), role of motions and role of summary proceedings. It should be noted that the number of resolved cases is only an estimation - this figure has been calculated on the basis of the last judgment and this judgment closes the case. Consequently, not all the following cases are taken into account in this calculation: cases that have been the subject of another judgement after the judgement ending the case, and cases in which no judgement has been pronounced; no data for pending cases. Insolvency (commercial courts) :

Due to unreliable data, figures for pending and resolved insolvency cases (commercial courts) cannot be provided. With regard to insolvency (commercial courts), it should be noted that: - incoming cases: cases registered with a insolvency nature, cases with a insolvency number or cases registered on a dedicated insolvency list. Cases relating to liquidations/dissolutions, business continuity law and commercial investigations (not leading to insolvency) are not recorded. Filter: nature group of the insolvency case or insolvency number or entry on the roll F, G, H, K, L, V.

Bankruptcies include business insolvency proceedings (Commercial Court) and personal insolvency proceedings (collective debt settlement with the labour court).

With regard to the "litigious divorce cases" category, the variations in the number of incoming cases and the number of resolved cases are due to the fact that, unlike the previous cycles (2014, 2015), the 2016 data do not include divorces with mutual consent. The category "insolvency cases" in 2016 encompasses insolvency proceedings of companies (Commercial Court) and personal insolvency proceedings (collective debt settlement before the Labour Court) that were not included in previous cycles."

**(2015):** The insolvency cases provided only include cases regarding individuals and not the ones concerning companies.

## **Bulgaria**

**(General Comment):** Since there is no centralised Case Management System, the information on number of cases was summed up on the bases of the data collected from different courts and some mistakes are possible due to non-existence of control mechanism to check all the incoming courts data and spot eventual anomalies. Accordingly, some discrepancies can appear between data communicated for different cycles.

**(2018):** The number of dismissal cases includes: "Claims for protection against unlawful dismissal and claims for annulment of the penalty imposed" note "and" warning of dismissal ".

There is no specific explanation as to why insolvency proceedings decreased during the reference 2018. There is also no specific explanation as to why the number of employment dismissal cases decreased.

**(2017):** Since there is no centralised Case Management System, the information on number of cases was summed up on the bases of the data collected from different courts and some mistakes are possible due to non-existence of control mechanism to check all the incoming courts data and spot eventual anomalies. Accordingly, some discrepancies can appear between data communicated for different cycles.

**(2016):** There is no particular explanation in respect of the observed variations. All the data provided is correct.

**(2013):** In the frame of the 2013 exercise, it has been specified in respect of the category "insolvency cases" that the increase of the number of pending cases on 1 January 2013 is due to the overall increase of the number of incoming cases justified by macroeconomic reasons, namely the global financial crisis.

## **Croatia**

**(2018):** The reason for decreasing the number of pending insolvency cases lies in the new Bankruptcy Act, which entered into force in September 2015. Since then, and throughout the first half of 2016, many shortened bankruptcy proceedings have been initiated ex officio and finished in relatively short period (that was "unnaturally" large income of simple insolvency cases). Cycles defined in aforementioned Law of initiating these procedures by FINA finished, so 2018. actually reflects regular state of insolvency proceedings regarding income of insolvency cases.

**(2017):** "Litigious divorce cases" - regarding the decrease in the number of pending cases at the beginning of reference year in comparison to the beginning 2016., the reason lays in the fact that first instance municipal courts resolved significant number of cases in relation to the number of incoming cases (148%!!) during 2016., while the income of these cases, as stated in previous cycle decreased in comparison to the 2015. In 2017, courts resolved less cases than in 2016., but nevertheless more than they received which led to the decrease of pending cases at the end of 2017.

"Employment dismissal cases": Regarding the decrease in the number of pending cases at the beginning of reference year in comparison to the beginning 2016., the reason lays in the fact that first instance municipal courts resolved significant number of cases in relation to the number of incoming cases (133%!!) during 2016. Municipal courts received less cases of this type. The reason lays in the fact that in general, income of labour cases decreased in 2017. with no specific reason in sense of law changes etc. Lower number of received cases and Clearance rate of 137% lead to the decrease of the number of pending cases at the end of 2017.

Insolvency cases: in 2015. new Insolvency act was introduced. Significant number of companies were subject of shortened insolvency proceeding conducted by commercial court. Cycles defined in aforementioned Law of initiating these procedures by FINA finished by the mid of 2016., so 2017. reflects regular „movement“ of insolvency cases.

**(2016):** Regarding insolvency cases, 2015 was the year when, by introducing new Insolvency act, significant number of companies were subject of shortened insolvency proceeding conducted by commercial courts. Cycles defined in aforementioned Law of initiating these procedures by FINA finished, so 2016 actually reflects regular state of insolvency proceedings regarding income of insolvency cases. Relating the reduced number of incoming divorce cases, the number of divorces with minor children dropped in 2016. Namely, according to the new Family Law which came into force on 1 November 2015, couples with children, before initiating the court proceeding, have to undergo mandatory family mediation at social welfare centres. This fact postpones court proceedings and therefore there are fewer cases in court in 2016.

**(2015):** Regarding the table 101. - Litigious divorce cases – we point out that in 2015 there have been amendments to the Family Act, due to which a certain number of family cases were no more resolved in a litigious, but in non-litigious proceedings. For this reason, the number of cases in this category for 2015 is presented decreased (e.g. if these cases remained within the same category, the result would be as follows: Pending at the beginning of 2015 – 4 595, Incoming – 9 253, Resolved – 8 756 and Pending at 31.12.2015 – 5 092 cases).

In the same table (101), there is an increase of incoming insolvency cases due to the fact that on 1 September 2015 the new Insolvency Act came into force. The Act stipulates that the court will conduct an shortened insolvency proceedings regarding the legal person if the following conditions are met:

- If it has no employees
- If the FINA Register has unexecuted orders for forced payment for a continuous period of 120 days
- If preconditions for a second proceeding for deletion from the court registry are not fulfilled.

The Financial agency (FINA) is obliged, for legal persons who, on the day of the entry of the Insolvency Act into force, have had unexecuted orders for forced payment in the FINA Register for a continuous period of 120 days submit request to the court to initiate the shortened insolvency proceeding.

In view of the above provisions and the fact that at the time of the entry into force of the Insolvency Act there was more than 20.000 legal persons for which the preconditions were met to initiate the shortened insolvency proceedings, the number of incoming insolvency cases in 2015 increased significantly compared to previous years.

**(2014):** The increase of the number of pending bankruptcy cases on 1st January 2014 is due to the fact that many companies have gone bankrupt in 2013, thus there were a large inflow in 2013 in relation to other periods, and consequently an increase of the number of unresolved cases in 2014. The same reason is visible also in the 68% decrease of number of incoming bankruptcy cases in 2014, when compared with the outlier in 2013.

**(2013):** In the frame of the 2013 exercise, it has been indicated that the category “employment dismissal cases” includes dismissal of employment contract cases, determination of employment relationship cases and termination of employment cases.

## Cyprus

**(General Comment):** The increase in the number of employment dismissal cases since 2010 is the result of the crisis.

**(2017):** in the litigious divorce cases 192 cases pending on 1.1.16 of the family court of Famagusta were not included. Concerning the employment dismissal cases, the variation (decrease) between 2016 and 2017 is due to the fact that in 2016 many cases were filed after companies were closed many of which were later withdrawn.

## Czech Republic

**(General Comment):** For all evaluation cycles for the Czech Republic it was not possible to identify the number of pending cases solely on 1st instance since, each case is considered pending until the moment a final decision is enacted and no further proceeding is possible.

**(2017):** This is relatively new and very specific agenda, which usually takes 5 years to resolve. There was an increase in case filings five years ago, which resulted in growth in the number of resolved cases nowadays. On the other hand, for various reasons (including legislative changes) the number of incoming cases is decreasing.

There was an amendment of insolvency law in 2017 which introduced e. g. obligatory processing of insolvency motion by specialised entities or broadening of reasons for discontinuance of proceedings due to the lack of, or little, estate.

**(2013):** In the frame of the 2013 exercise, it is noticed that the increasing trend concerning the category of insolvency cases is due to the economic situation. More particularly, the number of personal bankruptcies is increasing.

## Denmark

**(General Comment):** To be sure to have consistent information, pending cases prior to the period in question is calculated based on received, finalized and pending cases ultimo the period in question. In addition, We got pending bankruptcy cases from the Maritime and Commercial Court from the court's annual report enabling us to answer question 101. It should be noticed that all cases from the District Courts regarding marriage and paternity/maternity are considered litigious divorce cases.

**(2018):** It should be noticed that all cases from the District Courts regarding marriage and paternity/maternity are considered litigious divorce cases.

There is a change of numbers of pending insolvency cases as we succeeded to include the Maritime and Commercial Court's pending insolvency cases in the overall figure.

**(2016):** Please note concerning insolvency: The number of cases concerning compulsory dissolution of companies has increased markedly due to new regulation where it is possible to start a company without starting capital. Accordingly, more companies are started, but more companies are also then closed. As concerns the number of pending insolvency cases, the data refers only to district courts given that data related to the Maritime and Commercial court is not available.

**(2015):** A decrease in the number of litigious divorce cases can be observed from 2010, it is most likely due to a change in the administrative proceedings, i.e. fewer cases end up in the courts.

## Estonia

**(General Comment):** It is noteworthy that the discrepancies that can be observed between the number of pending cases indicated for December of one year and the number of pending cases communicated for January of the next year, are due to the fact that the statistic system is alive and courts are entitled to modify and up-date data at any time.

It is possible to observe differences in the horizontal consistency since during the proceedings some cases are joined and some are disjoined.

**(2015):** The numbers of pending, incoming and resolved employment dismissal cases decreased from 2012 (compared to 2010). This variation is supposedly related to the fact that more cases are effectively resolved by the labour dispute committees, less cases arrive to the courts.

In 2014, the number of resolved litigious divorce cases increased. This is justified by the fact that courts are working more efficiently and have accelerated the proceedings.

**(2014):** The increase of the number of resolved litigious divorce cases in 2014 is justified by the fact that courts are working more efficiently and have accelerated the proceedings.

**(2012):** The decrease in the numbers of pending, incoming and resolved employment dismissal cases in 2012 is supposedly related to the fact that more cases are effectively resolved by the labour dispute committees less cases arrive to the courts.

## Finland

**(General Comment):** The answers provided for the question 101 are based on the information from the courts' case management systems gathered by the Ministry of Justice. It is worth noticing that the abovementioned systems are in real-time which means the number of cases constantly changes and courts can modify the data. Accordingly, it is possible to observe discrepancies between the number of pending cases on 31 December of the year and the number of pending cases on 1 January of the next year. Basically, information concerning the number of pending cases at the end of a given year is collected in the beginning of the next year, but courts can make changes to the statistics afterwards. Besides, as the system does not provide the number of cases for 1 January, the correct number of cases has to be calculated separately from the data later.

**(2018):** In 2016, the number of incoming cases relating to asylum seekers increased dramatically due to the asylum crisis. In 2018, the number of incoming cases relating to asylum seekers was considerably lower than in 2016. For the decreased number of resolved cases relating to the right of entry and stay for aliens, the only explanation is the general bigger case load in the administrative courts.

**(2017):** Cases relating to the right of entry and stay for aliens: includes the cases concerning deportation, permits of residence and removing from the country.

Cases related to Asylum seekers: the number of pending cases at the beginning of 2017 increased drastically as a consequence of the important number of incoming cases in 2016; the number of incoming cases in 2017 decreased compared to 2016 which allowed courts to better deal with pending cases (the number of resolved cases increased considerably in 2017, while the number of pending cases at the end of 2017 decreased).

**(2016):** The number of resolved cases pertaining to intentional homicide has decreased for the period 2014 - 2016. The category "Cases relating to the right of entry and stay for aliens" includes cases concerning deportation, permits of residence and removing from the country.

**(2013):** In the frame of the 2013 exercise, it was specified that the category "insolvency cases" includes only bankruptcy cases dealt with by District Courts and not restructuring of enterprises cases.

## France

**(2018):** The particular context of asylum applications in France and the sustained activity of the French Office for the Protection of Refugees and Stateless Persons (OFPRA) explain the high number of applications before the National Court of Asylum. Indeed, the CNDA's exclusive mission is to rule on appeals against decisions taken by OFPRA that do not satisfy asylum seekers. In addition, the number of appeals has tended to increase over the past ten years, increasing by a factor of 2.7 between 2008 and 2018.

Asylum seekers: National Court of Asylum

Data on the right of entry and residence of foreigners: data provided by the report of the Council of State on the number of proceedings processed by the administrative courts

For bankruptcies, business bankruptcies were used. The decrease in redundancies is explained by the increase in the number of contractual breaches of employment contracts.

**(2017):** With regard to cases concerning asylum seekers and cases concerning the right to entry and residence of aliens, migration phenomena explain this evolution.

**(2016):** The category "insolvency" refers to business bankruptcies (opening of receivership proceedings, opening of immediate judicial liquidation, recovery plans pronounced after protection, judicial liquidation pronounced after protection) have been taken into account. 2016 data on asylum seekers: National Court of Asylum at the State Council (Conseil d'Etat); 2016 data on the right of entry and residence of foreigners: Judge of freedoms and detention.

## Germany

**(2018):** Regarding the number of cases relating to asylum seekers, there were many unresolved cases in 2017 (see Scoreboard data 2017 (rise of asylum seekers since 2015)). Schleswig-Holstein: With regard to this question, no data are available for 2018 for Employment dismissal cases for pending cases on 31 Dec ref. year. The data from 2017 have therefore been included.

With regard for all Länder, no data are available for 2018 for the cases of Robbery and Intentional homicide (resolved cases) yet. The data from 2017 have therefore been included.

**(2016):** Employment dismissal cases: The variation between this cycle and the previous cycle for resolved cases is not explained.

**(2015):** Question 101:

A substantial number of the Länder was unable to provide information, meaning that any amount cited would not be meaningful in substantive terms.

**(2014):** The 2014 data are the same as those that have been provided in 2013. No update was available.

**(2013):** For 2013, two Landers did not communicate any reply. Given that for the previous years, seven Landers did not provide complete information, the 2013 data is more accurate.

As to dispute divorce cases only the number of conclusions by way of an order of divorce was provided. As to divorce proceedings (2013) overall, the following data were available:

Pending on 1 January 2013: 85 780;

Incoming cases: 119 123;

Resolved: 156 951;

Pending on 31 December 2013: 85 124.

As to insolvency cases only data on incoming cases was provided as well as on legal cases still pending at year end. Nevertheless not all Landers were able to give information on both of these points. Insofar as the Landers communicated complete data it was added to the sums indicated above. To this extent the information is incomplete.

**(2012):** In the frame of the 2012 evaluation it was stressed that the values regarding questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 108 corresponded to data of the year 2011.

The number of resolved litigious divorce cases refers to resolution by divorce decree only. However, the data in respect of the total number of divorce cases (2011) are complete:

Pending on 1 January 2011: 63 363;

Incoming cases: 66 194;

Resolved cases: 215 769 (of which 190 258 by divorce decree);

Pending on 31 December 2011: 58 773.

## Greece

**(2017):** "cases relating to asylum seekers": the number of incoming cases and the number of resolved cases increased compared to 2016 due to an increased inflow of cases. As regards the number of pending cases at the end of the year: the deviation between the respective data of 2016 is due to the transition of the data from hard copy to a new information (IT) system called "Integrated Court Management System for the Administrative Justice (OSDDY-DD)". This deviation that has already been taken into account by the Central Organizational Committee for the due implementation of OSDDY-DD, is expected to lapse gradually within the next years. Furthermore, deviations have also emerged from the new way of collecting statistical data that the central Organizational Committee is trying to establish in order to ensure the uniform input of data by each court and from recent verifications of relevant numerical data that were subsequently sent by the courts. Finally, discrepancies are also due to errors of the information system itself, for which an effort is being made to identify and inform about, the contractor of the system. Cases relating to the right of entry and stay for aliens: the number of acts of removal/expulsion of foreigners has been reduced, since most of them who are now entering the country, seek asylum, something that explains the respective increase in asylum cases within 2017.

**(2016):** Except for the categories "cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)" and "cases relating to the right of entry and stay for aliens", the relevant data are not available electronically for the moment, therefore their extraction is not possible.

## Hungary

**(2017):** Regarding the categories "insolvency", "robbery" and "intentional homicide" the number of pending cases on 1st of January differ from the closing number of the previous year because of data collection problems at certain regional courts.

**(2016):** With regard to the category "employment dismissal cases", as the number of incoming cases decreased it resulted in a decrease in the other categories as well. The reason of the decrease in the number of incoming cases might be outside of the court system. With regard to the category "insolvency cases", the methodology of data collection changed from the year 2015 to 2016. Accordingly, there is a discrepancy between the number of insolvency cases pending on 31 December 2015 and the number of insolvency cases pending on 1 January 2016.

With regard to "robbery cases" and "intentional homicide", currently the database contains some invalid data for these categories, so before solving this problem no valid data may be given.

**(2015):** Regarding the category "litigious divorce cases", the data provided for 2015 cannot be compared with the previous years as the statistical system has changed. As a result of an amendment of the code of civil procedure, litigious divorce cases were included in a new statistical category. This resulted in a starting number of "0" litigious divorce case at the beginning of the year 2015.

**(2014):** The decrease of the number of pending employment dismissal cases on 31 December over the period 2012-2014 is a consequence of the decrease of the number of incoming cases. Another reason was the establishment of 20 Administrative and Labour courts and 6 Regional Administrative and Labour Divisions in January 2013, that made the work of these courts more effective.

Administrative and Labour Courts are specialized first instance courts in cases concerning the review of administrative decisions and employment relationships. The Regional Administrative and Labour Divisions are special departments that coordinate the professional work of Administrative and Labour Courts. Their main function is to provide a professional platform for the judges to discuss the actual issues in administrative and labour matters.

## Ireland

**(General Comment):** Under the Insolvency category above the figures reflect both corporate and personal insolvency cases. Insolvency figures include both litigious and non-litigious cases.

**(2018):** There was a decrease in bankruptcy and alternative personal insolvency application by debtors and to bankruptcy as a remedy by creditors in 2018. The overall amount of personal insolvency cases fell from 2,909 in 2016 to 1,526 in 2018"

**(2017):** The entered under "Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)" represent judicial review applications relating to asylum cases generally. We are not in a position to provide definitive data on the specific case category indicated on "Cases relating to the right of entry and stay for aliens".

"Employment dismissal cases": we regret that we cannot definitively explain the reason for the decrease: there is no necessary connection between improvement in the economy and the number of disputes arising from employment dismissal.

**(2016):** With regard to the category "insolvency cases", 2016 data on incoming and resolved cases reflect a significant increase in recourse to personal insolvency procedures by debtors (there were 2730 personal insolvency and bankruptcy proceedings in 2016 compared to 941 in 2014).

**(2015):** 2015 figure should be 2368. The large increase is substantially due to a large increase in the number of applications for Debt Relief notices, Debt Settlement Arrangements and Personal Insolvency Arrangements

**(2014):** 2014: Variation: The significant increase in the number of incoming and resolved insolvency cases between 2013 and 2014 reflects the introduction of a new range of statutory personal insolvency remedies since the previous return was made.

## Italy

**(General Comment):** With regard to the insolvency cases, the peculiarity of the Italian system consists in distinguishing between “insolvency applications” and “insolvency cases”. The former category concerns the litigious part of the proceeding where creditors and debtors have different goals (dispute). The latter category concerns the part of the proceeding where the judge has already established the insolvency / bankruptcy of the debtor and the case is all about the management of the assets and proceeds of the debtor. Figures at questions 101 and 102 refer to “insolvency applications” rather than “insolvency cases”.

**(2018):** Employment dismissal cases are strongly correlated with the economic trend. The number of employment dismissal cases used to be very high when the economic crisis was at its peak. Now the economy is getting better and therefore the number of these cases is going down.

The strong increase of cases related to asylum seekers was even addressed by the president of the Supreme Court during his speech on the occasion of the inauguration of the judicial year. The reason of such increase depends on the immigration flow. Cases related to the right of entry and stay for aliens are dealt by the administrative justice and for this reason they were not considered in 2016.

**(2017):** Asylum seekers cases represent a growing phenomenon. For this reason, a new piece of legislation (L.46/2017) which came into force in 2017, introduced a series of procedures with the aim of speeding up this kind of proceedings. In particular, the main innovations of the above regulatory intervention include the establishment of specialized sections within the courts. Such specialized sections deal exclusively with immigration and international protection cases. The Italian courts are not involved in the activities concerning the right of entry and stay of aliens. The competent body is the Ministry of internal affairs. For further information about this topic please visit [http://poliziadistato.it/articolo/10618-Entering\\_Italy](http://poliziadistato.it/articolo/10618-Entering_Italy)

**(2016):** With the introduction of the data warehouse system we can now identify specific types of proceedings (e.g. employment dismissal cases) more precisely.

The figures provided for both litigious divorce and insolvency cases (year 2016) are correct but there is no particular reason explaining the observed variations. With regard to the insolvency cases, the peculiarity of the Italian system consists in distinguishing between “insolvency applications” and “insolvency cases”. The former category concerns the litigious part of the proceeding where creditors and debtors have different goals (dispute). The latter category concerns the part of the proceeding where the judge has already established the insolvency / bankruptcy of the debtor and the case is all about the management of the assets and proceeds of the debtor. The figures at questions 101 and 102 refer to “insolvency applications” (the litigious part of this kind of proceedings) rather than “insolvency cases”.

**(2015):** Insolvency cases. The Italian system distinguish between “Insolvency applications” and “Insolvency cases”. The “Insolvency application” is the litigious part of the proceeding where creditors and debtors have different goals (dispute). On the other hand “Insolvency cases” is the part of the proceeding where the judge has already established the insolvency / bankruptcy of the debtor and the case is all about the management of the assets and proceeds of the debtor. Figures at Q.101 refers to “Insolvency cases” rather than “Insolvency applications”.

Litigious divorce case in 2015 have been extracted from the “Civil Data warehouse”. While in 2014 they were taken from the previous system. To harmonise the data between the cycles the 2014 was updated with the values derived from the data warehouse too

**(2014):** - In the frame of the 2014 exercise, it has been stressed that the project called “Civil Datawarehouse”, Italy was working on for years, and supposed to enable to look at each single procedure individually, has been implemented. However, the output of the Datawarehouse is still under “test phase”. It is likely that the number of “employment dismissal cases” is available for the next evaluation.

**(2012):** On the occasion of the 2012 exercise, it has been stressed that the number of litigious divorce cases, has been affected by the implementation of a different classification of civil cases. Therefore the comparison between 2010 and 2012 might lead to misinterpretation.

## Latvia

**(2018):** Partially due to court system reform, Court Information System database has undergone several error checks and data clean-ups, that has affected amount of cases, especially – unresolved. Data on court statistics are being calculated by automated systems, we do not keep track on any changes that affect data in database. Any changes to the Court Information System can affect the data.



**(2016):** Data updated after court reorganisation in 2018.

**(2013):** In 2013, several explanations have been provided with regard to the category “insolvency cases”. Firstly, the number of pending cases on 1 January increased because of the special handling procedures for insolvency cases set forth by the Civil Procedure Law. As a matter of fact, the duration of insolvency proceedings is mostly affected by external economic factors and do not depend on the courts work capacity. Secondly, the increase of the number of incoming cases was justified by external factors such as public activity submitting applications before the Court on the legal protection of individuals in cases of insolvency. Thirdly, the increase of the number of resolved cases was due to the gradual improvement of the capacity of the courts work following the adoption of the new provisions of the Civil Procedure Law on 1 January 2012. Lastly, the increase of the pending cases on 31 December 2013 resulted from the special handling procedures for insolvency cases according to the Civil Procedure Law.

**(2012):** In the ambit of the 2012 exercise, it has been explained that the decrease of the number of “litigious divorce cases” in respect of all the items (pending, incoming, resolved cases) was due to the decrease of the incoming cases owing to to the impact of external factors such as depopulation, decline in the number of marriages etc.

As to the category “employment dismissal cases”, the decreases noticed in respect of all the items (pending, incoming, resolved cases) can be explained by external socio-economic factors such as the decrease of the unemployment in the country after the end of the economic crisis. This factor has affected the number of incoming employment dismissal cases and consequently the other statistical indicators.

## Lithuania

**(2018):** Employment dismissal cases - the decrease of incoming and resolved cases might be due to the effective functioning of the Labor Disputes Commission (a mandatory pre-litigation labor dispute resolution body for individual and collective labor disputes).

Insolvency cases - the decrease of incoming cases might be due to the decrease of debtors (legal entities). Robbery cases - the decrease of incoming and resolved cases might be due to a general decrease in crimes to property. Cases relating to the right of entry and stay for aliens - general situation in EU on this issue led to the increase of incoming cases in 2017 and consequently to the increase of pending cases at the beginning of 2018. The number of resolved cases is higher due to higher number of incoming and correspondently pending cases. Cases relating to asylum seekers fall within the cases relating to the right of entry and stay for aliens or other administrative cases.

**(2017):** Cases relating to asylum seekers fall within the cases relating to the right of entry and stay for aliens or other administrative cases.

The number of incoming cases related to the right of entry and stay for aliens is related to the number of requests from residents of countries where were no requests before (countries where are no military actions carried) and such requests are often declined by the Migration department.

The decrease in the number of pending employment dismissal cases at the end of the year is explained by the fact that courts are successfully fighting the backlog.

Variations observed in respect of the number of pending litigious divorce cases appear important mainly due to the small numbers.

**(2016):** For the reference year 2016 cases relating to asylum seekers fall within the cases relating to the right of entry and stay for aliens or other administrative cases.

**(2013):** In the frame of the 2013 exercise the variations observed in respect of the categories “employment dismissal cases” and “litigious divorce cases” are justified mainly by the changes in the number of incoming cases (due to the crisis, developments of constitutional doctrine or amendments in law). Besides, some discrepancies might have occurred due to the judicial reform of 8 district courts and therefore transferring cases from one year to another from several/two courts to one court. The reform entered into force on 1 January 2013 and has resulted in the reduction of the number of district courts to 49.

## Luxembourg

**(2018):** With regard to the number of incoming divorce cases, compared to the numbers provided for the 2017 scoreboard, they increased by only 8%. Since 2017, we have seen an acceleration in the number of divorce applications in 2018 since, before the entry into force of the law of the 27th of June 2018 establishing the Family Court (JAF law) and reforming the divorce procedure, many proceedings initiated under the former law were dismissed as a priority. In addition, the numbers for asylum seeker cases have decreased by 5% compared to the numbers available for 2017. The variation in incoming cases and resolved cases is linked to factors which are external to administrative courts and it is probably linked to the decrease in 2018 in applications for international protection and especially in decisions taken in relation to these issues. Finally, the number of cases resolved in 2016 concerning the entry and residence of foreigners was particularly high, this can be explained, among other things, with the creation of a new chamber in 2016 at the Administrative Court, the complexity of the cases, which can vary, as well as the delays in the investigation which can affect the date of delivery. The number of resolved cases related to the right of entry and residence of foreigners remains unchanged from the cases resolved in 2017.

**(2017):** Litigious divorce cases: The increase in the number of incoming cases in 2017 may have its origin in the fact that parliamentary proceedings had been initiated to reform the existing divorce procedure, which was intended to repeal the contentious divorce procedure. The Act of 27 June 2018 establishing the Family Court (juge aux affaires familiales) and reforming divorce and parental authority was initially supposed to come into force in the beginning of 2018 but it will only come into force on 1 November 2018. This law is also amending: 1. the New Code of Civil Procedure; 2. the Civil Code; 3. the Criminal Code; 4. the Social Security Code; 5. the Labour Code; 6. the amended Act of 11 November 1970 on the transfer and seizure of work pay and pensions; 7. the amended Act of 7 March 1980 on the organisation of the judiciary; 8. the amended law of 10 August 1992 on the protection of young people; 9. the amended law of 27 July 1997 on insurance contracts; 10. the amended law of 9 July 2004 on the legal effects of certain partnerships; 11. the law of 27 June 2017 adopting a multiannual programme for recruitment to the judiciary and amending the amended law of 7 March 1980 on judicial organisation. In addition, an increasing number of divorces between asylum seekers can be noticed.

Cases relating to asylum-seekers (refugee status under the 1951 Geneva Convention)[incoming cases and resolved cases]: the increase in the number of incoming and resolved cases is due to factors external to administrative courts and is probably linked to the general increase in 2017 in the number of applications and decisions taken in relation to asylum claims (see <https://statistiques.public.lu/fr/actualites/population/population/2018/01/20180117/20180117.pdf>).

Cases relating to the right of entry and residence of aliens [resolved cases]: the number of resolved cases in 2016 was particularly high, which can be explained by, inter alia, the creation of a new chamber in 2016 at the Administrative Court, the complexity of cases which may vary as well as the length of investigation proceedings, which may affect the date of delivery of the decision.

**(2016):** For insolvency cases the number of incoming and resolved cases is identical because these cases are treated immediately.

**(2013):** 2013: the number of employment dismissal cases corresponds to the incoming cases brought before the three competent courts. All these cases, with some exceptions, are general heard and resolved within a few months.

Regarding insolvency cases, it should be noted that they are all considered as urgent and are heard, at the latest one month after they are brought before the court.

For resolved litigious divorce cases (+69.53%) and employment dismissal cases (-32.29%), the increase between 2010 and 2013 reflects the current social phenomenon.

## Malta

**(2017):** The employment dismissal cases are not heard by the courts but rather by the Industrial Tribunal which is separate from courts and has no connection whatsoever to courts or the Ministry of Justice. Cases related to asylum seekers are processed by the Refugee Commission and heard by the Refugee Appeals Board, which is an entity separate from the courts. Therefore such data is NAP. The Office of the Refugee Commissioner (RefComm) is regulated by The Refugees Act, Chp 420 of the Laws of Malta, and its main responsibility is to receive, process and determine applications for international protection in Malta, as stipulated by the Refugees Act, amended by Act VI and VII in 2015 and its Subsidiary Legislation 420.07 on Procedural Standards in Examining Applications for Refugee Status Regulations. This Office is also bound by the obligations assumed by Malta under the 1951 Geneva Convention relating to the status of Refugees and its 1967 Protocol, as well as its obligations under European Directive 2011/95/EU, European Directive 2013/32/EU and the Dublin Regulation.

RefComm implements a single asylum procedure. It first examines whether the applicant fulfils the criteria to be recognised as a refugee according to law, and in the case of those applicants who do NOT meet the criteria to be recognised as refugees, the Office proceeds to examine whether the applicant fulfils the criteria for subsidiary protection according to law. The applicant is informed in writing about the decision issued by the Office of the Refugee Commissioner. The reasons in fact and in law are stated in the decision. In the case of a negative decision, applicants are informed of their right to enter an appeal against this decision to the Refugee Appeals Board. Information on how to challenge a negative decision is given in writing to those applicants whose application was rejected with regards to refugee status and/or subsidiary protection status. This is an administrative review and involves the assessment of facts and points of law. An asylum seeker has 2 weeks to appeal since the day in which the written negative decision by the Refugee Commission has been received. Whilst the Refugee Appeals Board does not accept late appeals, it does have suspensive effect.

An onward appeal is not provided in the law in case of a negative decision from the Refugee Appeals Board. However, judicial review of the decisions taken by the Board is possible before the First Hall of the Civil Court, limited only to an enquiry into the validity of the administrative act. However, such information is not available. Judicial review does not deal with the merits of the asylum claim, but only with the manner in which the concerned administrative authority reached its decision. At this stage, applicants could be granted legal aid if eligible under the general rules for legal aid in court proceedings.

**(2016):** Litigious cases: the number of incoming and resolved cases has been on the increased every year.

## **Netherlands**

**(2018):** As for the number of resolved employment dismissal cases, it dropped significantly in recent years, most probably because of the shortage in labour or low unemployment

**(2017):** The distinction of litigious cases is only available for resolved cases.

**(2016):** At the moment the Supreme Court has not the data available to answer this question. The National Correspondent is consulting the Supreme Court to improve this situation.

## **Poland**

**(2018):** In regard to litigious divorce cases, please note that pending cases on 1 Jan. ref. year plus incoming cases minus resolved cases are not equal pending cases on 31 Dec. ref. year. In some judicial proceedings parties decided to change their decision and do not get divorce but they get separation. In that situations incoming cases are classified as divorce cases but in resolved cases they are classified as separation cases which are included in different statistical position.

**(2017):** Changes in insolvency cases pending on 31 Dec are probably caused by implemented organizational changes in courts.

**(2016):** The growth of the number of insolvency cases is a result of the amendment of The Bankruptcy and Reorganisation Act which entered into force on the 31 December 2016.

It should be noted, that this is a very important change, which simplifies the submission of requests for consumer bankruptcy. It also implemented solutions for insolvent consumers which facilitate reaching deal with their creditors. The amended regulations do not establish automatisation in declaring consumer bankruptcy - it is still a legal proceeding. Every time the consumer must fulfil a number of conditions, which are subject to an individual assessment conducted by the judge. Since the implementation of this act, the number of incoming insolvency cases has increased significantly (300 in 2014, 8694 in 2016).

## Portugal

**(General Comment):** Since 2007, statistical data concerning pending cases in 1st instance judicial courts are collected through the courts information systems. Being dynamic systems, allowing regular corrections and up-dating, the data collection may lead to oscillation data from previous years resulting in variations in pending cases.

**(2018):** The decrease of the number of pending cases follows the global general tendency of decrease of the number of civil and labor cases filed and pending. We have not identified any legislative or other changes that could directly justify the decrease of such cases.

**(2017):** The number of pending employment dismissal cases decreased in 2017 in relation to 2016. This was due to the fact that the number of resolved cases in 2016 was superior to the number of new cases that year. The number of cases in 2016 decreased as a result of a better economic environment.

In addition, labour cases have been decreasing in global terms.

The number of pending insolvency cases decreased in 2017 in relation to 2016. This was due to the fact that the number of resolved cases in 2016 was superior to the number of new cases that year. The number of cases in 2016 decreased as a result of a better economic environment.

In addition, civil procedural cases have been decreasing in global terms.

**(2016):** - The decrease in the number of pending cases in the beginning of 2016 in relation to 2015 in respect of litigious divorce cases, employment dismissal cases and insolvency is explained by the fact that the number of resolved cases in 2015 was superior to the number of incoming cases that year. There is no specific explanation as regards the decrease in the number of these cases (for example legislative changes). However the decrease of these cases follow the general trend of the decrease of incoming and pending cases in civil and labour matters.

- The decrease in the number of pending cases in the end of 2016 in relation to 2015 in respect of litigious divorce cases, employment dismissal cases and insolvency is explained by the fact that the number of resolved cases in 2016 was superior to the number of incoming cases that year. There is no specific explanation as regards the decrease in the number of these cases (for example legislative changes). However the decrease of these cases follow the general trend of the decrease of incoming and pending cases in civil and labour matters.

**(2015):** The decrease in the number of employment dismissal cases follow the general trend of the decrease of incoming and pending cases in labour matters.

**(2013):** In the frame of the 2013 exercise, it has been indicated that the number of incoming litigious divorce cases is decreasing since 2010, entailing the decrease of the number of pending cases. In this respect, between 2010 and 2013, the clearance rate has remained stable, with values above 100%. Another relevant explanation is the decreasing of the number of marriages in these last years.

With regard to the category "insolvency cases", in 2012, legislative and other measures were adopted with the objective to accelerate procedural times of insolvency cases. These measures have allowed courts to respond more promptly to the increasing number of insolvency cases. Accordingly, a huge increase of resolved insolvency cases can be observed between 2010 and 2013.

## Romania

**(2018):** The augmentation of cases related to asylum seekers is due to the increase of the migration as a phenomenon

**(2017):** With regard to "cases related to asylum seekers" the increase in the number of incoming cases in 2017 may be determined by the extended phenomenon of immigration lately registered in Europe. Referring to the decrease in the number of resolved cases related to the right of entry and stay for aliens (resulting in an increased number of pending cases on 31 December 2017) there is not an objective reason that may explain this statistical data.

**(2016):** The decrease of pending Employment dismissal cases is due to high Clearance Rate in 2015. Regarding insolvency cases, the decrease observed for the period 2014-2016 was determined, on the one hand, by the change in economic conditions and the re-launching of the companies' potential. On the other hand, the reform of insolvency legislation (Law 85/2014) encouraged early recovery prior to insolvency and, balancing the protection of creditors with that enjoyed by debtors, has reduced the tendency of borrowers to use this judicial procedure.

**(2015):** One may notice an important decrease of first instance new cases in administrative law and insolvency as a cause of legislative amendments dating from 2012. The same reason is for increases of numbers in appeal and decreases in second appeal, except for special laws like administrative law.

**(2014):** By the decision n° 46/2012, the Superior Council of Magistracy has decided that all the courts will implement by 1 January 2014 the IT system of collecting data. The new method is based on new definitions of the indicators. Accordingly, a case is transferred from the field "stocks" to the field "closed" only when the final decision, including its reasoning is drafted signed and communicated to the parties. For that reason, the number of pending cases on 31 December 2013 cannot be identical with the number of pending cases on 1st January 2014. The decrease of the number of resolved litigious divorce cases between 2013 and 2014 was due to the socio-economic conditions.

**(2013):** In respect of the category "litigious divorce cases", the decrease of the number of cases in 2013 may have social causes and may also reflect the alternative instruments to litigious divorce (.g. divorce in front of notaries). In respect of the category "employment dismissal cases", because of the delays on the first hearings allocated by the new automatic system implemented with the new Civil Procedure Code, even if the number of the new entered cases has decreased, the total volume of activity was focused on stocks. The problem enters on a normal path in 2013.

**(2012):** In respect of the category "litigious divorce cases", the decrease of the number of cases in 2012 may have social causes and may also reflect the alternative instruments to litigious divorce (.g. divorce in front of notaries).

## **Slovakia**

**(General Comment):** Comparison with previous cycles is not possible due to the change of methodology of calculation of cases introduced by the Analytical centre. The methodology now can identify cases finalised at each instance. The inconsistency between pending cases at the beginning of 2016 and pending at the end of 2015 is disturbed because of introduction of new methodology of calculation by the Analytical centre .

**(2018):** Note 1: Differences in the initial states of things as of 1 January 2018 different from the final states as of 31 December 2017 are due to the introduction of electronic data collection through the Data Collection Application (hereinafter referred to as AZU). When introducing electronic data collection in 2018, the courts were allowed to record the actual state of pending cases as of 1 January 2018 with the aim of not transmitting any inaccuracies from paper collection of previous periods. These differences should not occur in the next year, given the introduction of automatic transfer of the number of undecided cases from the end of the previous period in the electronic data collection.

Note 2: The increasing number of insolvency cases is caused by an important amendment of the Act on bankruptcy. The personal bankruptcy of the natural persons has been introduced in march 2017 and in 2018 we registered significant increase of new cases. Note 3: Data in the "Robbery case" and "Intentional homicide" categories represent the number of convicted persons in lawfully completed cases. These are data obtained from the lawfully completed database, which are classified as equipped in the statistical reporting and therefore data are only available for " Since 2018, the number of convicted persons has not been reported according to the strictest crime, but convictions for all crimes are taken into account (i.e. if the person has been convicted of several offenses, the person is reported as convicted for each crime separately).

**(2017): Q101** : The data in the table are not horizontally consistent. This is caused by the fact, that the data on pending cases on 1. January 2017 (the same as data on 31. December 2016 given for the previous cycle) were collected in a one-shot collection for the Justice Scoreboard 2017 and were not bound by control patterns of horizontal consistency as it is in the new electronic data collection active since January 2018.

As regards the variations, some inconsistencies in data between the old and new system persist, and they can be explained as the transition between the old system of collecting the statistical data to new one is more complicated than was expected, with the setting up of Analytical centre of the MoJ, application of CEPEJ methodology and its tools is one of the targets in the on-going project between CEPEJ and Ministry of justice of the Slovak republic.

There are still two different IT tools used to collect the statistical data from the courts to Analytical centre. The Analytical centre makes every effort to complete the transition between two systems as soon as possible to get reliable data as soon as possible.

The increase in litigious divorce cases is influenced by significant decrease in the clearance rate (CR) to 79% in previous year 2016. The reason for the reduced CR can be found in the change of records of divorce without children from register C to the register of Pc, which was carried out in the middle of 2016, and with this change the organizational shift of the relevant number of judges into another department was not parallel.

The increase in the numbers of insolvency cases was significantly influenced by the legislative changes related to the personal bankruptcy of natural persons. Since 1.3.2017 the simplified access to personal bankruptcy and the possibility of debt elimination of natural persons is in effect. The impact of this changes was immediate in both incoming and resolved cases.

**(2016): Comparison** with previous cycles is not possible due to the change of methodology of calculation of cases introduced by the Analytical centre. The methodology now can identify cases finalised at each instance. The inconsistency between pending cases at the beginning of 2016 and pending at the end of 2015 is disturbed because of introduction of new methodology of calculation by the Analytical centre .

## **Slovenia**

**(2017): Personal insolvency** accounts for more than half of the insolvency cases (61% new cases in 2017 and 75% in 2015). The decrease in incoming insolvency cases reflects the smaller number of new personal insolvency cases (we can speculate that the higher number of personal insolvency cases in previous years was the effect of the past economic crisis). The increase in resolved cases can be explained by the elapse of probation periods (typically 2-5 years) in personal insolvency cases and more efficient liquidation of assets in cases of business subject insolvency. The number of insolvency cases for business subjects (approx 34% of all new cases in 2017) did not vary significantly in recent years.

### **(2016): Differences (insolvency cases):**

The effects of the past economic situation are still producing a high number of incoming insolvency cases, with a high percentage of personal bankruptcies. Following the legislation changes, introducing new, simplified types of (preventive) compulsory settlement, there has been an increase in pending cases due to the overburdening of courts with new cases, as well as lengthy procedures (the case cannot be resolved until the debtor's assets are liquidated – corporate; the case cannot be resolved until the end of probation period for the discharge of debt – personal insolvency; in this period the court cannot influence the duration and the case is still classified as not finished).

### **(2015): Differences (insolvency cases):**

- The effect of the economic situation are still effecting a high number of incoming insolvency cases, with a high percentage of personal bankruptcies (approx. 70%). The recent legislation changes introduced new, simplified types of (preventive) compulsory settlement which also led to new incoming cases.

- The increase in pending cases is due to the overburdening of courts with new cases, as well as lengthy procedures (the case cannot be resolved until the debtor's assets are liquidated – corporate; the case cannot be resolved until the end of probation period for the discharge of debt – 2-5 years; in this period the court cannot influence the duration and the case is still classified as not finished).

### **Differences (robbery, intentional homicide):**

- Differences are mainly due to the small absolute number of cases.

**(2014):** 2014 Firstly, the number of incoming insolvency cases is still high due to the effect of financial crisis, which left many companies and people on the verge of bankruptcy. A further increase in incoming cases can be attributed to the amendment of insolvency legislation in 2013, which abolished the right for legal persons to apply for legal aid for financing the advances of the costs of the bankruptcy proceedings (however legal persons are now exempt from paying the advance in bankruptcy proceedings in all cases, without having to apply for legal aid).

The number of pending cases increased and will probably increase even more due to the rules governing when the case is deemed resolved. For insolvency cases, this can occur when the assets are liquidated and the creditors are paid (or in case of personal bankruptcy, if the dismissal of debts was requested, until such decision takes place). In cases of big companies as debtors, the sale of all assets can take years; and in cases of physical persons the “probation” period, which lasts a minimum of 2 years and maximum of 5 years must elapse, before the court can decide on dismissal of the debts.

**(2013):** 2013 'The number of incoming insolvency cases constantly rises due to the effect of general economic crisis which resulted in a higher number of insolvent companies. The increase in the number of unresolved cases can also be attributed to a high number of proceedings of bankruptcies of physical persons. In these cases most debtors apply for conditional release of debt, where the trial period can last from 2-5 years'

**(2012):** 2012 The number of pending employment dismissal cases on 1 January 2012 decreased significantly because, basically, the employment dismissal cases are priority cases and labour courts pay special concern to promptly resolve these cases.

As robbery cases, were included in 2012 criminal offences defined in the Criminal Code as Robbery and Larceny in the Form of Robbery. As intentional homicide, were included criminal offences defined in the Criminal Code as Murder (which responds to Anglo-Saxon definition of first and second degree murder), Voluntary Manslaughter and Infanticide. The data includes criminal cases against adult and juvenile offenders, it does not include attempts.

**(2010):** The figures provided for 2010 in respect of the items “intentional homicide” and “robbery” represented the number of cases for murder (Article 127 of the old Criminal Code) or robbery (Articles 213 (89) and 214 (20) of the old Criminal Code). These data derive from crime statistical data collected by the Statistical Office of the Republic of Slovenia by means of statistical questionnaires answered by the public prosecutor’s office and local and district courts. When more than one perpetrator participates in committing one criminal offence, each participant is a separate case. If one perpetrator commits several criminal offences, the attribute of the perpetrator is only the main criminal offence. The data are obtained based on search profile for “Adults against whom the criminal procedure before senate has been finished by sex, criminal offence, type of decision and duration of detention”, for murder and robbery, on an annual basis. Not only convicted persons are included, but also the acquitted ones.

## Spain

**(2018):** Variations in respect of cases relating to asylum seekers and cases relating to the right of entry and stay for aliens are due to the migration crisis

**(2017):** Migratory crisis can explain the raise of asylum seekers judicial cases.

**(2016):** As concerns employment dismissal cases: in 2014, 2015 and 2016 an important decrease in the number of incoming cases has been observed. While the resolved cases have kept similar numbers, so, every year the number of resolved cases has been higher than the number of incoming cases. As concerns insolvency cases: the decrease in the number of incoming cases may be due to a certain decrease in some effects of the economic crisis.

**(2015):** The horizontal consistency can not be respected because of reopened, cumulated and regularised cases. Because of the economic restrictions and the increasing number of companies with financing problems, the number of employment dismissal cases and the number of insolvency cases brought to courts have remarkably increased in 2014.

**(2014):** Because of the economic restrictions and the increasing number of companies with financing problems, the number of employment dismissal cases and insolvency cases arriving to courts has remarkably increased in 2014.

**(2010):** As a result of the economic and financial crisis, the number of incoming employment dismissal cases increased between 2008 and 2010.

## Sweden

**(General Comment):** In respect of the discrepancies that can be observed between the number of pending cases indicated for December of one year and the number of pending cases communicated for January of the next year, it is noteworthy that it is possible to register data afterwards in the operational system Vera which is 'alive'. Accordingly, if one produces data for the same dates at two different moments, one can get small differences in the results.

**(2018):** Migration cases are still very numerous due to a high number of incoming asylum seekers in 2015, since 2015 this number has decreased but is still on a quite high level in Sweden.

**(2017):** Cases relating to asylum seekers has increased due to a large number of incoming asylum seekers in 2015, since 2015 this number has decreased but is still on a high level in Sweden.



# **Indicator 4: Systems for measuring and evaluating the performance of courts**

Table 4.1: Modalities of monitoring systems in 2018 (Q81, Q70)

States	Annual activity report	Total number of monitoring elements	Monitoring:													
			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	costs of the judicial procedures	number of appeals	appeal ratio	clearance rate	disposition time	other
Austria		9														
Belgium		4														
Bulgaria		5														
Croatia		8														
Cyprus		5														
Czech Republic		7														
Denmark		7														
Estonia		13														
Finland		10														
France		7														
Germany		11														
Greece		6														
Hungary		12														
Ireland		3														
Italy		10														
Latvia		13														
Lithuania		8														
Luxembourg		10														
Malta		10														
Netherlands		9														
Poland		7														
Portugal		10														
Romania		13														
Slovakia		10														
Slovenia		13														
Spain		9														
Sweden		7														
<b>Yes</b>	20		27	26	26	25	24	16	5	8	5	18	11	17	17	11
<b>No</b>	7		0	1	1	2	3	11	22	19	22	9	16	10	10	16
<b>No answer</b>	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0

**Table 4.2: Performance and evaluation of the judicial systems in 2018 (Q77, Q73, Q73.1, Q66, Q67)**

States	Performance and evaluation of courts at court level			National policies applied in courts	
	Performance and quality indicators (Q77)	Regular evaluation system (Q73)	Evaluation of the court activity used for the later allocation of means (Q73.1)	Quality standards defined (Q66)	Specialised court staff entrusted with quality policy and/or quality system (Q67)
Austria					
Belgium					
Bulgaria					
Croatia					
Cyprus					
Czech Republic					
Denmark					
Estonia					
Finland					
France					
Germany					
Greece					
Hungary					
Ireland					
Italy					
Latvia					
Lithuania					
Luxembourg					
Malta					
Netherlands					
Poland					
Portugal					
Romania					
Slovakia					
Slovenia					
Spain					
Sweden					
<b>Yes</b>	25	23	17	15	6
<b>No</b>	2	4	10	12	21
<b>No answer</b>	0	0	0	0	0

# Indicator 4: Systems for measuring and evaluating the performance of courts

## Comments provided by the national correspondents

### organised by country

*Question 66. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?*

*Question 67. Do you have specialised personnel entrusted with implementation of these national level quality standards?*

*Question 70. Do you regularly monitor court activities (performance and quality) concerning:*

*Question 73. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?*

*Question 73-1. Is this evaluation of the court activity used for the later allocation of resources within this court?*

*Question 77. Concerning court activities, have you defined performance and quality indicators?*

*Question 81. 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)?*

#### Austria

**Q70 (General Comment):** The category other encompasses for example certain kinds of decisions.

**Q70 (2017):** "other": e.g. certain kinds of decisions, clearance rate (annually)

#### Belgium

**Q70 (2017):** There are ad hoc systems for monitoring activities within the courts. There is a central service responsible for the collection of statistics which ensures the annual publication of statistics. The Central Statistical Service is developing a uniform and coordinated policy, but there is (as yet) no central system for regular monitoring of activities.

**Q70 (2016):** There are ad hoc systems for monitoring activities within the courts. There is a central service responsible for the collection of statistics which ensures the annual publication of statistics. But there is no (yet) central system for regular monitoring of activities.

**Q73 (2017):** There are ad hoc evaluation systems within the courts. But there is not yet a central or coordinated system.

**Q73 (2016):** There are ad hoc evaluation systems within the courts. But there is no central or coordinated system.

**Q81 (2018):** The report covers the general functioning of the court/public prosecutor's office (staff resources, logistical resources, organisation, consultation structures, statistics, changes in workload, changes in the judicial backlog).

**Q81 (2017):** The report covers the general functioning of the court/public prosecutor's office (staff resources, logistical resources, organisation, consultation structures, statistics, evolution in workload, evolution in the judicial backlog).

The reports on functioning are transmitted to the head of the immediately superior court, the Minister of Justice, the High Council of Justice and the presidents of the Federal Legislative Chambers.

**Q81 (2016):** The report deals with the general functioning of the court/public prosecution (staff resources, logistical means, organisation, consultation structures, statistics, evolution of the workload, evolution of the judicial backlog).

the operating reports are transmitted to the head of the immediately superior court, the Minister of Justice, the High Council of Justice and the presidents of the federal legislative chambers.

#### Bulgaria

**Q70 (2010):** In the frame of the 2010 exercise it has been noticed that courts activities are monitored every six months, regarding the duration of proceedings, namely those completed within three months.

**Q73 (General Comment):** The Inspectorate to the Supreme Judicial Council (ISJC) is a body of the judicial system of the Republic of Bulgaria established under the art. 132a of the Constitution of the Republic of Bulgaria /published in State Gazette N.12 from 6th February 2007/. The Inspectorate to the Supreme Judicial Council is an independent body with the primary function of examining the operation of the judicial bodies without affecting their independence. Art. 54, para. 1 of the Judicial Power Act assigns powers to the Inspectorate to the Supreme Judicial Council.  
The Inspectorate annually, not later than the end of March of the current year, adopts a program for the planned inspections.

**Q77 (2017):** incoming cases; duration of proceedings /deadlines/; completed cases; pending cases; result of appealed and protested cases.

## Croatia

**Q66 (General Comment):** The quality standards (policy of organisational quality or judges' quality) are defined by Framework Criteria for the Workload of Judges and the quality of judges' work is measured by a methodology of assessment of performance of judicial duties which is determined by the State Judiciary Council, with a previous opinion of the Council composed by presidents of all the Judiciary Councils in the Republic of Croatia and the Plenary session of the Supreme Court of the Republic of Croatia. According to the Courts Act, the president of the court evaluates the work of every single judge according to Framework Criteria for the Workload of Judges in the period of one year following the standards on the number of judgments delivered by a judge compared with the number of judgments that should have been delivered, according to the Framework Criteria for the Workload of Judges, result of work in different kinds of cases, respecting deadlines in delivery of judgments and drafting of judgments, quality of judgments on the grounds of expressed remedies in legal actions and other activities of judges. The Framework Criteria are adopted by the Minister of Justice on the proposal of the General Assembly of Supreme Court. According to the State Judiciary Council Act, the president of the court is obliged to initiate disciplinary proceedings against a judge if he/she establishes: that a judge, without a justified reason, did not pass a number of judgements determined by the Framework Criteria for the Workload of Judges in the period of one year, or that a judge did not perform judicial duties accurately. Judges, except for the judges of the Supreme Court of the Republic of Croatia, are evaluated in the process of appointment in another court and when they stand as candidates for the president of court.

**Q66 (2018):** According to the Courts Act (Official Gazette, number 28/13, 33/15, 82/15), the president of the court evaluates the work of every single judge according to Framework for the workload of judges in the period of one year following the standards on the number of judgements delivered by a judge compared with the number of judgements that should have been delivered, according to the Framework for the workload of judges, result of work in different kinds of cases, respecting deadlines in delivery of judgements and drafting of judgements, quality of judgements on the grounds of expressed remedies in legal actions and other activities of judges.  
Framework criteria are adopted by the Minister of Justice on the proposal of the General Assembly of Supreme Court. The Criteria prescribe the number of decisions that need to be rendered every year by a judge.

**Q66 (2017):** According to the Courts Act (Official Gazette, No. 28/13, 33/15, 82/15), the president of the court evaluates the work of every single judge in his/her court for the previous year on the basis of the following standards: the number of judgements delivered by a judge compared with the number of judgements that should have been delivered, according to the Framework for the workload of judges, result of work in different kinds of cases in absolute numbers and percentages, respecting deadlines in delivery of judgements and drafting of judgements, quality of judgements on the grounds of expressed remedies in legal actions and other activities of judges.  
Framework criteria are adopted by the Minister of Justice on the proposal of the General Assembly of Supreme Court. The Criteria prescribe the number of decisions that need to be rendered every year by a judge.

**Q70 (2010):** In the frame of the 2010 exercise, it has been highlighted that the president of each court monitors the judges' performances (prescribed number of decisions) and submits the data on that to the Ministry of Justice. Municipal courts submit their data directly to the Ministry, by means of e-Statistics application.

**Q73 (2015):** According to the Court Act, the president of court supervises accurate performance of court activities in due time. The president of court has a duty to write a report on the performed supervision and its results, as well as on the measures taken, at least once a month. The report has to be inserted into a case file of judicial administration. The president of court is obliged to ensure court efficiency in the resolution of cases, especially when it comes to the resolution of cases the procedure of which lasts more than three years.

The president of court, except for the president of the Supreme Court of the Republic of Croatia, has a duty to submit a report on the performed tasks of judicial administration, measures and activities undertaken to improve work and efficiency of the court in the resolution of cases. The report is to be submitted directly to a court of higher instance, to the State Judicial Council and the Ministry of Justice, once a year, at least before 31 March for the previous year.

The courts use special information systems for the management and operation of the courts' cases, which consist of standard applications, computer and telecommunications equipment and infrastructure, system software and tools and all the data that are entered, stored and transmitted in all of the registers of the system. Misdemeanour courts operate using JCMS (Joint Case Management System), while other courts of general jurisdiction and commercial courts use ICMS (Integrated Case Management System). Through these systems it is possible to regularly monitor and evaluate the activity, performance and output of courts.

**Q81 (2016):** The reason for change in answer is that since 2016 the Ministry of Justice has access to all data through eFile and other court systems, and courts no longer have the obligation to submit reports.

## Cyprus

**Q66 (General Comment):** Quality standards are applied in practice

**Q66 (2017):** Quality standards are applied in practice

**Q66 (2016):** There are no written standards but in practice there are quality standards.

**Q66 (2015):** In practice there are quality standards

**Q66 (2014):** In practice there are quality standards

**Q81 (General Comment):** The Supreme Court prepares an activity report on the reserved judgments and the period for which they are reserved. There is no report prepared by each court on the number of cases.

**Q81 (2016):** The report is sent to the Supreme Court

## Czech Republic

**Q73-1 (2016):** In 2015, a new policy from the Ministry of Justice resulted in the fact that the evaluation of the court activity is used for the later allocation of means to this court.

**Q73-1 (2015):** In 2015, a new policy from the Ministry of Justice resulted in the fact that the evaluation of the court activity is used for the later allocation of means to this court.

**Q77 (2016):** The answer should be YES - there are performance indicators such as number of cases that the judge should resolve within a month, but these are not so strictly binding.

## Denmark

**Q66 (2016):** No, we use quantitative measures. Quality is measured as length of time to finalize a case.

**Q66 (2015):** The only standards are objective standards for example acceptable timeframes to finalize a case.

**Q67 (2018):** The public prosecution is not part of Danish Court Administration.

**Q67 (2017):** Because judges are independent, we do not interfere with a judge decision. However, there is always the possibility to appeal a court decision if either of the parties disagree with the verdict.

**Q67 (2016):** As above.

**Q70 (General Comment):** For the last evaluations it is explained with regard to the category "other" that goals have been defined for percentiles number of cases that are completed within different time brackets, i.e. 3 months, 6 months, etc.

The Danish Court Administration produces an annual report concerning cases that involve violent behaviour and rape.

**Q70 (2017):** In Denmark we have a management system which information is updated monthly for the district courts where the points above are shown. For the High Courts and the Supreme Court, the case flow is not followed so often and in a so detailed way, but there are also much fewer cases. "Other": activity in terms of weighted cases and also pending cases

**Q70 (2016):** The so called "weighted cases" are measured in order to have a measure for the activity.

**Q73-1 (General Comment):** The Danish Court administration takes action on the half-yearly figures where more extended reports and productivity figures are worked out. These data are used to allocate funds and judges etc.

**Q73-1 (2017):** Definitely. Both in relation to funds but also in relation to appointment of new judges in case of vacancy. In case of vacancy, it is not necessarily the same district court where the judge will be placed. It may change to another court. At the high court and the Supreme court the law defines a fixed number of judges at each court.

**Q77 (2017):** We have for a number of categories of cases defined that a certain percentage of cases should be solved within a certain time span. It varies for the different categories of cases.

**Q77 (2016):** In terms of productivity figures, weighted cases and target attainments.

**Q81 (General Comment):** The Danish Court Administration works out general statistical data on case flows, target attainment, turnover time, weighted cases and productivity and numbers of staff. It is then expected that the individual courts work out a report where they explain the development in the court, plans they might have to deal with problems and challenges and the main occurrences during the year.

**Q81 (2018):** The content is very much up to the courts. But case flow, goals attainments and an essay of what happened and influenced the court during the year is being examined.

**Q81 (2017):** It is intended for the general public. The content is prosa and tables with figures. It may be short or long. This is up to the individual court.

## Estonia

**Q66 (General Comment):** Estonia has developed a quality system consisting of 3 parts. The first part contains the quality standards (good practice) for the management of the court that describe activities related to the chairman of the court. The second part contains the quality standards for the administration of courts and is focused on the different roles of the parties involved in the administration of courts: directors, Ministry of Justice, Council for the Administration of Courts. The third part contains quality standards for the court proceedings and is addressed to all the judges. All of the three parts of the quality standards have been discussed and approved by the Council for Administration of Courts, respectively in 2012, 2013 and 2015.

**Q70 (General Comment):** The scope of the monitoring system is extended to the results of proceedings; the categories of cases; the number of decisions appealed and revoked, fully or partially. The waiting time and the 'age' of pending (not solved) cases are also monitored. It is worthy of mention that every year all the courts and the Ministry of Justice enter into an agreement according to which courts should aim to carry out structural changes and to make changes in case-flow management that will ultimately ensure efficient proceedings. The content of the agreement has changed since 2017. The goals are more general and the same for all the courts (except The Supreme Court).

**Q70 (2017):** See previous general comments.

**Q70 (2016):** see general comments

**Q73-1 (2016):** It can be part of it but it's not a rule.

**Q81 (2017):** It is done by the system, i.e. it is a part of our court information system. The Ministry of Justice and the courts can generate the necessary reports if needed.

**Q81 (2016):** The reporting system has changed. There is no longer obligation to present reports to the Ministry of Justice. It only applies to cases older than 2 years.

## Finland

**Q66 (General Comment):** There are quality projects covering both civil and criminal cases in the Court of Appeal of Rovaniemi judicial district and in the Helsinki Court of Appeal judicial district. In a quality project, one or several working groups are set up usually for a year. There are judges from each district court within the judicial district of a court of appeal and court of appeal judges and referendaries in the working group. Depending on the topic, prosecutors, attorneys-at-law and other lawyers, public legal aid lawyers and police may also participate in the working group's work. The working group writes a report on a specific theme, for example developing conduct of the court proceedings or legal costs in criminal and civil cases. The written report is presented and discussed in a formal event and published. The aim is to provide legal professionals with practical information and guidelines on a certain topic.

In addition, there are co-operation projects between administrative courts.

The Finnish Association of Judges compiled and published Ethical Principles for Judges in 2012.

**Q66 (2015):** There is a Quality Project of the courts in the jurisdiction of the Court of Appeal of Rovaniemi. (The jurisdiction of the Court of Appeal of Rovaniemi is the northernmost of the six appellate jurisdictions in Finland.) In 1999, the courts in the jurisdiction of the Court of Appeal of Rovaniemi launched a project for improvement of quality in adjudication. The quality project covers both civil cases and criminal cases. The objective of the quality project is to develop the functioning of the courts further and further so that the proceedings meet the criteria of a fair trial, that the decisions are well reasoned and justified, and that the services of the courts are affordable to the individual customers. The main working method consists of systematic discussions among the judges and also between the judges and stakeholders. The development work is steered by the development committee of the quality project. Normally four working groups for quality are set up for each year. The membership consists of judges from each of the District Courts in the appellate jurisdiction, members of the Court of Appeal, and referendaries of the Court of Appeal. Also prosecutors, private attorneys, public legal aid attorneys and heads of pre-trial investigation may serve as members in the working groups for quality. Each working group for quality is tasked to deal with one of the development themes which have been selected. The reports of the working groups are presented at the Quality Conference, they are discussed, and quality objectives based on the reports are set for the following year. The Report of Quality, containing the final reports, is published every year.

There is also a quality project of the courts in the jurisdiction of the Court of Appeal of Helsinki. Quality Project consists of working methods of two kind: cooperation with the University of Helsinki and working groups. Working groups for quality are set up for each year. The membership consists of judges from District Courts, members of the Court of Appeal, referendaries of the Court of Appeal, prosecutors and lawyers. Each working group for quality is tasked to address to one of the development themes which have been selected. The reports of the working groups are presented at the conference called 'Day of Jurisdiction'.

In addition there is a cooperation project between administrative courts. Some topics of the project have related to the quality standards. The reports of the project have discussed the matters like the factors of quality at administrative courts and the collection of information on quality.

It is also worth mentioning that on 15 October 2009, the presidents of Finnish Courts of Appeal proposed that the Finnish Association of Judges should begin work on drafting ethical guidelines for judges. A working group was set and the draft on ethical principles was discussed widely. The principles were formally released at the Judge Day event held in Helsinki on 12 October 2012.

**Q70 (General Comment):** All courts keep statistics of the mentioned court activities in the operational case management systems. The Department of Judicial Administration of the Ministry of Justice can access these figures through a reporting system.

**Q81 (General Comment):** The annual report should include information on the court's activities such as number of incoming cases, number of decisions given and average length of the proceedings. The report is intended to the government as a part of the budgetary information as well as to the general public and the media.

**Q81 (2017):** The report is intended to the government as a part of the budgetary information as well as to the public.

**Q81 (2016):** The report is intended to the government as a part of the budgetary information as well as to the public.

## France



**Q66 (General Comment):** "Initiated in 2009, the introduction of the ""Label Marianne"" (référentiel Marianne) in the jurisdictions has been achieved in successive territorial waves. In 2012, 44% of the French jurisdictions were involved in the deployment procedure of the Label (among which 76% of the ""tribunaux de grande instance"" (first instance courts), 53% of the ""tribunaux d'instance"" (first instance courts) and 20% of the labour courts (conseils de prud'hommes)).

Its implementation can be validated ultimately by a label issued for three years, after two audits carried out by a qualified external company and at different times. However, there is no mandatory labelling for the jurisdictions. Taking into account the budgetary constraints, the choice was made not to favour the labelling system, which had only resulted - since the beginning of the measure - in 9 attributed labels.

This deployment of the Label Marianne enables, ultimately, the rationalisation and mutualisation of the tasks concerning the reception of court users, as well as the valorisation of the reception task within the jurisdictions. It allows for an analysis of the organisational schemes concerning the reception services delivered.

The measure is essentially based on the implementation of corrective action plans, defined reflecting an internal analysis of the quality of reception since the beginning of the process.

An inter-ministerial evaluation tool has been set up since 2010, the public barometer of reception, to measure the qualitative leap thus obtained by sites with high reception stakes. For the justice network, the 152 metropolitan high courts are subject to mystery calls and evaluation of the quality of the 4 reception channels by 2 on-site visits, 9 phone calls, 3 letters and 10 e-mails.

The other jurisdictions, courts of appeal, district courts and labour courts which are not assessed (by the public barometer of reception, have to engage in the process of improving reception. They benefit from the experience of the high courts of their jurisdiction having implemented the measure.

Therefore, the quality standards defined by the Label Marianne must be deployed on sites with high stakes, such as high courts, before 30 June 2014. The other jurisdictions are highly encouraged to deploy the label which is meant to last, and even to be completed by new programmes developed by the SGMAP (100% efficient contacts programme, in the process of being integrated in 2014 to the Label Marianne)

The directorate of judicial services pays attention to the deployment of the label in the jurisdictions and had initiated an investigation on 2 January 2014 to all jurisdictions in order to take stock of the implementation.

Furthermore, there also are:

- Local initiatives aiming at implementing a ""quality system"" based on the labelling by an external body, which consists in establishing the procedures describing the reception process, the work organisation, the management of a case, detailing the roles and responsibilities of the participants,
- Surveys of ""satisfaction"" of users are conducted at regular intervals.

**Q66 (2016):** Quality standards developed for public administration are used in the judicial system. The charter of the administrations determines the rules for the reception of litigants in all courts and may give rise to certification. There are also local initiatives aimed at setting up a "quality system" based on certification by an external body, which consists in establishing procedures describing the process of reception, organisation of work and management of a case.

**Q67 (2014):** 2010: State prosecutors draw an annual report on the activity, management of their public prosecution office and on the enforcement of the law, as well as an annual report concerning the measures of custody and the condition of the custody facilities.

**Q67 (2012):** 2012: in French law on the judicial organisation, there is no statutory or regulatory requirement providing specialised staff in courts responsible for quality norms.

However, as part of the maintenance dialog to have operational resources, each court fills a document for the Ministry of Justice, comprising informations such as the number of handled cases, pending cases, the number of judges and administrative staff, as well as the performance objectives to reach. This document is not available on the intranet to all of the staff. Only agents of the Ministry in charge of the maintenance dialog have access to these figures thanks to appropriate softwares.

**Q70 (2018):** The coverage rate of cases as well as the structure of civil or criminal litigation are used by the courts.

In addition, other indicators usefully complete the analysis: .

Share of decisions on the merits in completed cases (civil activity).

Share of referrals in completed cases (civil activity).

Theoretical time to sell off the stock.

Average age of the stock.

Percentage of cases over 12 months in stock (civil activity).

**Q70 (2017):** The number of cases referred is an indicator used only by the administrative courts.

Courts have business applications to monitor their civil and criminal activities. At the national level, data coming from these applications are automatically collected via info-centres, processed and cross-referenced with each other, and then restructured in the form of tables or graphs. These refunds can be generated monthly, except for some data on activity (assize court, juvenile judges, enforcement of sentences), for which refunds are annual.

These info-centres enable courts to monitor statistics and manage their activities. They allow the central administration to prepare management dialogues from a performance perspective.

**Q70 (2016):** The number of cases subject to referral is an indicator used only by administrative courts.

Courts have business applications to monitor their civil and criminal activities. At national level, data from these applications are collected automatically via info-centres, processed and cross-referenced, and then presented in the form of tables or graphs. These refunds can be generated monthly, except for certain activity data (assize court, juvenile judges, enforcement of sentences), for which the refunds are annual.

These info-centres enable courts to carry out a statistical follow-up and to monitor their activities. They allow the central administration to prepare management dialogues from a performance perspective.

**Q70 (2015):** The number of cases being referred is used only by administrative courts.

The rate of coverage of cases is used by judicial courts.

The state of stocks by age group is used by administrative courts.

**Q70 (2014):** 2013, 2014, the category "others" includes:

- the coverage rate of cases (used by judicial courts)
- the state of the stocks per age group (used by administrative courts)

It should be noted that concerning the indicators mentioned in the question, the number of appealed cases is only used by administrative courts.

**Q70 (2013):** 2013, 2014, the category "others" includes:

- the coverage rate of cases (used by judicial courts)
- the state of the stocks per age group (used by administrative courts)

It should be noted that concerning the indicators mentioned in the question, the number of appealed cases is only used by administrative courts.

**Q70 (2012):** 2010, 2012: the category "others" includes the state of the stocks per age group. It should be noted that concerning the indicators mentioned in the question, the number of appealed cases is only used by administrative courts

**Q70 (2010):** 2010, 2012: the category "others" includes the state of the stocks per age group. It should be noted that concerning the indicators mentioned in the question, the number of appealed cases is only used by administrative courts

**Q73 (2016):** Administrative courts also use dashboards on monthly basis, while civil and criminal courts receive quarterly management activity reports via a business application.

**Q73 (2014):** 2012, 2013, 2014: for the administrative courts, the performance indicators comprised an estimate and objectives updated every three months. The activity is assessed every year in the administrative jurisdictions during management conferences. A monitoring board for the activity is transmitted every month to the heads of administrative jurisdictions.

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**Q73-1 (2017):** Annual management conferences (management dialogues) are held between the Ministry or the General Secretariat of the Council of State, depending on whether the court is civil and criminal on the one hand or administrative on the other hand. During these conferences, the activity indicators of each court are analysed for the past year and, in the light of the objectives achieved, the objectives and the resources in terms of credits and personnel granted are set for the coming year.

**Q73-1 (2016):** Annual management conferences (management dialogues) are held between the Ministry or the General Secretariat of the State Council (Conseil d'Etat), depending on whether the court is civil, criminal or administrative, during which, the activity indicators of each court are analysed for the past year, and, in the light of the objectives achieved, the objectives and the means in terms of credits and staff granted are set for the coming year.

**Q81 (2016):** Civil and criminal courts provide oral activity counts in the frame of the solemn hearings on the occasion of the judicial re-entry in January, in compliance with the provisions of the Code of Judicial Organisation, or by means of management tools, but this is not an activity report in the precise sense of the term. As for the administrative courts, they make an activity report which is intended only for the Vice-President of the State Council (Conseil d'Etat). Activity reports may be prepared, but this is not an obligation.

## Germany

**Q66 (General Comment):** Since 2012, the reply "No" is provided depending on the answer of the majority of the respondent Landers.

**Q66 (2013):** For 2010, 2012 and 2013, no information was provided from Mecklenburg-Western Pomerania and Thuringia. Four Landers replied “Yes”, while the remaining Landers answered “No”.

In Baden-Württemberg, the performance of each court is compared against the others in regard to number and duration of proceedings. Key performance indicators on performance ability of the courts are ascertained and compared at the Lander level.

A comprehensive quality management system has been introduced in Schleswig-Holstein at all courts and public prosecution offices. All of the accessible areas of the court administration are subject to quality management. Judicial independence and the professional independence of Rechtspfleger present natural constitutional and statutory boundaries that must always be considered.

In Brandenburg, a quality management system seeks to guarantee that quality demands that are statutorily prescribed, self-imposed, or demanded by users of the system are fulfilled with an optimal use of resources. These last years, a number of strategies have been implemented for ensuring quality in the justice system by means of cost and performance accounting, a controlling system, budgeting of personnel costs, benchmark procedures, balanced scorecard, the EFQM Model, various instruments for personnel and organisation development, calculation of personnel requirements, optimisation of business processes, surveys of attorneys, citizens, and employees, and evaluation instruments both for individual judicial and public prosecution work as well as for the courts and public prosecution offices as organisational units. The increased use of modern technology (e.g. Internet) has opened up the possibility for the justice system to reach a large number of citizens and, thus, to offer court users the best possible service. Likewise, the continuous expansion of electronic legal transactions offers new opportunities for improvement in the quality of the justice system with regard to the performance characteristics public accessibility and public service. However, the developments and models named are not uniformly established in the Lander.

In Lower Saxony, a quality strategy was developed through the surveys AgiL (performance comparison of local courts) and LiVE (performance comparison of regional courts). This is based on the assumption that it is possible to compare courts by the collection of data. Following the comparison, an analysis is conducted to determine the reasons for which better numbers are achieved at one court location over another. These are then discussed in expert groups and measures are developed to promote those tools that seem likely to succeed for the duties at all court locations. The surveys do not serve to evaluate individual employees but rather to uncover structures that promote performance, which can then be transposed. This quality management concept takes place together with judicial councils and personnel representatives.

**Q70 (General Comment):** At the level of the Federal Government, statistics on proceedings encompass the number of incoming cases, the type of proceeding, the form of conclusion, and the time needed for conclusion. Moreover, information regarding other characteristics is also collected (legal aid in litigation and legal aid for proceedings, value of dispute, subject area, remedies, etc.) All of this information can be correlated to one another upon evaluation. The regular evaluations can be found in the publications of the Federal Statistical Office. Data regarding the business overviews usually does not contain – in that it involves manual statistics – additional information beyond the business workload, particularly as regards the duration of proceedings.

**Q70 (2018):** Some of the Länder did mention a monitoring system concerning other court activities such as statistics on the nature of resolution are kept (e.g. in civil cases: dealt with by contentious judgment/by acknowledgement/by settlement, etc.).

**Q70 (2016):** other: Some of the Länder did mention a monitoring system concerning other court activities such as statistics on the nature of resolution are kept (e.g. in civil cases: dealt with by contentious judgment/by acknowledgement/by settlement, etc.).

**Q70 (2014):** In 2014, some of the Landers did mention a monitoring system concerning other court activities, namely statistics on the nature of resolution (e.g. in civil matters cases are dealt with by contentious judgment/by acknowledgement/by settlement, etc.).

**Q70 (2013):** In 2013, seven Landers communicated information on their regular monitoring system. For example, Baden-Württemberg referred to calculation of the specific personnel requirements on a mathematical-analytical basis. Bavaria mentioned the type of proceedings, form of decision, etc. for courts of labour and social jurisdiction and workload, ratio of part-time employees; average age of employees, training and sick days, duration of proceedings in months, ratio of appeals for courts of general jurisdiction. In Brandenburg, the number of pending cases and the ratio of terminated proceedings as against incoming cases are monitored.

**Q70 (2012):** For 2010 and 2012, five Landers did not provide any reply. Seven Landers communicated detailed information on their regular monitoring system of courts' activity. Among the main other monitored parameters are the deadlines for the drafting of judgments (Bavaria), the number of pending cases and the ratio of terminated proceedings as against incoming cases (Brandenburg), the nature of resolution – cases dealt with by contentious judgment, by acknowledgment, by settlement etc. (Hamburg), cases allocated among staff, i.e. caseload quota (Hesse); finance benchmarks, item costs, standardized deployment of person hours related to product (Saxony-Anhalt).

**Q73 (2013):** In respect of the 2010, 2012 and 2013 exercises no information was provided from Mecklenburg-Western Pomerania and Thuringia. Five States provided a positive reply, while the remaining Landers answered "NO". As to Bavaria, the information varied depending on the individual court jurisdiction for which information was provided: "YES" for Bavarian fiscal courts and "NO" for the remaining Bavarian courts.

In Brandenburg, the analysis is only subject to the figures provided regarding incoming cases, conclusions, duration of proceedings, number of court persons working, etc., which could possibly be used as indicators for the assessment of the performance abilities and the quality standards of the court. In Bremen, there is a benchmarking based upon key performance indicators.

In Lower Saxony regular assessments of the activities of the courts and public prosecution offices take place through administrative supervision. Qualitative evaluation of court activities is not possible through the implemented statistics and, based upon the constitutional law guarantee of judicial independence, is not desired. Likewise, the current view in Saarland is that such an evaluation system is incompatible with judicial independence protected by the Basic Law. Moreover, in North-Rhine/Westphalia, monitoring adjudicative activities is prohibited based upon constitutional law grounds. In this Lander there is a comprehensive system for assessing internal business. In certain areas there is also a management information system with statistical core data relevant to management on the number of incoming cases, duration of proceedings, and numbers of conclusions.

Saxony-Anhalt specified that the instrument for operative and strategic management of the courts is the management report. In the conceptual (as regards content) design of the management reports, the department comparison is defined as central criteria. This approach results, on the one hand, in a comparison of one's own department with the average of all departments and, on the other hand, in taking account of the basic idea behind benchmarking, with the average of the three best departments. Concrete measures with calculable targets are set forth in target agreements between the Ministry for Finance and the Ministry for Justice and Equality as well as in how they are structured with each budgeted department. The bases for this, among others, are indicators in the management reports.

**Q73 (2012):** In respect of the 2010, 2012 and 2013 exercises no information was provided from Mecklenburg-Western Pomerania and Thuringia. Five States provided a positive reply, while the remaining Landers answered "NO". As to Bavaria, the information varied depending on the individual court jurisdiction for which information was provided: "YES" for Bavarian fiscal courts and "NO" for the remaining Bavarian courts.

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**Q73 (2010):** In respect of the 2010, 2012 and 2013 exercises no information was provided from Mecklenburg-Western Pomerania and Thuringia. Five States provided a positive reply, while the remaining Landers answered "NO". As to Bavaria, the information varied depending on the individual court jurisdiction for which information was provided: "YES" for Bavarian fiscal courts and "NO" for the remaining Bavarian courts.

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## Greece

**Q66 (General Comment):** Quality standards are set by the Code of Organization of Courts and Status of Judicial Officers (Law 1756/1988).

**Q66 (2017):** Most of the measures taken recently in Greece aim at speeding up Justice. However the Law provides a set of quality criteria that must be taken into account when inspectors check the performance of each judge.

**Q67 (2017):** The Law provides a set of quality criteria that must be taken into account when inspectors check the performance of each judge.

**Q70 (General Comment):** According to Law 1756/1988 (art. 85), supreme judges appointed as inspectors for one year's term, redact every year general reports on the operation of each court and prosecutor's office in their district and recommend the necessary measures for the proper functioning of the service. Regarding administrative courts, this task is fulfilled by the General Commission of the State for ordinary administrative courts

**Q70 (2017):** Regarding Administrative Courts, this task is fulfilled by the General Commission of the State for ordinary administrative courts. In the near future there will be a possibility for the General Commission of the state to use a business intelligence program, in order to extract composite statistical data without contacting any court [E-mail: g-epitropia-d-d@otenet.gr]

**Q73 (2017):** According to L. 1756/1988 (art. 85), supreme judges appointed as inspections for one year's term redact every year General Reports on the operation of each Court and prosecutor's Office in their district and recommend the necessary measures for the proper functioning of the service. Furthermore, data regarding the flow of cases collected by the Ministry of Justice is used for ad hoc analysis (e.g. to provide a basis for decisions regarding the function of courts or answers to questions of parliamentary control).

**Q73-1 (2017):** Concerning the staff of the court, under certain circumstances, this evaluation of the Court activity could lead to a decision to increase or diminish it.

**Q77 (2017):** N/A

**Q81 (General Comment):** Individual courts are asked to prepare an annual activity report but it is not required by law.

**Q81 (2017):** Civil and Criminal courts have the Duty to provide the supreme Court and the Administrative tribunals the General Commission of the state, every three months, with a report containing Information about cases flow. After complete implementation of the respective integrated management systems for the penal and Civil courts on the one hand and the Administrative on the other, there will be the possibility to follow cases flow via ICT possibilities. More specifically, the above systems refer to the development of central Information monitoring systems of the Legal cases influx in each jurisdiction, which will lead to two separate Inter-functional computerized Programmes connecting the courts of each jurisdiction.

## Hungary

**Q66 (General Comment):** Second instance courts have to prepare a note on the decision and the trial procedure of the first instance court, based on professional criteria in every case. In this note, the court of appeal has to examine: the application of substantive, procedural and administrative regulations; the preparation of the hearings; the quality of the judges trial leading practice; if the coercive measures were well founded; if the hearings were set timely; if the ruling was transcribed in time; if the decision was edited correctly. The conclusions are summarized and judges of first instance courts are informed about them at least once a year.

Furthermore, the departments of the Supreme Court (Kúria) responsible for examining the judicial practice evaluates the practice of the courts and regularly inform judges about their experience.

**Q70 (General Comment):** Among others:

- individual judge's statistics, - statistics on the reasons of the postpone of the trials,
- number of trial days in cases, - number of tried cases per day,
- pending cases of an individual judge / court,
- the time frame of pending cases
- number of appealed cases,
- the subject of incoming / finished / pending cases,
- the ratio of litigious and non-litigious cases,
- cases that are pending over 2 or 5 years have a separated statistical report every month
- cases in which there were no actions taken in the last 30 days by the court have a separated statistical report every month

**Q70 (2018):** Other:

- statistics on the reasons of the postpone of the trials,
- number of trial days in cases, - number of tried cases per day,
- the subject of incoming / finished / pending cases,
- the ratio of litigious and non-litigious cases,
- cases that are pending over 2 or 5 years have a separated statistical report every month
- cases in which there were no actions taken in the last 30 days by the court have a separated statistical report every month

**Q70 (2015):** Among others:

- individual judge's statistics,
- statistics on the reasons of the postpone of the trials,
- number of trial days in cases,
- number of tried cases per day,
- pending cases of an individual judge / court,
- the time frame of pending cases
- number of appealed cases,
- the subject of incoming / finished / pending cases,
- the ratio of litigious and non-litigious cases,
- cases that are pending over 2 or 5 years have a separated statistical report every month
- cases in which there were no actions taken in the last 30 days by the court have a separated statistical report every month

**Q70 (2014):** In 2013 and 2014, among other are quoted individual judge's statistics, statistics on the reasons of postponing trials, the number of trial days, the number of tried cases per day, the number of pending cases of an individual judge/court, the time frame of pending cases, the number of appealed cases, the subject of incoming/resolved/pending cases, the ratio of litigious and non-litigious cases. Cases that are pending over 2 or 5 years have a separated statistical report every month, as well as cases in which there were no actions taken in the last 30 days by the court.

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**Q70 (2012):** In 2010 and 2012, a reference is made to individual judge's statistics, statistics on the reasons of postponing trials, the number of trial days, the number of resolved cases, the number of cases scheduled within one day, the number of pending cases of an individual judge.

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**Q73 (2014):** On the occasion of the 2013 and 2014 evaluations, it has been stressed that the statistics of the court system are carried out every quarter, semi-annually and annually. It is published on the central internet website of the courts every half year.

If some elements of the IT system described in 2012 have been implemented, this system is not yet able to replace the regular methods of measuring workload.

**Q73 (2013):** On the occasion of the 2013 and 2014 evaluations, it has been stressed that the statistics of the court system are carried out every quarter, semi-annually and annually. It is published on the central internet website of the courts every half year.

If some elements of the IT system described in 2012 have been implemented, this system is not yet able to replace the regular methods of measuring workload.

**Q73 (2012):** On the occasion of the 2012 exercise, it has been mentioned that the development of an IT system was under way which would make it possible to automatically measure and evaluate the workload of judges.

**Q73-1 (General Comment):** The statistical output of a court (mainly the number of incoming and pending cases) is taken into consideration during the distribution of human resources.

**Q81 (General Comment):** The president of each court has to present an annual report about the performance of the court that is presented at the conference of judges and made available on the intranet site of the court.

Furthermore, the presidents of the Regional Courts and Regional Courts of Appeal have to present their reports to the NOJ as well. The President of the Supreme Court (Kúria) has to present the annual report to the Parliament and make it available on the website of the Kúria.

## Ireland

**Q70 (2014):** 2014: Since 2014 Ireland introduced a monitoring system for the length of proceedings and it is now capable of calculating average length of proceedings in first instance jurisdictions.

**Q77 (2017):** Waiting times for proceedings categories in the various jurisdictions are recorded and published in the Courts Service Annual Report.

**Q81 (General Comment):** The Courts Service is required by statute to provide an annual report on its activity during the year concerned. The report would include data on caseload for each court jurisdiction.

**Q81 (2017):** The Courts Service is required by statute to provide an annual report on its activity during the year concerned. The report would include data on caseload for each court jurisdiction.

**Q81 (2015):** With regard to Questions 70 to 77, quarterly reports are provided to the Courts Service's Senior Management Team by the Operational Directorates administering the various court jurisdictional areas on caseload volume and waiting times to trial.

The Courts Service provides and publishes in its Annual report a range of caseflow data including (a) average length of time of proceedings from issue to conclusion, (b) volume of incoming cases and cases determined by the courts or notified to the courts as resolved in each year and (c) waiting times to trial for various categories of proceedings and applications for the various jurisdictions see Chapter 3 (Statistics) of its Annual Report for 2015, and in particular pages 59 to 62 and 69 to 71 thereof:

[http://www.courts.ie/Courts.ie/library3.nsf/\(WebFiles\)/A9CCBEE01757C58280257FF00031EEBE/\\$FILE/Courts%20Service%20Annual%20Report%202015.pdf](http://www.courts.ie/Courts.ie/library3.nsf/(WebFiles)/A9CCBEE01757C58280257FF00031EEBE/$FILE/Courts%20Service%20Annual%20Report%202015.pdf)

## Italy

**Q66 (General Comment):** In Italy there is not a strict quality system as such. However, there is a regular monitoring system in place which tracks the performance of court activities.

**Q77 (General Comment):** The performance of each court is given by different indicators such as the clearance rate, the variation of backlogs and the age of the proceeding.

**Q81 (2017):** In Italy each court is required to prepare an annual activity report which includes among other elements: incoming, resolved, pending cases, age of proceedings, the number of judges and administrative staff, targets and assessment of the activity, etc. The activity reports of first instance courts (i.e. Tribunals) are addressed to the appeal courts. The appeal courts include such data in their own activity reports, which are eventually published.

## Latvia

**Q66 (General Comment):** In June 26, 2008 the "Visitors service standards of the district (city) courts and regional courts" were approved. This document summarizes the general principles related to functions such as judicial reception and providing with information. The standards help court staff to raise their professionalism and understand the court visitors servicing values.

The reply is partly "yes" because according to the Law on Judicial Power Section 27.1., a Chief Judge of a court shall plan and determine the objectives of the court work in relation to average time periods for adjudication of matters in a court (standard of time periods for adjudication of matters) prior to the beginning of each calendar year, in co-operation with court judges. This standard shall be determined, taking into account the court resources and the necessity to ensure the right of a person to adjudication of a matter in a reasonable time period and other basic principles related to the guarantee of fair trial. A Chief Judge of a court shall approve the standard and supervise the actual time periods of examining matters in a court. He/she shall submit information to the Board of Justice regarding the approved standard until 1 February of each year.

**Q66 (2017):** According to the Law on Judicial Power Art 27.1. chief judge of a court shall plan and determine the objectives of the court work in relation to average time periods for adjudication of matters in a court (the standard of time periods for adjudication of matters) prior to the beginning of each calendar year in co-operation with court judges. The standard of time periods for adjudication of matters shall be determined, taking into account the court resources and the necessity to ensure the right of a person to adjudication of a matter in a reasonable time period and in conformity with other basic principles for examination of matters. A Chief Judge of a court shall approve the standard of time periods for adjudication of matters in a court and supervise the actual time periods of examining matters in a court. A Chief Judge of a court shall submit information to the Board of Justice regarding the approved standard of time periods for adjudication of matters until 1 February of each year. First standards of time periods for adjudication of matters were submitted to the Board of Justice in 2014.

**Q66 (2016):** Partly yes, according to the Law on Judicial Power Section 27.1. chief judge of a court shall plan and determine the objectives of the court work in relation to average time periods for adjudication of matters in a court (the standard of time periods for adjudication of matters) prior to the beginning of each calendar year in co-operation with court judges. The standard of time periods for adjudication of matters shall be determined, taking into account the court resources and the necessity to ensure the right of a person to adjudication of a matter in a reasonable time period and in conformity with other basic principles for examination of matters. A Chief Judge of a court shall approve the standard of time periods for adjudication of matters in a court and supervise the actual time periods of examining matters in a court. A Chief Judge of a court shall submit information to the Board of Justice regarding the approved standard of time periods for adjudication of matters until 1 February of each year. First standards of time periods for adjudication of matters were submitted to the Board of Justice in 2014.

**Q66 (2015):** Since 2008 courts apply 'The visitors service standards of the district (city) courts and regional courts'. This courts visitor's service standard summarizes the general principles of judicial reception and providing with information. Standard helps court staff to raise their professionalism and understand the court visitors servicing values. On 2015 May 18 Council of Justice approved guidelines on communication of the court system. The aim of the guidelines is to promote the effective functioning of the judiciary and promote the public confidence in the judiciary, creating a positive Court's image and enhance its' authority in society.

**Q66 (2014):** In 2014, for the first time, standards of time periods for adjudication of matters were submitted to the Board of Justice.

**Q70 (General Comment):** Implemented business intelligence solution allows to very closely monitor all the mentioned court activities.

Satisfaction of court staff and users is being evaluated by regular questionnaires in courts.

**Q70 (2017):** Decision stability (proportion of decisions appealed in higher instance)

**Q70 (2016):** Decision stability (proportion of decisions appealed in higher instance)

**Q70 (2010):** In 2010, the category "other" encompasses the number of cases ended by decision on the merits and the number of cases ended otherwise (including all kinds of results).

**Q73 (2015):** Latvia has the Court Information System it contains statistical data about court performance. The statistical data have been published in the e-portal: [www.manas.tiesas.lv](http://www.manas.tiesas.lv) and regularly analysed by Court administration and Ministry of Justice (MoJ).

**Q73-1 (2018):** Not currently, but there is a suggestion from State Audit Office and a subsequent proposition from Ministry of Justice and Court administration to the Judiciary Council to start to take court work statistical indicators into account when planning annual budget. If necessary, based on workload data resources can be allocated later within a court.

**Q77 (General Comment):** According to the Law on Judicial Power, a Chief judge of a court shall plan and determine the objectives of the court work in relation to average time periods for adjudication of matters (the standard of time periods for adjudication of matters) prior to the beginning of each calendar year in co-operation with court judges. The standard of time periods for adjudication of matters shall be determined, taking into account the court resources and the necessity to ensure the right of a person to adjudication of a matter in a reasonable time period and in conformity with other basic principles for examination of matters. A Chief Judge of a court shall approve the standard of time periods for adjudication of matters in a court and supervise the actual time periods of examining matters in a court. A Chief Judge of a court shall submit information to the Board of Justice regarding the approved standard of time periods for adjudication of matters until 1 February of each year.

**Q77 (2014):** First standards of time periods for adjudication of matters were submitted to the Board of Justice in 2014.

**Q81 (General Comment):** There are publicly available statistical reports on all courts and cases at <https://dati.ta.gov.lv/>.

**Q81 (2017):** There are publicly available statistical reports on all courts and cases at <http://tis.ta.gov.lv>

**Q81 (2016):** Court Administration provides statistics for most of the courts with the exception for Supreme court, that provides data individually. Individual court reports are made by its staff for the purpose of planning their day-to-day work. It is not required by law or Court Administration. These courts however use data provided by Court Administration that is available online.

## Lithuania



**Q70 (General Comment):** All of these data are recorded in the Lithuanian Court Information System (LITEKO), as well as other data, related to the case, its process and the parties to the proceedings.

**Q81 (2017):** It is the annual report of the court activity that is intended not only to the courts, but also to all the publicity.

**Q81 (2016):** It is the annual report of the court activity that is intended not only to the courts, but also to all the publicity.

## Luxembourg

**Q70 (General Comment):** No regular system has been implemented up to today. However, a monitoring can be done through the statistical service of the judiciary (SSJ) on an punctual basis and upon request by the competent authorities.

**Q70 (2016):** No regular system has been implemented up to today. However, a monitoring can be done through the statistical service of the judiciary (SSJ) on an punctual basis and upon request by the competent authorities.

**Q70 (2015):** By using the newly implemented statistical tools, the information ticked in addition to last year's questionnaire can now be retrieved by the statistical service on an as needed basis at least for criminal cases. Identical markers are being implemented for civil and commercial cases and will available in a foreseeable future.

**Q70 (2014):** 2014: There is no regular monitoring system. However, new statistical tools are implemented and can provide monitoring elements when necessary without daily measurement current affairs.

**Q73 (2018):** Although the technically correct answer is "no", the Judiciary edits every year an annual report on its activities during the previous year. This reports is available to the public (report 2018, see <https://justice.public.lu/dam-assets/fr/publications/rapport-activites-judiciaires/Rapport-juridictions-judiciaires-2018.pdf>).

**Q73 (2014):** 2014: There is no regular monitoring system. Statistical tools and the court management system may be used to monitor the activity but this is not their primary function.

**Q73-1 (General Comment):** The figures presented by the SSJ are used on a regular basis to allocate (and ask for) means to the courts and prosecutorial services.

**Q73-1 (2018):** The annual report is used to the effect set out in Q. 073-1

**Q73-1 (2016):** The figures presented by the SSJ are used on a regular basis to allocate (and ask for) means to the courts and prosecutorial services.

**Q81 (2018):** The report is public and available in its integrity.

<https://justice.public.lu/dam-assets/fr/publications/rapport-activites-judiciaires/Rapport-juridictions-judiciaires-2018.pdf>

A condensed version is published in the series "Les chiffres de la Justice".

**Q81 (2017):** All the services of the judiciary report to the Prosecutor general who assembles the data in a general report that is transmitted to the Ministry of Justice. The report contains figures as well as comments and remarks on these figures and also general considerations on the functioning of the judiciary. The report is published on the internet site of the judiciary (<http://www.justice.public.lu/fr/publications/index.html>).

In addition please note that since 2017, a summary is published in a separate (paper and digital) booklet "Les chiffres de la Justice".

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**Q81 (2015):** The activity reports of the courts and prosecutors's offices can be found at following URL:

<http://www.justice.public.lu/fr/publications/index.html>

## Malta

**Q66 (General Comment):** There exists a Code of Ethics for the members of the Judiciary which, though not providing for the organisation and quality of the judicial work, does lay upon the members of the Judiciary certain obligations which are important in ensuring the transparency and independence of the judicial process.

**Q66 (2017):** There exists a Code of Ethics for the members of the Judiciary which, though not providing for the organisation and quality of the judicial work, does lay upon the members of the Judiciary certain obligations which are important in ensuring the transparency and independence of the judicial process.

**Q66 (2016):** There exists a Code of Ethics for the Judiciary which, though not providing for the organisation and quality of judicial work, does lay upon the members of the Judiciary, certain obligations which are important in ensuring the transparency and independence of the judicial process.

**Q67 (2018):** There are general quality standards that apply to the public sector, but not specific quality standards that monitor the implementation of quality standards within the judiciary or the prosecution services.

**Q70 (2017):** other: clearance rate

**Q70 (2015):** The monitoring of court activities also takes place through the ongoing analysis of the Clearance Rate and Disposition Time of the various courts. This data is also being published online on a monthly basis.

The category "other" refers to the monitoring of the Clearance Rate and Disposition Time of all civil courts, boards and tribunals. This exercise was started in 2015.

**Q70 (2014):** In 2014, the court administration was monitoring length of proceedings through the number of incoming and resolved cases, as well as through the pending caseload. The age of civil cases was another parameter that was being assessed.

On the occasion of the 2014 exercise, it has been indicated that since 2015, Malta started computing the Disposition Time and Clearance Rate of all the civil and criminal courts. By the end of 2015, for the civil courts, this information will be made available online.

**Q73 (2015):** Currently, Malta carries out systematic quantitative analysis of the performance of the courts, based on established international indicators. Furthermore, ongoing internal reports, commissioned specifically to study areas of interest in the performance of certain courts, also complement the quantitative analysis, and serve to further address identified shortcomings in a more strategic manner.

**Q73 (2014):** On the occasion of the 2014 exercise, it has been indicated that since 2015, a system of monitoring court performance through quantitative means, using established performance indicators such as Clearance Rate and Pending caseload, has been initiated.

**Q73-1 (2017):** Court performance evaluation is brought to the attention of both the Minister for Justice, Culture and Local Government as well as to the attention of the Chief Justice. The Chief Justice, who is vested with the authority to effect changes in judicial duties, does make use of such performance data in the better interest of increased efficiency and expediency of the judicial process.

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**Q77 (General Comment):** Currently Malta carries out systematic quantitative analysis of the performance of the different courts, based on international standards. We are also addressing measures of quality as defined by recognised international institutions, supplemented by internal reports that are purposely commissioned to focus on specific aspects of the functioning of the justice system. These ongoing efforts at measuring the efficiency and quality of our justice system is compared with past performance, but as yet, not with established targets.

Malta does not have defined 'targets' but assesses its performance in terms of indicators defined by international institutions.

**Q77 (2017):** Despite the on-going monitoring and evaluation of the court activities and performance, we do not have defined target indicators against which to monitor performance. In general terms, we seek to ensure that the performance of the courts improves in efficiency year after year, and we try to address various aspects of the system in order to facilitate this improvement.

**Q77 (2016):** Currently Malta carries out systematic quantitative analysis of the performance of the different courts, based on international standards. We are also addressing measures of quality as defined by recognised international institutions, supplemented by internal reports that are purposely commissioned to focus on specific aspects of the functioning of the justice system. These ongoing efforts at measuring the efficiency and quality of our justice system is compared with past performance, but as yet, not with established targets.

Malta does not have defined 'targets' but assesses its performance in terms of indicators defined by international institutions

**Q81 (2017):** All the individual courts with pending cases over 5 years old have to draw an annual report detailing their yearly caseload, the number of pending cases and the age of these cases. This report is an internal report addressed solely to the Chief Justice. It is not made public and it is not even distributed internally to the court administration or to the respective Ministry. The report referenced in this comment is the only 'activity' report that individual courts are expected to submit on an annual basis, and in paper format, to the Chief Justice.

**Q81 (2016):** All the individual courts with pending cases over 5 years old have to draw an annual report detailing their yearly caseload, the number of pending cases and the age of these cases. This report is an internal report addressed solely to the Chief Justice. It is not made public and it is not even distributed internally to the court administration or to the respective Ministry. The report referenced in this comment is the only 'activity' report that individual courts are expected to submit on an annual basis, and in paper format, to the Chief Justice.

**Q81 (2015):** In view of the new question at 81.1, question 81 was answered differently than previous years. The individual courts do prepare an annual report detailing their yearly caseload, the number of pending cases that they have, and the age of these cases. However this report is internal and addressed solely to the Chief Justice. It is not distributed neither to the administration nor to the general public.

## **Netherlands**

**Q66 (General Comment):** There are quality standards which are measured by annual statistical figures per individual court. Examples are the scores of customer satisfaction surveys, the percentage of cases judged by three instead of one judge and case processing times (the so called 'Kengetallen gerechten').

**Q67 (2017):** yes

**Q81 (2018):** An annual report for all courts is published. Some Courts still publish an individual annual report. This is not required.

## Poland

**Q66 (General Comment):** The most important indicator - the stability of jurisprudence - is related to the assessment of judgments by appeal courts (second instance). It is based on the ratio of judgments amended or repealed in the appeal proceedings to judgments maintained in force.

Another important indicator is the indicator of controlling the inflow of court cases which informs whether courts examine all inflowing cases in a given statistical period (e.g. during a year), or whether backlog of inflowing cases increases. In addition, the judging time of inflowing court cases (whether it lengthens or shortens) is checked - the statistical periods are compared (e.g. year to year).

**Q66 (2016):** The most important indicator comes from evaluation of judgements through second instance procedure. In this purpose "judgement stability" ratio are in use as a ratio of judgements reversed or annulled in procedure of appeal.

**Q67 (General Comment):** Inspection departments operate in the appellate and regional courts. The task of the judges working in these departments is to perform on behalf of the president of the court activities in the scope of supervision over the administrative activity of the courts in the area of the operation of a given appellate or district court. Supervision consists in taking actions to improve the office of the courts or increase the efficiency and level of work organization culture in the courts. For this purpose, visits of departments in courts or surveys of recognized cases of a given category are carried out, the secretariats of departments in the courts are controlled.

Activities in the scope of administrative supervision can not enter the field in which judges and assessors are independent.

**Q70 (2017):** Supervision covers only the administrative activities of the courts. There are the internal supervision exercised by the presidents of the courts and the external supervision exercised by the Minister of Justice within the narrow scope specified in the law.

**Q70 (2016):** Supervision covers only the administrative activities of the courts. There are the internal supervision exercised by the presidents of the courts and the external supervision exercised by the Minister of Justice within the narrow scope specified in the law.

**Q73 (2017):** The Minister of Justice regularly assesses the activities of the courts as part of external administrative supervision, by analysing the annual information provided by the Presidents of the appellate courts pursuant to art. 37b § 2 point 1 of the Act of July 27, 2001. The law on the system of common courts (i.e. Journal of Laws of 2018.23), in turn as part of internal supervision, regularly evaluates the activities of courts by presidents, by visiting and reviewing selected issues.

**Q81 (2016):** The presidents of appellate courts are required to submit, not later than the end of April of each year, the annual information on the activities of the courts acting in the appellate field.

## Portugal

**Q66 (General Comment):** Law on the organisation of the judicial system (Law 62/2013 of 26 August) sets out that the High Council for the Judiciary and the Prosecutor-General, in liaison with the member of Government responsible for the justice, establish, within their respective competences, the strategic objectives for first instance courts for a three year period. These entities are also responsible for setting, every year, the strategic objectives of first instance courts for the following judicial year. Taking into account the results obtained in the previous year and the strategic objectives formulated for the subsequently year, the president of the court and the public prosecutor coordinator, after hearing the judiciary administrator, articulate proposals for the procedural objectives for each court. This system is very recent, is currently being implemented, subject to improvements, and only covers civil and commercial cases.

**Q70 (2017):** Scheduling; delays of judges and sections.

**Q70 (2016):** Scheduling; delays of judges and sections.

**Q70 (2015):** Scheduling: time delays of judges and sections of the court.

**Q73 (2015):** Every month a data collection of all courts is assembled. In addition, in first degree courts the electronic procedures allow a daily basis analysis. The website is very exhaustive and can be consulted in [http://www.siej.dgpj.mj.pt/webeis/index.jsp?username=Publico&pgmWindowName=pgmWindow\\_633918141195530467](http://www.siej.dgpj.mj.pt/webeis/index.jsp?username=Publico&pgmWindowName=pgmWindow_633918141195530467).

Every 4 years we have a complete analysis to the work of all courts, with the local inspectors made by judges appointed by the Judicial Council.

**Q81 (General Comment):** Generally, the waiting time during court procedures is not monitored. However, in some courts, there are such practices.

**Q81 (2017):** The report is destined to the High Judicial Council.

## Romania

**Q66 (General Comment):** Comment valid for 2010-2015 exercises

The reply to this question varied over the evaluation cycles because there are no formal standards for quality established for the whole judiciary. However, informal standards are being used (such as training, quality of the reasoning, assessment of the activity of the judges, assessment of the good reputation of the judges etc.).

More precisely, the activity of courts is evaluated and monitored periodically, on the basis of certain statistical data/performance indicators, such as those presented at question 71. The evaluation is achieved by verifications carried out by inspectors of the Judicial Inspection of the SCM, by elaborating periodical reports. The schedule and thematic of those verifications are approved every year by the SCM.

At organizational level, there are no quality standards established for courts. It may be considered that such standards exist at individual level, for each judge, by the indicators for the evaluation of professional activity.

**Q66 (2012):** In the frame of the 2012 exercise, a reference was made to the “Court Optimisation Project” financed by the World Bank, implemented from October 2011 to March 2013. The final recommendation included the introduction of Key Performance Indicators (KPIs), such as the clearance rate, the number of cases older than one year, the number of cases solved within 1 year, and the comparative measurement system.

**Q70 (General Comment):** Comment valid for 2010-2016 exercises

Since 2012, the category “other” subsumes the length of administrative procedures, the number of final convictions, legal aid, suspended cases etc.

**Q70 (2017):** - e.g. suspended cases

**Q70 (2016):** - suspended cases etc.

**Q70 (2010):** In 2010, the category “other” included the number of suspended cases and the number of convictions to life.

**Q73 (2015):** The courts have to carry out a monthly assessment and the Superior Council of Magistracy on the basis of individual reports as well as on the basis of the overall indicators carries out a half-yearly assessment of the judicial system.

**Q73-1 (2017):** A periodic evaluation system of the activity (performance and result) of the court is not formally adopted (by law or by a subsequent regulatory act). SCM uses a series of performance indicators (see questions 71 and 74 below) concerning the activity of the courts. Periodical assessments are being carried out and further measures are being implemented on the highlighted results. By the decisions 1305/2014 and 149/2015, SCM has approved the reports on implementing these indicators and there were established new margins for their implementation.

**Q73-1 (2016):** A periodic evaluation system of the activity (performance and result) of the court is not formally adopted (by law or by a subsequent regulatory act). SCM uses a series of performance indicators (see questions 71 and 74 below) concerning the activity of the courts. Periodical assessments are being carried out and further measures are being implemented on the highlighted results. By the decisions 1305/2014 and 149/2015, SCM has approved the reports on implementing these indicators and there were established new margins for their implementation.

## Slovakia

**Q66 (General Comment):** According to the Act on the courts (No. 757/2004 Coll.) each court should undergo the internal inspection usually every five years.

The internal inspection examines the current state of performing of justice at the given court to detect the reasons for possible weaknesses and to propose the remedies. The report on the internal inspection is discussed and approved by the Judicial Council of the Slovak republic.

**Q66 (2014):** There is a system to evaluate the overall functioning of courts with respect to the Manifesto of the Government of the Slovak Republic for the period of 2010-2014:

[http://www.vlada.gov.sk/data/files/855\\_the-manifesto-of-the-governmentof-the-slovak-republic-for-the-period-of-2010-2014.pdf](http://www.vlada.gov.sk/data/files/855_the-manifesto-of-the-governmentof-the-slovak-republic-for-the-period-of-2010-2014.pdf)

**Q70 (General Comment):** The category “other” encompasses: the number of cases according to types of disputes, the result of the case (reconciliation, dismissals, full satisfaction, partial satisfaction, etc.). Statistical data of the Ministry of Justice of the Slovak Republic are detailed and regularly collected and published in a yearbook which is publicly accessible at the website of the Analytical centre of MoJ <https://www.justice.gov.sk/Stranky/Informacie/Analyticke-centrum.aspx>  
<http://web.ac-mssr.sk/statisticka-rocenka-2018/>

**Q73 (General Comment):** Each court has to provide monthly the Ministry of Justice with the detailed statistical output concerning the number of the incoming and resolved cases, the types of the cases, length of proceedings, the result of the case etc. Moreover, as explained in the frame of question 66, each court has to undergo an internal inspection every five years, aimed at reviewing the current state of

performing of justice in order to detect reasons for potential weaknesses and to propose remedies. The report on the internal inspection is discussed and approved by the Judicial Council of the Slovak Republic.

Among the assessed parameters are: personal and material conditions and workload of judges; status and reason of existing backlogs and eventual delays in proceedings; observance of procedural rules and legal time limits; timeliness of executing and dispatching of court decisions; the quality of preparation and the course of hearings; the effective utilization of the trial days and the reasons of adjourning of court sessions; the quality of work of court departments, record offices and court files; allocation of files according to the working schedule; the dignity of professional conduct of judges, judicial officials and court staff as well as the dignity of the court environment; the effectiveness of the complaint procedure.

**Q73 (2018):** See general comment

**Q81 (General Comment):** Every court sends the monthly statistical report on the number of pending and resolved cases to the Ministry of justice.

The more detailed are the semiannual and the annual statistical reports.

**Q81 (2018):** For previous cycle we indicated answer yes. We considered the monthly statistical reports of the court as the kind of activity report.

With the change of the system of the statistical data collection the courts are not required to send the monthly statistical reports to the Ministry of Justice anymore. Within the cooperation project between Ministry of Justice of the Slovak republic and CEPEJ the pilot courts were asked to draft the activity reports according to the CEPEJ methodology. In the reference year 2018 the courts were not required to prepare an activity report.

**Q81 (2017):** Every court sends the monthly statistical report on the number of pending and resolved cases to the Ministry of justice.

The more detailed are the semiannual and the annual statistical reports.

## Slovenia

**Q66 (General Comment):** The Supreme Court's Data warehouse, containing all court cases, as well as financial data and human resources data was implemented in 2011. The data are collected based on CEPEJ Guidelines on Judicial statistics (GOJUST). A special office at the Supreme Court with specialised knowledge was introduced in order to monitor the quality and define quality policies on the level of entire judiciary and individual courts. Quality standards based on SATURN guidelines are taken into account in several predefined BI system reports.

The important role in the determination of quality standards is played by the Supreme Court's „Opening of the judicial year“ document, in which a set of priorities is determined. The priorities are subsequently monitored throughout the judicial year by automated BI tools and customised analysis at the Supreme Court.

The 2013 amendment to the Courts Act provides that the Supreme Court shall adopt the Criteria for quality of work for courts for the next (judicial) year, based on its Yearly report on efficiency and effectiveness of courts. Since 2015, the Supreme Court has been adopting the timeframes for different types of procedures as well as for different procedural phases for next year (as a part of the Criteria for quality of work).

As for public prosecution, the criteria for quality of work are defined in the Prosecution Policy (adopted by the Prosecutor General), while the quantitative aspects of work are defined in the Criteria for evaluating the performance of the state prosecutor's offices adopted by the State Prosecutorial Council.

**Q66 (2015):** The Supreme Court's Data warehouse, containing all court cases, as well as financial data and human resources data was implemented in 2011. The data are collected based on CEPEJ Guidelines on Judicial statistics (GOJUST). The system was awarded with Special mention in the 2012 Crystal Scales of Justice Competition and was defined as “Inspiring example” in the EC document Quality of Public Administration - A Toolbox for Practitioners - <http://ec.europa.eu/social/main.jsp?catId=738&langId=sl&pubId=7757>.

A special office at the Supreme Court with specialised knowledge was introduced in order to monitor the quality and define quality policies on the level of entire judiciary and individual courts.

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The important role in the determination of quality standards is played by the Supreme Court's „Opening of the judicial year“ document, in which a set of priorities is determined. The priorities are subsequently monitored throughout the judicial year by automated BI tools and customised analysis at the Supreme Court.

The 2013 amendment to the Courts Act provides that the Supreme Court shall adopt the Criteria for quality of work for courts for the next (judicial) year, based on its Yearly report on efficiency and effectiveness of courts. In 2015 the Supreme Court adopted the timeframes for different types of procedures as well as for different procedural phases for 2016 (as a part of the Criteria for quality of work).

**Q66 (2014):** 2014 A dedicated office at the Supreme Court with specialised knowledge was introduced in order to monitor the quality and define quality policies at the level of entire judiciary and individual courts level.

Quality standards based on SATURN guidelines are taken into account in several predefined BI system reports.

The recent amendment of the Courts Act provides that the Supreme Court shall adopt the Criteria for quality of work for courts for the next (judicial) year, based on its Yearly report on efficiency and effectiveness of courts. Since the amendment was adopted in the middle of 2013, the first Annual report of Supreme Court will be for 2014 (to be published in 2015). Consequently, only 2015 will be the (first) year to formally adopt the aforementioned Criteria.

The important role in the determination of quality standards is played by the Supreme Court's „Opening of the judicial year“ document, in which a set of priorities is determined. The priorities are subsequently monitored throughout the judicial year by automated BI tools and customised analysis at the Supreme Court.

**Q66 (2013):** 2013 According to the priorities for the whole judiciary, set by the Supreme Court in the „Opening of the judicial year“ document for judicial year 2013, specific areas were monitored and the standards determined for the following areas:

1. Management of courts
2. Solving of oldest unresolved cases
3. Business process – Time management of judicial procedures and the reform of civil enforcement procedure
4. Disburdening the judges
5. Levelling of human resources

**Q66 (2012):** 2012: The Supreme court's Data warehouse, containing all court cases, as well as financial data and human resources data was implemented in 2011. The data are collected based on CEPEJ Guidelines on Judicial statistics (GOJUST). The system was awarded with Special mention in the 2012 Crystal Scales of Justice Competition and was defined as Inspiring example in the EC document Quality of Public Administration - A Toolbox for Practitioners – <http://ec.europa.eu/social/main.jsp?catId=738&langId=sl&pubId=7757>.

**Q66 (2010):** 2010 The activities to conduct a pilot project for a quality system within the Slovenian judiciary were started in 2008.

In 2009 the pilot project of self-evaluation with the CAF (Common Assessment Framework) model was launched at three pilot district courts. The CAF model was adapted to the judicial organisation so that in 2011 a new model named Quality of the work of courts has been developed. Three pilot courts have already concluded the self-evaluation. The self-evaluation will continue at other courts.

The quality areas observed in this model overlap significantly with the quality criteria for the assessment of the work of courts set by the Judicial Council. The difference is in the fact that this model is based on self-evaluation activities, with the main aim of opening communication within individual courts to improve the overall functioning, while the Criteria adopted by the Judicial Council aim at measuring the performance of courts.

**Q67 (General Comment):** For courts and public prosecution specialised personnel at the Supreme Court and the Supreme public prosecution office.

**Q70 (General Comment):** In Slovenia there is a regular monitoring system in a form of collecting data on court statistics. Court statistics are collected and published four times a year by the Ministry of Justice. They include the data on the number of judges and court staff, number of incoming, resolved and pending cases, age of unresolved cases, length of proceedings, average time to resolve a case, type of decision, court backlogs, legal remedies and time to issue a court decision.

Besides that, the data on court activities are automatically on national level, thus statistical analysis are made possible. All courts have access to a wide range of special reports, generated in the Court management information system. Reports include detailed information on court activities (for example length of specific phases of a court proceeding, top 20 oldest cases in certain area of law, etc.), human resources, court performance indicators (the critical indicators are marked red for unsatisfactory performance and green when meeting the standards) that provide guidance to presidents and directors of courts. The business intelligence system that creates priority reports derives the data from the Data warehouse of the Supreme Court. The same source is used for Court statistics publications by the Ministry of Justice. Each court is able to access the above mentioned reports at any moment, while some data are quarterly collected and published on national level (as prescribed by the Court rules).

The satisfaction surveys are performed and results published bi-annually.

**Q70 (2015):** The data on court activities are automatically collected on national level, thus statistical analysis is made possible.

All courts have access to a wide range of special reports, generated in the Court management information system. Reports include detailed information on court activities (e.g. length of specific phases of a court proceeding, top 20 oldest cases per legal area etc.), human resources, court performance indicators (the critical indicators are marked red for unsatisfactory performance and green when meeting the standards) that provide guidance to presidents and directors of courts. These additional data available to court management officials are the reason, why we put check before “other elements”.

The business intelligence system that creates priority reports derives the data from the Data warehouse of the Supreme Court. The same source is used for Court statistics publications by the Ministry of Justice.

Each court is able to access the above mentioned reports at any moment, while some data are quarterly collected and published on national level (as prescribed by the Court rules).

**Q73 (2014):** 2014: Until, the 2013 the Judicial Council was entrusted with monitoring and evaluating the performance of courts and issuing a yearly report on the execution of judicial power (Courts Act, Article 28). With the amendment to the Courts Act (ZS-K) of the Courts Act that came in force in 2014 this responsibility is transferred to the Supreme Court.

**Q77 (General Comment):** The Annual work programme (see Q75) consists of the assessment of the expected number of incoming cases, timeframes for typical procedural acts and solving the cases and the plan of operating results. The latter includes the expected number of resolved cases and criteria of efficiency (resolved cases to staff ratio), effectiveness (expected time to resolution) and economy (budgetary funds to solved cases ratio) (the Courts Act, art. 71.b).

The number of complaints is monitored as a performance indicator, however it is not directly considered as a measure of quality of work.

The data on satisfaction of court staff and users is also collected, however it is not yet used as quality indicator.

**Q81 (2018):** For the content of the report and audience, please see Q73.

**Q81 (2017):** For the content of the report and audience, please see Q73.

**Q81 (2016):** For the content of the report and audience, please see Q73.

## Spain

**Q66 (2015):** Every three months each Court sends statistics to the Council for the Judiciary with complete information about the activity of the Court.

**Q67 (2015):** Every three months each Court sends statistics to the Council for the Judiciary with complete information about the activity of the Court.

**Q70 (General Comment):** The category “other” encompasses: number of enforcement procedures, number of decisions appealed, number of rogatory letters issued, received and resolved, aid between courts, pending writings, form of termination of trials, etc.

**Q70 (2017):** The category “other” includes many other data such appeals, aid between courts, pending writings, etc.

**Q70 (2016):** The category “other” includes many other data such appeals, aid between courts, pending writings, enforcement proceedings, form of termination of trials, etc.

**Q77 (General Comment):** On one hand the “Citizens’ bill of rights before the law” is the document approved by the Parliament at 2002 that includes the list of rights of the citizen in their relation with the administration of justice, and the principles and good practices that must guide the service of the Justice to the citizens. It sets the principles of transparency, appropriate attention and information, gives special care and attention to the citizens who are most vulnerable (victims of crime, gender violence, minors, and other). The document is compulsory for all the professionals involved in Justice. According to this Bill of rights, the Parliament, through the Committee for Justice, will carry out a follow-up monitoring and continuous evaluation of the evolution of, and compliance with this Bill. The annual report submitted by the Council for the Judiciary to the Parliament will include a specific and sufficiently detailed reference to the claims, complaints, and suggestions made by citizens about the running of the Administration of Justice.

On the other hand, the statistic report that the Court sends every three months, and the reports and studies that the Council for the Judiciary carry out with the information provided, serve to measure and control the burden of work of the Judges, Lawyers of the Administration of Justice, and Courts in general. In addition to that, during the beginning of the implementation of the judicial offices (2010), a map of procedures and a quality management system with own indicators for this kind of offices were implemented.

Finally, the hierarchical structure of the Letrados de la Administración de Justicia allow the Ministry of Justice control and ensure the compliance of standards and parameters of quality fixed, and achieve the new objectives fixed for the implementation of new measures (such the digitalization of Justice or the implementation of electronic tools right now).

**Q77 (2017):** On September 6 2018, the Ministry of Justice has announced a project to develop a quality plan to improve the administrative management of all the judicial offices in the territory over its competence.

In a second phase, the Ministry will apply the Evaluation, Learning and Improvement Model (EVAM) designed by the Ministry of Territorial Policy and Public Function, a model of excellence for organizations that begin their process towards the management of quality.

The culminating element of the process of implementation of quality management will be the certification of the level of excellence according to a model yet to be determined.

**Q81 (2016):** The statistics contain, among other data, cases entered, resolved, by type of procedure, hearings held, pending writings, resolutions adopted, sense of the decisions (if they are estimative or not), enforcement proceedings, appeals (entered and resolved), data on judges, judicial counsellor and staff. The statistic report is sent to the statistic department of the Council for the Judiciary.

## Sweden

**Q70 (General Comment):** Statistics concerning review permits in a superior court (this is often required when you appeal to a superior court)

- Number of incoming cases where there is a demand for a review permit
- Number of cases that receives a review permit
- Time to examine if a review permit will be given

Statistics concerning hearings

- Number and duration of hearings in a case
- Number of cancelled hearings in a case

Statistics concerning parties

- Number and type of parties in a case (defendants, witnesses, parties injured, plaintiffs) - Number of detained persons (in custody) in a criminal case
- Number of cases including minor offenders (< 18 years old)

Statistics concerning various types of decisions

- Number of times a judicial decision is changed in a superior court

Statistics concerning number of judges used to handle the case

**Q70 (2018):** "Other" specified:

Statistics concerning review permits in a superior court (this is often required when you appeal to a superior court)

- Number of incoming cases where there is a demand for a review permit
- Number of cases that receives a review permit
- Time to examine if a review permit will be given

Statistics concerning hearings

- Number and duration of hearings in a case
- Number of cancelled hearings in a case

Statistics concerning parties

- Number and type of parties in a case (defendants, witnesses, parties injured, plaintiffs) - Number of detained persons (in custody) in a criminal case
- Number of cases including minor offenders (< 18 years old)

Statistics concerning various types of decisions

- Number of times a judicial decision is changed in a superior court

Statistics concerning number of judges used to handle the case

General comment:

The Swedish courts all use the same case management system but with different set-ups. The system is used for all categories of cases. Information is shared when a case is appealed to a higher instance court. In criminal cases the system communicates with the National Police Board and the prosecutors office. The system also provides the statistics system with data on a daily basis.

The statistics are found in ready-made reports and everyone who is employed by a court can obtain the information quickly and easily. All courts have access to all available information. The statistics system contains operational statistics, as well as historical data and data which is updated continuously. The statistics database and reports are updated every night.

The statistics are mainly used for analysis and follow-ups for all courts and the National Courts Administration, annual reports to the government, official statistics (annual publication), inquiries from media, authorities and public as well as for allocation of budgetary resources between different courts.



**Q70 (2017):** "Other" specified:

Statistics concerning review permits in a superior court (this is often required when you appeal to a superior court)

- Number of incoming cases where there is a demand for a review permit
- Number of cases that receives a review permit
- Time to examine if a review permit will be given

Statistics concerning hearings

- Number and duration of hearings in a case
- Number of cancelled hearings in a case

Statistics concerning parties

- Number and type of parties in a case (defendants, witnesses, parties injured, plaintiffs) - Number of detained persons (in custody) in a criminal case
- Number of cases including minor offenders (< 18 years old)

Statistics concerning various types of decisions

- Number of times a judicial decision is changed in a superior court
- Statistics concerning unit within court used to handle the case

Statistics concerning number of judges used to handle the case

**Q70 (2016):** "Other" specified:

Statistics concerning review permits in a superior court (this is often required when you appeal to a superior court)

- Number of incoming cases where there is a demand for a review permit
- Number of cases that receives a review permit
- Time to examine if a review permit will be given

Statistics concerning hearings

- Number and duration of hearings in a case
- Number of cancelled hearings in a case

Statistics concerning parties

- Number and type of parties in a case (defendants, witnesses, parties injured, plaintiffs) - Number of detained persons (in custody) in a criminal case
- Number of cases including minor offenders (< 18 years old)

Statistics concerning various types of decisions

- Number of times a judicial decision is changed in a superior court
- Statistics concerning unit within court used to handle the case

Statistics concerning number of judges used to handle the case

General comment: The Swedish courts all use the same case management system but with different set-ups. The system is used for all categories of cases. Information is shared when a case is appealed to a higher instance court. In criminal cases the system communicates with the National Police Board and the prosecutors office. The system also provides the statistics system with data on a daily basis.

The statistics are found in ready-made reports and everyone who is employed by a court can obtain the information quickly and easily. All courts have access to all available information. The statistics system contains operational statistics, as well as historical data and data which is updated continuously. The statistics database and reports are updated every night.

The statistics are mainly used for analysis and follow-ups for all courts and the National Courts Administration, annual reports to the government, official statistics (annual publication), inquiries from media, authorities and public as well as for allocation of budgetary resources between different courts.

# Indicator 4: Systems for measuring and evaluating the performance of courts

## Comments provided by the national correspondents

### organised by question no.

*Question 66. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?*

*Question 67. Do you have specialised personnel entrusted with implementation of these national level quality standards?*

*Question 70. Do you regularly monitor court activities (performance and quality) concerning:*

*Question 73. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?*

*Question 73-1. Is this evaluation of the court activity used for the later allocation of resources within this court?*

*Question 77. Concerning court activities, have you defined performance and quality indicators?*

*Question 81. 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 66

#### Croatia

**(General Comment):** The quality standards (policy of organisational quality or judges' quality) are defined by Framework Criteria for the Workload of Judges and the quality of judges' work is measured by a methodology of assessment of performance of judicial duties which is determined by the State Judiciary Council, with a previous opinion of the Council composed by presidents of all the Judiciary Councils in the Republic of Croatia and the Plenary session of the Supreme Court of the Republic of Croatia. According to the Courts Act, the president of the court evaluates the work of every single judge according to Framework Criteria for the Workload of Judges in the period of one year following the standards on the number of judgments delivered by a judge compared with the number of judgments that should have been delivered, according to the Framework Criteria for the Workload of Judges, result of work in different kinds of cases, respecting deadlines in delivery of judgments and drafting of judgments, quality of judgments on the grounds of expressed remedies in legal actions and other activities of judges. The Framework Criteria are adopted by the Minister of Justice on the proposal of the General Assembly of Supreme Court. According to the State Judiciary Council Act, the president of the court is obliged to initiate disciplinary proceedings against a judge if he/she establishes: that a judge, without a justified reason, did not pass a number of judgements determined by the Framework Criteria for the Workload of Judges in the period of one year, or that a judge did not perform judicial duties accurately. Judges, except for the judges of the Supreme Court of the Republic of Croatia, are evaluated in the process of appointment in another court and when they stand as candidates for the president of court.

**(2018):** According to the Courts Act (Official Gazette, number 28/13, 33/15, 82/15), the president of the court evaluates the work of every single judge according to Framework for the workload of judges in the period of one year following the standards on the number of judgements delivered by a judge compared with the number of judgements that should have been delivered, according to the Framework for the workload of judges, result of work in different kinds of cases, respecting deadlines in delivery of judgements and drafting of judgements, quality of judgements on the grounds of expressed remedies in legal actions and other activities of judges.

Framework criteria are adopted by the Minister of Justice on the proposal of the General Assembly of Supreme Court. The Criteria prescribe the number of decisions that need to be rendered every year by a judge.

**(2017):** According to the Courts Act (Official Gazette, No. 28/13, 33/15, 82/15), the president of the court evaluates the work of every single judge in his/her court for the previous year on the basis of the following standards: the number of judgements delivered by a judge compared with the number of judgements that should have been delivered, according to the Framework for the workload of judges, result of work in different kinds of cases in absolute numbers and percentages, respecting deadlines in delivery of judgements and drafting of judgements, quality of judgements on the grounds of expressed remedies in legal actions and other activities of judges.

Framework criteria are adopted by the Minister of Justice on the proposal of the General Assembly of Supreme Court. The Criteria prescribe the number of decisions that need to be rendered every year by a judge.

## **Cyprus**

**(General Comment):** Quality standards are applied in practice

**(2017):** Quality standards are applied in practice

**(2016):** There are no written standards but in practice there are quality standards.

**(2015):** In practice there are quality standards

**(2014):** In practice there are quality standards

## **Denmark**

**(2016):** No, we use quantitative measures. Quality is measured as length of time to finalize a case.

**(2015):** The only standards are objective standards for example acceptable timeframes to finalize a case.

## **Estonia**

**(General Comment):** Estonia has developed a quality system consisting of 3 parts. The first part contains the quality standards (good practice) for the management of the court that describe activities related to the chairman of the court. The second part contains the quality standards for the administration of courts and is focused on the different roles of the parties involved in the administration of courts: directors, Ministry of Justice, Council for the Administration of Courts. The third part contains quality standards for the court proceedings and is addressed to all the judges. All of the three parts of the quality standards have been discussed and approved by the Council for Administration of Courts, respectively in 2012, 2013 and 2015.

## **Finland**

**(General Comment):** There are quality projects covering both civil and criminal cases in the Court of Appeal of Rovaniemi judicial district and in the Helsinki Court of Appeal judicial district. In a quality project, one or several working groups are set up usually for a year. There are judges from each district court within the judicial district of a court of appeal and court of appeal judges and referendaries in the working group. Depending on the topic, prosecutors, attorneys-at-law and other lawyers, public legal aid lawyers and police may also participate in the working group's work. The working group writes a report on a specific theme, for example developing conduct of the court proceedings or legal costs in criminal and civil cases. The written report is presented and discussed in a formal event and published. The aim is to provide legal professionals with practical information and guidelines on a certain topic.

In addition, there are co-operation projects between administrative courts.

The Finnish Association of Judges compiled and published Ethical Principles for Judges in 2012.

**(2015):** There is a Quality Project of the courts in the jurisdiction of the Court of Appeal of Rovaniemi. (The jurisdiction of the Court of Appeal of Rovaniemi is the northernmost of the six appellate jurisdictions in Finland.) In 1999, the courts in the jurisdiction of the Court of Appeal of Rovaniemi launched a project for improvement of quality in adjudication. The quality project covers both civil cases and criminal cases. The objective of the quality project is to develop the functioning of the courts further and further so that the proceedings meet the criteria of a fair trial, that the decisions are well reasoned and justified, and that the services of the courts are affordable to the individual customers. The main working method consists of systematic discussions among the judges and also between the judges and stakeholders. The development work is steered by the development committee of the quality project. Normally four working groups for quality are set up for each year. The membership consists of judges from each of the District Courts in the appellate jurisdiction, members of the Court of Appeal, and referendaries of the Court of Appeal. Also prosecutors, private attorneys, public legal aid attorneys and heads of pre-trial investigation may serve as members in the working groups for quality. Each working group for quality is tasked to deal with one of the development themes which have been selected. The reports of the working groups are presented at the Quality Conference, they are discussed, and quality objectives based on the reports are set for the following year. The Report of Quality, containing the final reports, is published every year.

There is also a quality project of the courts in the jurisdiction of the Court of Appeal of Helsinki. Quality Project consists of working methods of two kind: cooperation with the University of Helsinki and working groups. Working groups for quality are set up for each year. The membership consists of judges from District Courts, members of the Court of Appeal, referendaries of the Court of Appeal, prosecutors and lawyers. Each working group for quality is tasked to address to one of the development themes which have been selected. The reports of the working groups are presented at the conference called 'Day of Jurisdiction'.

In addition there is a cooperation project between administrative courts. Some topics of the project have related to the quality standards. The reports of the project have discussed the matters like the factors of quality at administrative courts and the collection of information on quality.

It is also worth mentioning that on 15 October 2009, the presidents of Finnish Courts of Appeal proposed that the Finnish Association of Judges should begin work on drafting ethical guidelines for judges. A working group was set and the draft on ethical principles was discussed widely. The principles were formally released at the Judge Day event held in Helsinki on 12 October 2012.

## **France**

**(General Comment):** "Initiated in 2009, the introduction of the "Label Marianne" (référentiel Marianne) in the jurisdictions has been achieved in successive territorial waves. In 2012, 44% of the French jurisdictions were involved in the deployment procedure of the Label (among which 76% of the "tribunaux de grande instance" (first instance courts), 53% of the "tribunaux d'instance (first instance courts) and 20% of the labour courts (conseils de prud'hommes).

Its implementation can be validated ultimately by a label issued for three years, after two audits carried out by a qualified external company and at different times. However, there is no mandatory labelling for the jurisdictions. Taking into account the budgetary constraints, the choice was made not to favour the labelling system, which had only resulted - since the beginning of the measure - in 9 attributed labels.

This deployment of the Label Marianne enables, ultimately, the rationalisation and mutualisation of the tasks concerning the reception of court users, as well as the valorisation of the reception task within the jurisdictions. It allows for an analysis of the organisational schemes concerning the reception services delivered.

The measure is essentially based on the implementation of corrective action plans, defined reflecting an internal analysis of the quality of reception since the beginning of the process.

An inter-ministerial evaluation tool has been set up since 2010, the public barometer of reception, to measure the qualitative leap thus obtained by sites with high reception stakes. For the justice network, the 152 metropolitan high courts are subject to mystery calls and evaluation of the quality of the 4 reception channels by 2 on-site visits, 9 phone calls, 3 letters and 10 e-mails.

The other jurisdictions, courts of appeal, district courts and labour courts which are not assessed by the public barometer of reception, have to engage in the process of improving reception. They benefit from the experience of the high courts of their jurisdiction having implemented the measure.

Therefore, the quality standards defined by the Label Marianne must be deployed on sites with high stakes, such as high courts, before 30 June 2014. The other jurisdictions are highly encouraged to deploy the label which is meant to last, and even to be completed by new programmes developed by the SGMAP (100% efficient contacts programme, in the process of being integrated in 2014 to the Label Marianne)

The directorate of judicial services pays attention to the deployment of the label in the jurisdictions and had initiated an investigation on 2 January 2014 to all jurisdictions in order to take stock of the implementation.

Furthermore, there also are:

- Local initiatives aiming at implementing a "quality system" based on the labelling by an external body, which consists in establishing the procedures describing the reception process, the work organisation, the management of a case, detailing the roles and responsibilities of the participants,
- Surveys of "satisfaction" of users are conducted at regular intervals.

**(2016):** Quality standards developed for public administration are used in the judicial system. The charter of the administrations determines the rules for the reception of litigants in all courts and may give rise to certification. There are also local initiatives aimed at setting up a "quality system" based on certification by an external body, which consists in establishing procedures describing the process of reception, organisation of work and management of a case.

## Germany

**(General Comment):** Since 2012, the reply "No" is provided depending on the answer of the majority of the respondent Landers.

**(2013):** For 2010, 2012 and 2013, no information was provided from Mecklenburg-Western Pomerania and Thuringia. Four Landers replied “Yes”, while the remaining Landers answered “No”.

In Baden-Württemberg, the performance of each court is compared against the others in regard to number and duration of proceedings. Key performance indicators on performance ability of the courts are ascertained and compared at the Lander level.

A comprehensive quality management system has been introduced in Schleswig-Holstein at all courts and public prosecution offices. All of the accessible areas of the court administration are subject to quality management. Judicial independence and the professional independence of Rechtspfleger present natural constitutional and statutory boundaries that must always be considered.

In Brandenburg, a quality management system seeks to guarantee that quality demands that are statutorily prescribed, self-imposed, or demanded by users of the system are fulfilled with an optimal use of resources. These last years, a number of strategies have been implemented for ensuring quality in the justice system by means of cost and performance accounting, a controlling system, budgeting of personnel costs, benchmark procedures, balanced scorecard, the EFQM Model, various instruments for personnel and organisation development, calculation of personnel requirements, optimisation of business processes, surveys of attorneys, citizens, and employees, and evaluation instruments both for individual judicial and public prosecution work as well as for the courts and public prosecution offices as organisational units. The increased use of modern technology (e.g. Internet) has opened up the possibility for the justice system to reach a large number of citizens and, thus, to offer court users the best possible service. Likewise, the continuous expansion of electronic legal transactions offers new opportunities for improvement in the quality of the justice system with regard to the performance characteristics public accessibility and public service. However, the developments and models named are not uniformly established in the Lander.

In Lower Saxony, a quality strategy was developed through the surveys AgiL (performance comparison of local courts) and LiVE (performance comparison of regional courts). This is based on the assumption that it is possible to compare courts by the collection of data. Following the comparison, an analysis is conducted to determine the reasons for which better numbers are achieved at one court location over another. These are then discussed in expert groups and measures are developed to promote those tools that seem likely to succeed for the duties at all court locations. The surveys do not serve to evaluate individual employees but rather to uncover structures that promote performance, which can then be transposed. This quality management concept takes place together with judicial councils and personnel representatives.

## Greece

**(General Comment):** Quality standards are set by the Code of Organization of Courts and Status of Judicial Officers (Law 1756/1988).

**(2017):** Most of the measures taken recently in Greece aim at speeding up Justice. However the Law provides a set of quality criteria that must be taken into account when inspectors check the performance of each judge.

## Hungary

**(General Comment):** Second instance courts have to prepare a note on the decision and the trial procedure of the first instance court, based on professional criteria in every case. In this note, the court of appeal has to examine: the application of substantive, procedural and administrative regulations; the preparation of the hearings; the quality of the judges trial leading practice; if the coercive measures were well founded; if the hearings were set timely; if the ruling was transcribed in time; if the decision was edited correctly. The conclusions are summarized and judges of first instance courts are informed about them at least once a year.

Furthermore, the departments of the Supreme Court (Kúria) responsible for examining the judicial practice evaluates the practice of the courts and regularly inform judges about their experience.

## Italy

**(General Comment):** In Italy there is not a strict quality system as such. However, there is a regular monitoring system in place which tracks the performance of court activities.

## Latvia

**(General Comment):** In June 26, 2008 the “Visitors service standards of the district (city) courts and regional courts” were approved. This document summarizes the general principles related to functions such as judicial reception and providing with information. The standards help court staff to raise their professionalism and understand the court visitors servicing values.

The reply is partly “yes” because according to the Law on Judicial Power Section 27.1., a Chief Judge of a court shall plan and determine the objectives of the court work in relation to average time periods for adjudication of matters in a court (standard of time periods for adjudication of matters) prior to the beginning of each calendar year, in co-operation with court judges. This standard shall be determined, taking into account the court resources and the necessity to ensure the right of a person to adjudication of a matter in a reasonable time period and other basic principles related to the guarantee of fair trial. A Chief Judge of a court shall approve the standard and supervise the actual time periods of examining matters in a court. He/she shall submit information to the Board of Justice regarding the approved standard until 1 February of each year.

**(2017):** According to the Law on Judicial Power Art 27.1. chief judge of a court shall plan and determine the objectives of the court work in relation to average time periods for adjudication of matters in a court (the standard of time periods for adjudication of matters) prior to the beginning of each calendar year in co-operation with court judges. The standard of time periods for adjudication of matters shall be determined, taking into account the court resources and the necessity to ensure the right of a person to adjudication of a matter in a reasonable time period and in conformity with other basic principles for examination of matters. A Chief Judge of a court shall approve the standard of time periods for adjudication of matters in a court and supervise the actual time periods of examining matters in a court. A Chief Judge of a court shall submit information to the Board of Justice regarding the approved standard of time periods for adjudication of matters until 1 February of each year. First standarts of time periods for adjudication of matters were submitted to the Board of Justice in 2014.

**(2016):** Partly yes, according to the Law on Judicial Power Section 27.1. chief judge of a court shall plan and determine the objectives of the court work in relation to average time periods for adjudication of matters in a court (the standard of time periods for adjudication of matters) prior to the beginning of each calendar year in co-operation with court judges. The standard of time periods for adjudication of matters shall be determined, taking into account the court resources and the necessity to ensure the right of a person to adjudication of a matter in a reasonable time period and in conformity with other basic principles for examination of matters. A Chief Judge of a court shall approve the standard of time periods for adjudication of matters in a court and supervise the actual time periods of examining matters in a court. A Chief Judge of a court shall submit information to the Board of Justice regarding the approved standard of time periods for adjudication of matters until 1 February of each year.

First standarts of time periods for adjudication of matters were submitted to the Board of Justice in 2014.

**(2015):** Since 2008 courts apply 'The visitors service standards of the district (city) courts and regional courts'. This courts visitor's service standard summarizes the general principles of judicial reception and providing with information. Standard helps court staff to raise their professionalism and understand the court visitors servicing values.

On 2015 May 18 Council of Justice approved guidelines on communication of the court system. The aim of the guidelines is to promote the effective functioning of the judiciary and promte the public confidence in the judiciary, creating a positive Court' s image and enhance its' authority in society.

**(2014):** In 2014, for the first time, standards of time periods for adjudication of matters were submitted to the Board of Justice.

## Malta

**(General Comment):** There exists a Code of Ethics for the members of the Judiciary which, though not providing for the organisation and quality of the judicial work, does lay upon the members of the Judiciary certain obligations which are important in ensuring the transparency and independence of the judicial process.

**(2017):** There exists a Code of Ethics for the members of the Judiciary which, though not providing for the organisation and quality of the judicial work, does lay upon the members of the Judiciary certain obligations which are important in ensuring the transparency and independence of the judicial process.

**(2016):** There exists a Code of Ethics for the Judiciary which, though not providing for the organisation and quality of judicial work, does lay upon the members of the Judiciary, certain obligations which are important in ensuring the transparency and independence of the judicial process.

## Netherlands

**(General Comment):** There are quality standards which are measured by annual statistical figures per individual court. Examples are the scores of customer satisfaction surveys, the percentage of cases judged by three instead of one judge and case processing times (the so called 'Kengetallen gerechten').

## Poland

**(General Comment):** The most important indicator - the stability of jurisprudence - is related to the assessment of judgments by appeal courts (second instance). It is based on the ratio of judgments amended or repealed in the appeal proceedings to judgments maintained in force.

Another important indicator is the indicator of controlling the inflow of court cases which informs whether courts examine all inflowing cases in a given statistical period (e.g. during a year), or whether backlog of inflowing cases increases. In addition, the judging time of inflowing court cases (whether it lengthens or shortens) is checked - the statistical periods are compared (e.g. year to year).

**(2016):** The most important indicator comes from evaluation of judgements through second instance procedure. In this purpose "judgement stability" ratio are in use as a ratio of judgements reversed or annulled in procedure of appeal.

## Portugal

**(General Comment):** Law on the organisation of the judicial system (Law 62/2013 of 26 August) sets out that the High Council for the Judiciary and the Prosecutor-General, in liaison with the member of Government responsible for the justice, establish, within their respective competences, the strategic objectives for first instance courts for a three year period. These entities are also responsible for setting, every year, the strategic objectives of first instance courts for the following judicial year. Taking into account the results obtained in the previous year and the strategic objectives formulated for the subsequently year, the president of the court and the public prosecutor coordinator, after hearing the judiciary administrator, articulate proposals for the procedural objectives for each court. This system is very recent, is currently being implemented, subject to improvements, and only covers civil and commercial cases.

## Romania

**(General Comment):** Comment valid for 2010-2015 exercises

The reply to this question varied over the evaluation cycles because there are no formal standards for quality established for the whole judiciary. However, informal standards are being used (such as training, quality of the reasoning, assessment of the activity of the judges, assessment of the good reputation of the judges etc.).

More precisely, the activity of courts is evaluated and monitored periodically, on the basis of certain statistical data/performance indicators, such as those presented at question 71. The evaluation is achieved by verifications carried out by inspectors of the Judicial Inspection of the SCM, by elaborating periodical reports. The schedule and thematic of those verifications are approved every year by the SCM.

At organizational level, there are no quality standards established for courts. It may be considered that such standards exist at individual level, for each judge, by the indicators for the evaluation of professional activity.

**(2012):** In the frame of the 2012 exercise, a reference was made to the "Court Optimisation Project" financed by the World Bank, implemented from October 2011 to March 2013. The final recommendation included the introduction of Key Performance Indicators (KPIs), such as the clearance rate, the number of cases older than one year, the number of cases solved within 1 year, and the comparative measurement system.

## Slovakia



**(General Comment):** According to the Act on the courts (No. 757/2004 Coll.) each court should undergo the internal inspection usually every five years.

The internal inspection examines the current state of performing of justice at the given court to detect the reasons for possible weaknesses and to propose the remedies. The report on the internal inspection is discussed and approved by the Judicial Council of the Slovak Republic.

**(2014):** There is a system to evaluate the overall functioning of courts with respect to the Manifesto of the Government of the Slovak Republic for the period of 2010-2014:

[http://www.vlada.gov.sk/data/files/855\\_the-manifesto-of-the-governmentof-the-slovak-republic-for-the-period-of-2010-2014.pdf](http://www.vlada.gov.sk/data/files/855_the-manifesto-of-the-governmentof-the-slovak-republic-for-the-period-of-2010-2014.pdf)

## Slovenia

**(General Comment):** The Supreme Court's Data warehouse, containing all court cases, as well as financial data and human resources data was implemented in 2011. The data are collected based on CEPEJ Guidelines on Judicial statistics (GOJUST). A special office at the Supreme Court with specialised knowledge was introduced in order to monitor the quality and define quality policies on the level of entire judiciary and individual courts. Quality standards based on SATURN guidelines are taken into account in several predefined BI system reports.

The important role in the determination of quality standards is played by the Supreme Court's „Opening of the judicial year“ document, in which a set of priorities is determined. The priorities are subsequently monitored throughout the judicial year by automated BI tools and customised analysis at the Supreme Court.

The 2013 amendment to the Courts Act provides that the Supreme Court shall adopt the Criteria for quality of work for courts for the next (judicial) year, based on its Yearly report on efficiency and effectiveness of courts. Since 2015, the Supreme Court has been adopting the timeframes for different types of procedures as well as for different procedural phases for next year (as a part of the Criteria for quality of work).

As for public prosecution, the criteria for quality of work are defined in the Prosecution Policy (adopted by the Prosecutor General), while the quantitative aspects of work are defined in the Criteria for evaluating the performance of the state prosecutor's offices adopted by the State Prosecutorial Council.

**(2015):** The Supreme Court's Data warehouse, containing all court cases, as well as financial data and human resources data was implemented in 2011. The data are collected based on CEPEJ Guidelines on Judicial statistics (GOJUST). The system was awarded with Special mention in the 2012 Crystal Scales of Justice Competition and was defined as “Inspiring example” in the EC document Quality of Public Administration - A Toolbox for Practitioners - <http://ec.europa.eu/social/main.jsp?catId=738&langId=sl&pubId=7757>.

A special office at the Supreme Court with specialised knowledge was introduced in order to monitor the quality and define quality policies on the level of entire judiciary and individual courts.

Quality standards based on SATURN guidelines are taken into account in several predefined BI system reports.

The important role in the determination of quality standards is played by the Supreme Court's „Opening of the judicial year“ document, in which a set of priorities is determined. The priorities are subsequently monitored throughout the judicial year by automated BI tools and customised analysis at the Supreme Court.

The 2013 amendment to the Courts Act provides that the Supreme Court shall adopt the Criteria for quality of work for courts for the next (judicial) year, based on its Yearly report on efficiency and effectiveness of courts. In 2015 the Supreme Court adopted the timeframes for different types of procedures as well as for different procedural phases for 2016 (as a part of the Criteria for quality of work).

**(2014):** 2014 A dedicated office at the Supreme Court with specialised knowledge was introduced in order to monitor the quality and define quality policies at the level of entire judiciary and individual courts level.

Quality standards based on SATURN guidelines are taken into account in several predefined BI system reports.

The recent amendment of the Courts Act provides that the Supreme Court shall adopt the Criteria for quality of work for courts for the next (judicial) year, based on its Yearly report on efficiency and effectiveness of courts. Since the amendment was adopted in the middle of 2013, the first Annual report of Supreme Court will be for 2014 (to be published in 2015). Consequently, only 2015 will be the (first) year to formally adopt the aforementioned Criteria.

The important role in the determination of quality standards is played by the Supreme Court's „Opening of the judicial year“ document, in which a set of priorities is determined. The priorities are subsequently monitored throughout the judicial year by automated BI tools and customised analysis at the Supreme Court.

**(2013):** 2013 According to the priorities for the whole judiciary, set by the Supreme Court in the „Opening of the judicial year“ document for judicial year 2013, specific areas were monitored and the standards determined for the following areas:

1. Management of courts
2. Solving of oldest unresolved cases
3. Business process – Time management of judicial procedures and the reform of civil enforcement procedure
4. Disburdening the judges
5. Levelling of human resources

**(2012):** 2012: The Supreme court's Data warehouse, containing all court cases, as well as financial data and human resources data was implemented in 2011. The data are collected based on CEPEJ Guidelines on Judicial statistics (GOJUST). The system was awarded with Special mention in the 2012 Crystal Scales of Justice Competition and was defined as Inspiring example in the EC document Quality of Public Administration - A Toolbox for Practitioners – <http://ec.europa.eu/social/main.jsp?catId=738&langId=sl&pubId=7757>.

**(2010):** 2010 The activities to conduct a pilot project for a quality system within the Slovenian judiciary were started in 2008. In 2009 the pilot project of self-evaluation with the CAF (Common Assessment Framework) model was launched at three pilot district courts. The CAF model was adapted to the judicial organisation so that in 2011 a new model named Quality of the work of courts has been developed. Three pilot courts have already concluded the self-evaluation. The self-evaluation will continue at other courts.

The quality areas observed in this model overlap significantly with the quality criteria for the assessment of the work of courts set by the Judicial Council. The difference is in the fact that this model is based on self-evaluation activities, with the main aim of opening communication within individual courts to improve the overall functioning, while the Criteria adopted by the Judicial Council aim at measuring the performance of courts.

## Spain

**(2015):** Every three months each Court sends statistics to the Council for the Judiciary with complete information about the activity of the Court.

## Question 67

### Denmark

**(2018):** The public prosecution is not part of Danish Court Administration.

**(2017):** Because judges are independent, we do not interfere with a judge decision. However, there is always the possibility to appeal a court decision if either of the parties disagree with the verdict.

**(2016):** As above.

### France

**(2014):** 2010: State prosecutors draw an annual report on the activity, management of their public prosecution office and on the enforcement of the law, as well as an annual report concerning the measures of custody and the condition of the custody facilities.

**(2012):** 2012: in French law on the judicial organisation, there is no statutory or regulatory requirement providing specialised staff in courts responsible for quality norms.

However, as part of the maintenance dialog to have operational resources, each court fills a document for the Ministry of Justice, comprising informations such as the number of handled cases, pending cases, the number of judges and administrative staff, as well as the performance objectives to reach. This document is not available on the intranet to all of the staff. Only agents of the Ministry in charge of the maintenance dialog have access to these figures thanks to appropriate softwares.

### Greece

**(2017):** The Law provides a set of quality criteria that must be taken into account when inspectors check the performance of each judge.

#### **Malta**

**(2018):** There are general quality standards that apply to the public sector, but not specific quality standards that monitor the implementation of quality standards within the judiciary or the prosecution services.

#### **Netherlands**

**(2017):** yes

#### **Poland**

**(General Comment):** Inspection departments operate in the appellate and regional courts. The task of the judges working in these departments is to perform on behalf of the president of the court activities in the scope of supervision over the administrative activity of the courts in the area of the operation of a given appellate or district court. Supervision consists in taking actions to improve the office of the courts or increase the efficiency and level of work organization culture in the courts. For this purpose, visits of departments in courts or surveys of recognized cases of a given category are carried out, the secretariats of departments in the courts are controlled.

Activities in the scope of administrative supervision can not enter the field in which judges and assessors are independent.

#### **Slovenia**

**(General Comment):** For courts and public prosecution specialised personnel at the Supreme Court and the Supreme public prosecution office.

#### **Spain**

**(2015):** Every three months each Court sends statistics to the Council for the Judiciary with complete information about the activity of the Court.

#### **Question 70**

#### **Austria**

**(General Comment):** The category other encompasses for example certain kinds of decisions.

**(2017):** "other": e.g. certain kinds of decisions, clearance rate (annually)

#### **Belgium**

**(2017):** There are ad hoc systems for monitoring activities within the courts. There is a central service responsible for the collection of statistics which ensures the annual publication of statistics. The Central Statistical Service is developing a uniform and coordinated policy, but there is (as yet) no central system for regular monitoring of activities.

**(2016):** There are ad hoc systems for monitoring activities within the courts. There is a central service responsible for the collection of statistics which ensures the annual publication of statistics. But there is no (yet) central system for regular monitoring of activities.

#### **Bulgaria**

**(2010):** In the frame of the 2010 exercise it has been noticed that courts activities are monitored every six months, regarding the duration of proceedings, namely those completed within three months.

## Croatia

**(2010):** In the frame of the 2010 exercise, it has been highlighted that the president of each court monitors the judges' performances (prescribed number of decisions) and submits the data on that to the Ministry of Justice. Municipal courts submit their data directly to the Ministry, by means of e-Statistics application.

## Denmark

**(General Comment):** For the last evaluations it is explained with regard to the category "other" that goals have been defined for percentiles number of cases that are completed within different time brackets, i.e. 3 months, 6 months, etc. The Danish Court Administration produces an annual report concerning cases that involve violent behaviour and rape.

**(2017):** In Denmark we have a management system which information is updated monthly for the district courts where the points above are shown. For the High Courts and the Supreme Court, the case flow is not followed so often and in a so detailed way, but there are also much fewer cases. "Other": activity in terms of weighted cases and also pending cases

**(2016):** The so called "weighted cases" are measured in order to have a measure for the activity.

## Estonia

**(General Comment):** The scope of the monitoring system is extended to the results of proceedings; the categories of cases; the number of decisions appealed and revoked, fully or partially. The waiting time and the 'age' of pending (not solved) cases are also monitored. It is worthy of mention that every year all the courts and the Ministry of Justice enter into an agreement according to which courts should aim to carry out structural changes and to make changes in case-flow management that will ultimately ensure efficient proceedings. The content of the agreement has changed since 2017. The goals are more general and the same for all the courts (except The Supreme Court).

**(2017):** See previous general comments.

**(2016):** see general comments

## Finland

**(General Comment):** All courts keep statistics of the mentioned court activities in the operational case management systems. The Department of Judicial Administration of the Ministry of Justice can access these figures through a reporting system.

## France

**(2018):** The coverage rate of cases as well as the structure of civil or criminal litigation are used by the courts.

In addition, other indicators usefully complete the analysis: .

Share of decisions on the merits in completed cases (civil activity).

Share of referrals in completed cases (civil activity).

Theoretical time to sell off the stock.

Average age of the stock.

Percentage of cases over 12 months in stock (civil activity).

**(2017):** The number of cases referred is an indicator used only by the administrative courts.

Courts have business applications to monitor their civil and criminal activities. At the national level, data coming from these applications are automatically collected via info-centres, processed and cross-referenced with each other, and then restructured in the form of tables or graphs. These refunds can be generated monthly, except for some data on activity (assize court, juvenile judges, enforcement of sentences), for which refunds are annual.

These info-centres enable courts to monitor statistics and manage their activities. They allow the central administration to prepare management dialogues from a performance perspective.

**(2016):** The number of cases subject to referral is an indicator used only by administrative courts.

Courts have business applications to monitor their civil and criminal activities. At national level, data from these applications are collected automatically via info-centres, processed and cross-referenced, and then presented in the form of tables or graphs. These refunds can be generated monthly, except for certain activity data (assize court, juvenile judges, enforcement of sentences), for which the refunds are annual.

These info-centres enable courts to carry out a statistical follow-up and to monitor their activities. They allow the central administration to prepare management dialogues from a performance perspective.

**(2015):** The number of cases being referred is used only by administrative courts.

The rate of coverage of cases is used by judicial courts.

The state of stocks by age group is used by administrative courts.

**(2014):** 2013, 2014, the category "others" includes:

- the coverage rate of cases (used by judicial courts)
- the state of the stocks per age group (used by administrative courts)

It should be noted that concerning the indicators mentioned in the question, the number of appealed cases is only used by administrative courts.

**(2013):** 2013, 2014, the category "others" includes:

- the coverage rate of cases (used by judicial courts)
- the state of the stocks per age group (used by administrative courts)

It should be noted that concerning the indicators mentioned in the question, the number of appealed cases is only used by administrative courts.

**(2012):** 2010, 2012: the category "others" includes the state of the stocks per age group. It should be noted that concerning the indicators mentioned in the question, the number of appealed cases is only used by administrative courts

**(2010):** 2010, 2012: the category "others" includes the state of the stocks per age group. It should be noted that concerning the indicators mentioned in the question, the number of appealed cases is only used by administrative courts

## Germany

**(General Comment):** At the level of the Federal Government, statistics on proceedings encompass the number of incoming cases, the type of proceeding, the form of conclusion, and the time needed for conclusion. Moreover, information regarding other characteristics is also collected (legal aid in litigation and legal aid for proceedings, value of dispute, subject area, remedies, etc.) All of this information can be correlated to one another upon evaluation. The regular evaluations can be found in the publications of the Federal Statistical Office. Data regarding the business overviews usually does not contain – in that it involves manual statistics – additional information beyond the business workload, particularly as regards the duration of proceedings.

**(2018):** Some of the Länder did mention a monitoring system concerning other court activities such as statistics on the nature of resolution are kept (e.g. in civil cases: dealt with by contentious judgment/by acknowledgement/by settlement, etc.).

**(2016):** other: Some of the Länder did mention a monitoring system concerning other court activities such as statistics on the nature of resolution are kept (e.g. in civil cases: dealt with by contentious judgment/by acknowledgement/by settlement, etc.).

**(2014):** In 2014, some of the Landers did mention a monitoring system concerning other court activities, namely statistics on the nature of resolution (e.g. in civil matters cases are dealt with by contentious judgment/by acknowledgement/by settlement, etc.).

**(2013):** In 2013, seven Landers communicated information on their regular monitoring system. For example, Baden-Württemberg referred to calculation of the specific personnel requirements on a mathematical-analytical basis. Bavaria mentioned the type of proceedings, form of decision, etc. for courts of labour and social jurisdiction and workload, ratio of part-time employees; average age of employees, training and sick days, duration of proceedings in months, ratio of appeals for courts of general jurisdiction. In Brandenburg, the number of pending cases and the ratio of terminated proceedings as against incoming cases are monitored.

**(2012):** For 2010 and 2012, five Landers did not provide any reply. Seven Landers communicated detailed information on their regular monitoring system of courts' activity. Among the main other monitored parameters are the deadlines for the drafting of judgments (Bavaria), the number of pending cases and the ratio of terminated proceedings as against incoming cases (Brandenburg), the nature of resolution – cases dealt with by contentious judgment, by acknowledgment, by settlement etc. (Hamburg), cases allocated among staff, i.e. caseload quota (Hesse); finance benchmarks, item costs, standardized deployment of person hours related to product (Saxony-Anhalt).

## Greece

**(General Comment):** According to Law 1756/1988 (art. 85), supreme judges appointed as inspectors for one year's term, redact every year general reports on the operation of each court and prosecutor's office in their district and recommend the necessary measures for the proper functioning of the service. Regarding administrative courts, this task is fulfilled by the General Commission of the State for ordinary administrative courts

**(2017):** Regarding Administrative Courts, this task is fulfilled by the General Commission of the State for ordinary administrative courts. In the near future there will be a possibility for the General Commission of the state to use a business intelligence program, in order to extract composite statistical data without contacting any court [E-mail: g-epitropia-d-d@otenet.gr]

## Hungary

**(General Comment):** Among others:

- individual judge's statistics, - statistics on the reasons of the postpone of the trials,
- number of trial days in cases, - number of tried cases per day,
- pending cases of an individual judge / court,
- the time frame of pending cases
- number of appealed cases,
- the subject of incoming / finished / pending cases,
- the ratio of litigious and non-litigious cases,
- cases that are pending over 2 or 5 years have a separated statistical report every month
- cases in which there were no actions taken in the last 30 days by the court have a separated statistical report every month

**(2018):** Other:

- statistics on the reasons of the postpone of the trials,
- number of trial days in cases, - number of tried cases per day,
- the subject of incoming / finished / pending cases,
- the ratio of litigious and non-litigious cases,
- cases that are pending over 2 or 5 years have a separated statistical report every month
- cases in which there were no actions taken in the last 30 days by the court have a separated statistical report every month

**(2015):** Among others:

- individual judge's statistics,
- statistics on the reasons of the postpone of the trials,
- number of trial days in cases,
- number of tried cases per day,
- pending cases of an individual judge / court,
- the time frame of pending cases
- number of appealed cases,
- the subject of incoming / finished / pending cases,
- the ratio of litigious and non-litigious cases,
- cases that are pending over 2 or 5 years have a separated statistical report every month
- cases in which there were no actions taken in the last 30 days by the court have a separated statistical report every month

**(2014):** In 2013 and 2014, among other are quoted individual judge's statistics, statistics on the reasons of postponing trials, the number of trial days, the number of tried cases per day, the number of pending cases of an individual judge/court, the time frame of pending cases, the number of appealed cases, the subject of incoming/resolved/pending cases, the ratio of litigious and non-litigious cases. Cases that are pending over 2 or 5 years have a separated statistical report every month, as well as cases in which there were no actions taken in the last 30 days by the court.

**(2013):** In 2013 and 2014, among other are quoted individual judge's statistics, statistics on the reasons of postponing trials, the number of trial days, the number of tried cases per day, the number of pending cases of an individual judge/court, the time frame of pending cases, the number of appealed cases, the subject of incoming/resolved/pending cases, the ratio of litigious and non-litigious cases. Cases that are pending over 2 or 5 years have a separated statistical report every month, as well as cases in which there were no actions taken in the last 30 days by the court.

**(2012):** In 2010 and 2012, a reference is made to individual judge's statistics, statistics on the reasons of postponing trials, the number of trial days, the number of resolved cases, the number of cases scheduled within one day, the number of pending cases of an individual judge.

**(2010):** In 2010 and 2012, a reference is made to individual judge's statistics, statistics on the reasons of postponing trials, the number of trial days, the number of resolved cases, the number of cases scheduled within one day, the number of pending cases of an individual judge.

## **Ireland**

**(2014):** 2014: Since 2014 Ireland introduced a monitoring system for the length of proceedings and it is now capable of calculating average length of proceedings in first instance jurisdictions.

## **Latvia**

**(General Comment):** Implemented business intelligence solution allows to very closely monitor all the mentioned court activities.

Satisfaction of court staff and users is being evaluated by regular questionnaires in courts.

**(2017):** Decision stability (proportion of decisions appealed in higher instance)

**(2016):** Decision stability (proportion of decisions appealed in higher instance)

**(2010):** In 2010, the category "other" encompasses the number of cases ended by decision on the merits and the number of cases ended otherwise (including all kinds of results).

## **Lithuania**

**(General Comment):** All of these data are recorded in the Lithuanian Court Information System (LITEKO), as well as other data, related to the case, it's process and the parties to the proceedings.

## Luxembourg

**(General Comment):** No regular system has been implemented up to today. However, a monitoring can be done through the statistical service of the judiciary (SSJ) on an punctual basis and upon request by the competent authorities.

**(2016):** No regular system has been implemented up to today. However, a monitoring can be done through the statistical service of the judiciary (SSJ) on an punctual basis and upon request by the competent authorities.

**(2015):** By using the newly implemented statistical tools, the information ticked in addition to last year's questionnaire can now be retrieved by the statistical service on an as needed basis at least for criminal cases. Identical markers are being implemented for civil and commercial cases and will available in a foreseeable future.

**(2014):** 2014: There is no regular monitoring system. However, new statistical tools are implemented and can provide monitoring elements when necessary without daily measurement current affairs.

## Malta

**(2017):** other: clearance rate

**(2015):** The monitoring of court activities also takes place through the ongoing analysis of the Clearance Rate and Disposition Time of the various courts. This data is also being published online on a monthly basis.

The category "other" refers to the monitoring of the Clearance Rate and Disposition Time of all civil courts, boards and tribunals. This exercise was started in 2015.

**(2014):** In 2014, the court administration was monitoring length of proceedings through the number of incoming and resolved cases, as well as through the pending caseload. The age of civil cases was another parameter that was being assessed.

On the occasion of the 2014 exercise, it has been indicated that since 2015, Malta started computing the Disposition Time and Clearance Rate of all the civil and criminal courts. By the end of 2015, for the civil courts, this information will be made available online.

## Poland

**(2017):** Supervision covers only the administrative activities of the courts. There are the internal supervision exercised by the presidents of the courts and the external supervision exercised by the Minister of Justice within the narrow scope specified in the law.

**(2016):** Supervision covers only the administrative activities of the courts. There are the internal supervision exercised by the presidents of the courts and the external supervision exercised by the Minister of Justice within the narrow scope specified in the law.

## Portugal

**(2017):** Scheduling; delays of judges and sections.

**(2016):** Scheduling; delays of judges and sections.

**(2015):** Scheduling: time delays of judges and sections of the court.

## Romania

**(General Comment):** Comment valid for 2010-2016 exercises

Since 2012, the category "other" subsumes the length of administrative procedures, the number of final convictions, legal aid, suspended cases etc.

**(2017):** - e.g. suspended cases



**(2016):** - suspended cases etc.

**(2010):** In 2010, the category “other” included the number of suspended cases and the number of convictions to life.

## Slovakia

**(General Comment):** The category “other” encompasses: the number of cases according to types of disputes, the result of the case (reconciliation, dismissals, full satisfaction, partial satisfaction, etc.). Statistical data of the Ministry of Justice of the Slovak Republic are detailed and regularly collected and published in a yearbook which is publicly accessible at the website of the Analytical centre of MoJ <https://www.justice.gov.sk/Stranky/Informacie/Analyticke-centrum.aspx>  
<http://web.ac-mssr.sk/statisticka-rocenka-2018/>

## Slovenia

**(General Comment):** In Slovenia there is a regular monitoring system in a form of collecting data on court statistics. Court statistics are collected and published four times a year by the Ministry of Justice. They include the data on the number of judges and court staff, number of incoming, resolved and pending cases, age of unresolved cases, length of proceedings, average time to resolve a case, type of decision, court backlogs, legal remedies and time to issue a court decision.

Besides that, the data on court activities are automatically on national level, thus statistical analysis are made possible. All courts have access to a wide range of special reports, generated in the Court management information system. Reports include detailed information on court activities (for example length of specific phases of a court proceeding, top 20 oldest cases in certain area of law, etc.), human resources, court performance indicators (the critical indicators are marked red for unsatisfactory performance and green when meeting the standards) that provide guidance to presidents and directors of courts. The business intelligence system that creates priority reports derives the data from the Data warehouse of the Supreme Court. The same source is used for Court statistics publications by the Ministry of Justice. Each court is able to access the above mentioned reports at any moment, while some data are quarterly collected and published on national level (as prescribed by the Court rules).

The satisfaction surveys are performed and results published bi-annually.

**(2015):** The data on court activities are automatically collected on national level, thus statistical analysis is made possible.

All courts have access to a wide range of special reports, generated in the Court management information system. Reports include detailed information on court activities (e.g. length of specific phases of a court proceeding, top 20 oldest cases per legal area etc.), human resources, court performance indicators (the critical indicators are marked red for unsatisfactory performance and green when meeting the standards) that provide guidance to presidents and directors of courts. These additional data available to court management officials are the reason, why we put check before “other elements”.

The business intelligence system that creates priority reports derives the data from the Data warehouse of the Supreme Court. The same source is used for Court statistics publications by the Ministry of Justice.

Each court is able to access the above mentioned reports at any moment, while some data are quarterly collected and published on national level (as prescribed by the Court rules).

## Spain

**(General Comment):** The category “other” encompasses: number of enforcement procedures, number of decisions appealed, number of rogatory letters issued, received and resolved, aid between courts, pending writings, form of termination of trials, etc.

**(2017):** The category “other” includes many other data such appeals, aid between courts, pending writings, etc.

**(2016):** The category “other” includes many other data such appeals, aid between courts, pending writings, enforcement proceedings, form of termination of trials, etc.

## Sweden

**(General Comment):** Statistics concerning review permits in a superior court (this is often required when you appeal to a superior court)

- Number of incoming cases where there is a demand for a review permit
- Number of cases that receives a review permit
- Time to examine if a review permit will be given

Statistics concerning hearings

- Number and duration of hearings in a case
- Number of cancelled hearings in a case

Statistics concerning parties

- Number and type of parties in a case (defendants, witnesses, parties injured, plaintiffs) - Number of detained persons (in custody) in a criminal case
- Number of cases including minor offenders (< 18 years old)

Statistics concerning various types of decisions

- Number of times a judicial decision is changed in a superior court

Statistics concerning number of judges used to handle the case

**(2018):** "Other" specified:

Statistics concerning review permits in a superior court (this is often required when you appeal to a superior court)

- Number of incoming cases where there is a demand for a review permit
- Number of cases that receives a review permit
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Statistics concerning various types of decisions

- Number of times a judicial decision is changed in a superior court

Statistics concerning number of judges used to handle the case

General comment:

The Swedish courts all use the same case management system but with different set-ups. The system is used for all categories of cases. Information is shared when a case is appealed to a higher instance court. In criminal cases the system communicates with the National Police Board and the prosecutors office. The system also provides the statistics system with data on a daily basis.

The statistics are found in ready-made reports and everyone who is employed by a court can obtain the information quickly and easily. All courts have access to all available information. The statistics system contains operational statistics, as well as historical data and data which is updated continuously. The statistics database and reports are updated every night.

The statistics are mainly used for analysis and follow-ups for all courts and the National Courts Administration, annual reports to the government, official statistics (annual publication), inquiries from media, authorities and public as well as for allocation of budgetary resources between different courts.

**(2017):** "Other" specified:

Statistics concerning review permits in a superior court (this is often required when you appeal to a superior court)

- Number of incoming cases where there is a demand for a review permit
- Number of cases that receives a review permit
- Time to examine if a review permit will be given

Statistics concerning hearings

- Number and duration of hearings in a case
- Number of cancelled hearings in a case

Statistics concerning parties

- Number and type of parties in a case (defendants, witnesses, parties injured, plaintiffs) - Number of detained persons (in custody) in a criminal case
- Number of cases including minor offenders (< 18 years old)

Statistics concerning various types of decisions

- Number of times a judicial decision is changed in a superior court
- Statistics concerning unit within court used to handle the case

Statistics concerning number of judges used to handle the case

**(2016):** "Other" specified:

Statistics concerning review permits in a superior court (this is often required when you appeal to a superior court)

- Number of incoming cases where there is a demand for a review permit
- Number of cases that receives a review permit
- Time to examine if a review permit will be given

Statistics concerning hearings

- Number and duration of hearings in a case
- Number of cancelled hearings in a case

Statistics concerning parties

- Number and type of parties in a case (defendants, witnesses, parties injured, plaintiffs) - Number of detained persons (in custody) in a criminal case
- Number of cases including minor offenders (< 18 years old)

Statistics concerning various types of decisions

- Number of times a judicial decision is changed in a superior court
- Statistics concerning unit within court used to handle the case

Statistics concerning number of judges used to handle the case

General comment: The Swedish courts all use the same case management system but with different set-ups. The system is used for all categories of cases. Information is shared when a case is appealed to a higher instance court. In criminal cases the system communicates with the National Police Board and the prosecutors office. The system also provides the statistics system with data on a daily basis.

The statistics are found in ready-made reports and everyone who is employed by a court can obtain the information quickly and easily. All courts have access to all available information. The statistics system contains operational statistics, as well as historical data and data which is updated continuously. The statistics database and reports are updated every night.

The statistics are mainly used for analysis and follow-ups for all courts and the National Courts Administration, annual reports to the government, official statistics (annual publication), inquiries from media, authorities and public as well as for allocation of budgetary resources between different courts.

### Question 73

#### Belgium

**(2017):** There are ad hoc evaluation systems within the courts. But there is not yet a central or coordinated system.

**(2016):** There are ad hoc evaluation systems within the courts. But there is no central or coordinated system.

#### Bulgaria

**(General Comment):** The Inspectorate to the Supreme Judicial Council (ISJC) is a body of the judicial system of the Republic of Bulgaria established under the art. 132a of the Constitution of the Republic of Bulgaria /published in State Gazette N.12 from 6th February 2007/. The Inspectorate to the Supreme Judicial Council is an independent body with the primary function of examining the operation of the judicial bodies without affecting their independence. Art. 54, para. 1 of the Judicial Power Act assigns powers to the Inspectorate to the Supreme Judicial Council.

The Inspectorate annually, not later than the end of March of the current year, adopts a program for the planned inspections.

## **Croatia**

**(2015):** According to the Court Act, the president of court supervises accurate performance of court activities in due time. The president of court has a duty to write a report on the performed supervision and its results, as well as on the measures taken, at least once a month. The report has to be inserted into a case file of judicial administration. The president of court is obliged to ensure court efficiency in the resolution of cases, especially when it comes to the resolution of cases the procedure of which lasts more than three years.

The president of court, except for the president of the Supreme Court of the Republic of Croatia, has a duty to submit a report on the performed tasks of judicial administration, measures and activities undertaken to improve work and efficiency of the court in the resolution of cases. The report is to be submitted directly to a court of higher instance, to the State Judicial Council and the Ministry of Justice, once a year, at least before 31 March for the previous year.

The courts use special information systems for the management and operation of the courts' cases, which consist of standard applications, computer and telecommunications equipment and infrastructure, system software and tools and all the data that are entered, stored and transmitted in all of the registers of the system. Misdemeanour courts operate using JCMS (Joint Case Management System), while other courts of general jurisdiction and commercial courts use ICMS (Integrated Case Management System). Through these systems it is possible to regularly monitor and evaluate the activity, performance and output of courts.

## **France**

**(2016):** Administrative courts also use dashboards on monthly basis, while civil and criminal courts receive quarterly management activity reports via a business application.

**(2014):** 2012, 2013, 2014: for the administrative courts, the performance indicators comprised an estimate and objectives updated every three months. The activity is assessed every year in the administrative jurisdictions during management conferences. A monitoring board for the activity is transmitted every month to the heads of administrative jurisdictions.

**(2013):** 2012, 2013, 2014: for the administrative courts, the performance indicators comprised an estimate and objectives updated every three months. The activity is assessed every year in the administrative jurisdictions during management conferences. A monitoring board for the activity is transmitted every month to the heads of administrative jurisdictions.

**(2012):** 2012, 2013, 2014: for the administrative courts, the performance indicators comprised an estimate and objectives updated every three months. The activity is assessed every year in the administrative jurisdictions during management conferences. A monitoring board for the activity is transmitted every month to the heads of administrative jurisdictions.

## **Germany**

**(2013):** In respect of the 2010, 2012 and 2013 exercises no information was provided from Mecklenburg-Western Pomerania and Thuringia. Five States provided a positive reply, while the remaining Landers answered "NO". As to Bavaria, the information varied depending on the individual court jurisdiction for which information was provided: "YES" for Bavarian fiscal courts and "NO" for the remaining Bavarian courts.

In Brandenburg, the analysis is only subject to the figures provided regarding incoming cases, conclusions, duration of proceedings, number of court persons working, etc., which could possibly be used as indicators for the assessment of the performance abilities and the quality standards of the court. In Bremen, there is a benchmarking based upon key performance indicators.

In Lower Saxony regular assessments of the activities of the courts and public prosecution offices take place through administrative supervision. Qualitative evaluation of court activities is not possible through the implemented statistics and, based upon the constitutional law guarantee of judicial independence, is not desired. Likewise, the current view in Saarland is that such an evaluation system is incompatible with judicial independence protected by the Basic Law. Moreover, in North-Rhine/Westphalia, monitoring adjudicative activities is prohibited based upon constitutional law grounds. In this Lander there is a comprehensive system for assessing internal business. In certain areas there is also a management information system with statistical core data relevant to management on the number of incoming cases, duration of proceedings, and numbers of conclusions.

Saxony-Anhalt specified that the instrument for operative and strategic management of the courts is the management report. In the conceptual (as regards content) design of the management reports, the department comparison is defined as central criteria. This approach results, on the one hand, in a comparison of one's own department with the average of all departments and, on the other hand, in taking account of the basic idea behind benchmarking, with the average of the three best departments. Concrete measures with calculable targets are set forth in target agreements between the Ministry for Finance and the Ministry for Justice and Equality as well as in how they are structured with each budgeted department. The bases for this, among others, are indicators in the management reports.

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## **Greece**

**(2017):** According to L. 1756/1988 (art. 85), supreme judges appointed as inspections for one year's term redact every year General Reports on the operation of each Court and prosecutor's Office in their district and recommend the necessary measures for the proper functioning of the service. Furthermore, data regarding the flow of cases collected by the Ministry of Justice is used for ad hoc analysis (e.g. to provide a basis for decisions regarding the function of courts or answers to questions of parliamentary control).

## **Hungary**

**(2014):** On the occasion of the 2013 and 2014 evaluations, it has been stressed that the statistics of the court system are carried out every quarter, semi-annually and annually. It is published on the central internet website of the courts every half year.

If some elements of the IT system described in 2012 have been implemented, this system is not yet able to replace the regular methods of measuring workload.

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If some elements of the IT system described in 2012 have been implemented, this system is not yet able to replace the regular methods of measuring workload.

**(2012):** On the occasion of the 2012 exercise, it has been mentioned that the development of an IT system was under way which would make it possible to automatically measure and evaluate the workload of judges.

## **Latvia**

**(2015):** Latvia has the Court Information System it contains statistical data about court performance. The statistical data have been published in the e-portal: [www.manas.tiesas.lv](http://www.manas.tiesas.lv) and regularly analysed by Court administration and Ministry of Justice (MoJ).

## **Luxembourg**

**(2018):** Although the technically correct answer is "no", the Judiciary edits every year an annual report on its activities during the previous year. This reports is available to the public (report 2018, see <https://justice.public.lu/dam-assets/fr/publications/rapport-activites-judiciaires/Rapport-juridictions-judiciaires-2018.pdf>) .

**(2014):** 2014: There is no regular monitoring system. Statistical tools and the court management system may be used to monitor the activity but this is not their primary function.

#### **Malta**

**(2015):** Currently, Malta carries out systematic quantitative analysis of the performance of the courts, based on established international indicators. Furthermore, ongoing internal reports, commissioned specifically to study areas of interest in the performance of certain courts, also complement the quantitative analysis, and serve to further address identified shortcomings in a more strategic manner.

**(2014):** On the occasion of the 2014 exercise, it has been indicated that since 2015, a system of monitoring court performance through quantitative means, using established performance indicators such as Clearance Rate and Pending caseload, has been initiated.

#### **Poland**

**(2017):** The Minister of Justice regularly assesses the activities of the courts as part of external administrative supervision, by analysing the annual information provided by the Presidents of the appellate courts pursuant to art. 37b § 2 point 1 of the Act of July 27, 2001. The law on the system of common courts (i.e. Journal of Laws of 2018.23), in turn as part of internal supervision, regularly evaluates the activities of courts by presidents, by visiting and reviewing selected issues.

#### **Portugal**

**(2015):** Every month a data collection of all courts is assembled. In addition, in first degree courts the electronical procedures allow a daily basis analysis. The website is very exhaustive and can be consulted in [http://www.siej.dgpj.mj.pt/webeis/index.jsp?username=Publico&pgmWindowName=pgmWindow\\_633918141195530467](http://www.siej.dgpj.mj.pt/webeis/index.jsp?username=Publico&pgmWindowName=pgmWindow_633918141195530467). Every 4 years we have a complete analysis to the work of all courts, with the local inspectors made by judges appointed by the Judicial Council.

#### **Romania**

**(2015):** The courts have to carry out a monthly assessment and the Superior Council of Magistracy on the basis of individual reports as well as on the basis of the overall indicators carries out a half-yearly assessment of the judicial system.

#### **Slovakia**

**(General Comment):** Each court has to provide monthly the Ministry of Justice with the detailed statistical output concerning the number of

the incoming and resolved cases, the types of the cases, length of proceedings, the result of the case etc. Moreover, as explained in the frame of question 66, each court has to undergo an internal expectation every five years, aimed at reviewing the current state of

performing of justice in order to detect reasons for potential weaknesses and to propose remedies. The report on the internal inspection is discussed and approved by the Judicial Council of the Slovak Republic.

Among the assessed parameters are: personal and material conditions and workload of judges; status and reason of existing backlogs and eventual delays in proceedings; observance of procedural rules and legal time limits; timeliness of executing and dispatching of court decisions; the quality of preparation and the course of hearings; the effective utilization of the trial days and the reasons of adjourning of court sessions; the quality of work of court departments, record offices and court files; allocation of files according to the working schedule; the dignity of professional conduct of judges, judicial officials and court staff as well as the dignity of the court environment; the effectiveness of the complaint procedure.

**(2018):** See general comment

## Slovenia

**(2014):** 2014: Until, the 2013 the Judicial Council was entrusted with monitoring and evaluating the performance of courts and issuing a yearly report on the execution of judicial power (Courts Act, Article 28). With the amendment to the Courts Act (ZS-K) of the Courts Act that came in force in 2014 this responsibility is transferred to the Supreme Court.

## Question 73-1

## Czech Republic

**(2016):** In 2015, a new policy from the Ministry of Justice resulted in the fact that the evaluation of the court activity is used for the later allocation of means to this court.

**(2015):** In 2015, a new policy from the Ministry of Justice resulted in the fact that the evaluation of the court activity is used for the later allocation of means to this court.

## Denmark

**(General Comment):** The Danish Court administration takes action on the half-yearly figures where more extended reports and productivity figures are worked out. These data are used to allocate funds and judges etc.

**(2017):** Definitely. Both in relation to funds but also in relation to appointment of new judges in case of vacancy. In case of vacancy, it is not necessarily the same district court where the judge will be placed. It may change to another court. At the high court and the Supreme court the law defines a fixed number of judges at each court.

## Estonia

**(2016):** It can be part of it but it's not a rule.

## France

**(2017):** Annual management conferences (management dialogues) are held between the Ministry or the General Secretariat of the Council of State, depending on whether the court is civil and criminal on the one hand or administrative on the other hand. During these conferences, the activity indicators of each court are analysed for the past year and, in the light of the objectives achieved, the objectives and the resources in terms of credits and personnel granted are set for the coming year.

**(2016):** Annual management conferences (management dialogues) are held between the Ministry or the General Secretariat of the State Council (Conseil d'Etat), depending on whether the court is civil, criminal or administrative, during which, the activity indicators of each court are analysed for the past year, and, in the light of the objectives achieved, the objectives and the means in terms of credits and staff granted are set for the coming year.

## Greece

**(2017):** Concerning the staff of the court, under certain circumstances, this evaluation of the Court activity could lead to a decision to increase or diminish it.

## Hungary

**(General Comment):** The statistical output of a court (mainly the number of incoming and pending cases) is taken into consideration during the distribution of human resources.

## Latvia



**(2018):** Not currently, but there is a suggestion from State Audit Office and a subsequent proposition from Ministry of Justice and Court administration to the Judiciary Council to start to take court work statistical indicators into account when planning annual budget. If necessary, based on workload data resources can be allocated later within a court.

#### **Luxembourg**

**(General Comment):** The figures presented by the SSJ are used on a regular basis to allocate (and ask for) means to the courts and prosecutorial services.

**(2018):** The annual report is used to the effect set out in Q. 073-1

**(2016):** The figures presented by the SSJ are used on a regular basis to allocate (and ask for) means to the courts and prosecutorial services.

#### **Malta**

**(2017):** Court performance evaluation is brought to the attention of both the Minister for Justice, Culture and Local Government as well as to the attention of the Chief Justice. The Chief Justice, who is vested with the authority to effect changes in judicial duties, does make use of such performance data in the better interest of increased efficiency and expediency of the judicial process.

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#### **Romania**

**(2017):** A periodic evaluation system of the activity (performance and result) of the court is not formally adopted (by law or by a subsequent regulatory act). SCM uses a series of performance indicators (see questions 71 and 74 below) concerning the activity of the courts. Periodical assessments are being carried out and further measures are being implemented on the highlighted results. By the decisions 1305/2014 and 149/2015, SCM has approved the reports on implementing these indicators and there were established new margins for their implementation.

**(2016):** A periodic evaluation system of the activity (performance and result) of the court is not formally adopted (by law or by a subsequent regulatory act). SCM uses a series of performance indicators (see questions 71 and 74 below) concerning the activity of the courts. Periodical assessments are being carried out and further measures are being implemented on the highlighted results. By the decisions 1305/2014 and 149/2015, SCM has approved the reports on implementing these indicators and there were established new margins for their implementation.

#### **Question 77**

#### **Bulgaria**

**(2017):** incoming cases; duration of proceedings /deadlines/; completed cases; pending cases; result of appealed and protested cases.

#### **Czech Republic**

**(2016):** The answer should be YES - there are performance indicators such as number of cases that the judge should resolve within a month, but these are not so strictly binding.

#### **Denmark**

**(2017):** We have for a number of categories of cases defined that a certain percentage of cases should be solved within a certain time span. It varies for the different categories of cases.

**(2016):** In terms of productivity figures, weighted cases and target attainments.

#### **Greece**

**(2017):** N/A

#### **Ireland**

**(2017):** Waiting times for proceedings categories in the various jurisdictions are recorded and published in the Courts Service Annual Report.

#### **Italy**

**(General Comment):** The performance of each court is given by different indicators such as the clearance rate, the variation of backlogs and the age of the proceeding.

#### **Latvia**

**(General Comment):** According to the Law on Judicial Power, a Chief judge of a court shall plan and determine the objectives of the court work in relation to average time periods for adjudication of matters (the standard of time periods for adjudication of matters) prior to the beginning of each calendar year in co-operation with court judges. The standard of time periods for adjudication of matters shall be determined, taking into account the court resources and the necessity to ensure the right of a person to adjudication of a matter in a reasonable time period and in conformity with other basic principles for examination of matters. A Chief Judge of a court shall approve the standard of time periods for adjudication of matters in a court and supervise the actual time periods of examining matters in a court. A Chief Judge of a court shall submit information to the Board of Justice regarding the approved standard of time periods for adjudication of matters until 1 February of each year.

**(2014):** First standards of time periods for adjudication of matters were submitted to the Board of Justice in 2014.

#### **Malta**

**(General Comment):** Currently Malta carries out systematic quantitative analysis of the performance of the different courts, based on international standards. We are also addressing measures of quality as defined by recognised international institutions, supplemented by internal reports that are purposely commissioned to focus on specific aspects of the functioning of the justice system. These ongoing efforts at measuring the efficiency and quality of our justice system is compared with past performance, but as yet, not with established targets.

Malta does not have defined 'targets' but assesses its performance in terms of indicators defined by international institutions.

**(2017):** Despite the on-going monitoring and evaluation of the court activities and performance, we do not have defined target indicators against which to monitor performance. In general terms, we seek to ensure that the performance of the courts improves in efficiency year after year, and we try to address various aspects of the system in order to facilitate this improvement.

**(2016):** Currently Malta carries out systematic quantitative analysis of the performance of the different courts, based on international standards. We are also addressing measures of quality as defined by recognised international institutions, supplemented by internal reports that are purposely commissioned to focus on specific aspects of the functioning of the justice system. These ongoing efforts at measuring the efficiency and quality of our justice system is compared with past performance, but as yet, not with established targets.

Malta does not have defined 'targets' but assesses its performance in terms of indicators defined by international institutions

## Slovenia

**(General Comment):** The Annual work programme (see Q75) consists of the assessment of the expected number of incoming cases, timeframes for typical procedural acts and solving the cases and the plan of operating results. The latter includes the expected number of resolved cases and criteria of efficiency (resolved cases to staff ratio), effectiveness (expected time to resolution) and economy (budgetary funds to solved cases ratio) (the Courts Act, art. 71.b). The number of complaints is monitored as a performance indicator, however it is not directly considered as a measure of quality of work.

The data on satisfaction of court staff and users is also collected, however it is not yet used as quality indicator.

## Spain

**(General Comment):** On one hand the “Citizens’ bill of rights before the law” is the document approved by the Parliament at 2002 that includes the list of rights of the citizen in their relation with the administration of justice, and the principles and good practices that must guide the service of the Justice to the citizens. It sets the principles of transparency, appropriate attention and information, gives special care and attention to the citizens who are most vulnerable (victims of crime, gender violence, minors, and other). The document is compulsory for all the professionals involved in Justice. According to this Bill of rights, the Parliament, through the Committee for Justice, will carry out a follow-up monitoring and continuous evaluation of the evolution of, and compliance with this Bill. The annual report submitted by the Council for the Judiciary to the Parliament will include a specific and sufficiently detailed reference to the claims, complaints, and suggestions made by citizens about the running of the Administration of Justice.

On the other hand, the statistic report that the Court sends every three months, and the reports and studies that the Council for the Judiciary carry out with the information provided, serve to measure and control the burden of work of the Judges, Lawyers of the Administration of Justice, and Courts in general. In addition to that, during the beginning of the implementation of the judicial offices (2010), a map of procedures and a quality management system with own indicators for this kind of offices were implemented.

Finally, the hierarchical structure of the Letrados de la Administración de Justicia allow the Ministry of Justice control and ensure the compliance of standards and parameters of quality fixed, and achieve the new objectives fixed for the implementation of new measures (such the digitalization of Justice or the implementation of electronic tools right now).

**(2017):** On September 6 2018, the Ministry of Justice has announced a project to develop a quality plan to improve the administrative management of all the judicial offices in the territory over its competence.

In a second phase, the Ministry will apply the Evaluation, Learning and Improvement Model (EVAM) designed by the Ministry of Territorial Policy and Public Function, a model of excellence for organizations that begin their process towards the management of quality.

The culminating element of the process of implementation of quality management will be the certification of the level of excellence according to a model yet to be determined.

## Question 81

### Belgium

**(2018):** The report covers the general functioning of the court/public prosecutor's office (staff resources, logistical resources, organisation, consultation structures, statistics, changes in workload, changes in the judicial backlog).

**(2017):** The report covers the general functioning of the court/public prosecutor's office (staff resources, logistical resources, organisation, consultation structures, statistics, evolution in workload, evolution in the judicial backlog).

The reports on functioning are transmitted to the head of the immediately superior court, the Minister of Justice, the High Council of Justice and the presidents of the Federal Legislative Chambers.

**(2016):** The report deals with the general functioning of the court/public prosecution (staff resources, logistical means, organisation, consultation structures, statistics, evolution of the workload, evolution of the judicial backlog).

the operating reports are transmitted to the head of the immediately superior court, the Minister of Justice, the High Council of Justice and the presidents of the federal legislative chambers.

### Croatia

**(2016):** The reason for change in answer in that since 2016 the Ministry of Justice has access to all data through eFile and other court systems, and courts no longer have the obligation to submit reports.

## Cyprus

**(General Comment):** The Supreme Court prepares an activity report on the reserved judgments and the period for which they are reserved. There is no report prepared by each court on the number of cases.

**(2016):** The report is sent to the Supreme Court

## Denmark

**(General Comment):** The Danish Court Administration works out general statistical data on case flows, target attainment, turnover time, weighted cases and productivity and numbers of staff. It is then expected that the individual courts work out a report where they explain the development in the court, plans they might have to deal with problems and challenges and the main occurrences during the year.

**(2018):** The content is very much up to the courts. But case flow, goals attainments and an essay of what happened and influenced the court during the year is being examined.

**(2017):** It is intended for the general public. The content is prosa and tables with figures. It may be short or long. This is up to the individual court.

## Estonia

**(2017):** It is done by the system, i.e. it is a part of our court information system. The Ministry of Justice and the courts can generate the necessary reports if needed.

**(2016):** The reporting system has changed. There is no longer obligation to present reports to the Ministry of Justice. It only applies to cases older than 2 years.

## Finland

**(General Comment):** The annual report should include information on the court's activities such as number of incoming cases, number of decisions given and average length of the proceedings. The report is intended to the government as a part of the budgetary information as well as to the general public and the media.

**(2017):** The report is intended to the government as a part of the budgetary information as well as to the public.

**(2016):** The report is intended to the government as a part of the budgetary information as well as to the public.

## France

**(2016):** Civil and criminal courts provide oral activity counts in the frame of the solemn hearings on the occasion of the judicial re-entry in January, in compliance with the provisions of the Code of Judicial Organisation, or by means of management tools, but this is not an activity report in the precise sense of the term. As for the administrative courts, they make an activity report which is intended only for the Vice-President of the State Council (Conseil d'Etat). Activity reports may be prepared, but this is not an obligation.

## Greece

**(General Comment):** Individual courts are asked to prepare an annual activity report but it is not required by law.

**(2017):** Civil and Criminal courts have the Duty to provide the supreme Court and the Administrative tribunals the General Commission of the state, every three months, with a report containing Information about cses flow. After complete implementation of the respective integrated management systems for the penal and Civil courts on the the one hand and the Administrative on the other, there will be the possibility to follow cases flow via ICT possibilities. More specifically, the above systems refer to the development of central Information monitoring systems of the Legal cases influx in each jurisdiction, which will lead to two separate Inter-functional computerized Programmes connecting the courts of each jurisdiction.

## Hungary

**(General Comment):** The president of each court has to present an annual report about the performance of the court that is presented at the conference of judges and made available on the intranet site of the court.

Furthermore, the presidents of the Regional Courts and Regional Courts of Appeal have to present their reports to the NOJ as well. The President of the Supreme Court (Kúria) has to present the annual report to the Parliament and make it available on the website of the Kúria.

## Ireland

**(General Comment):** The Courts Service is required by statute to provide an annual report on its activity during the year concerned. The report would include data on caseload for each court jurisdiction.

**(2017):** The Courts Service is required by statute to provide an annual report on its activity during the year concerned. The report would include data on caseload for each court jurisdiction.

**(2015):** With regard to Questions 70 to 77, quarterly reports are provided to the Courts Service's Senior Management Team by the Operational Directorates administering the various court jurisdictional areas on caseload volume and waiting times to trial.

The Courts Service provides and publishes in its Annual report a range of caseflow data including (a) average length of time of proceedings from issue to conclusion, (b) volume of incoming cases and cases determined by the courts or notified to the courts as resolved in each year and (c) waiting times to trial for various categories of proceedings and applications for the various jurisdictions see Chapter 3 (Statistics) of its Annual Report for 2015, and in particular pages 59 to 62 and 69 to 71 thereof:

[http://www.courts.ie/Courts.ie/library3.nsf/\(WebFiles\)/A9CCBEE01757C58280257FF00031EEBE/\\$FILE/Courts%20Service%20Annual%20Report%202015.pdf](http://www.courts.ie/Courts.ie/library3.nsf/(WebFiles)/A9CCBEE01757C58280257FF00031EEBE/$FILE/Courts%20Service%20Annual%20Report%202015.pdf)

## Italy

**(2017):** In Italy each court is required to prepare an annual activity report which includes among other elements: incoming, resolved, pending cases, age of proceedings, the number of judges and administrative staff, targets and assessment of the activity, etc. The activity reports of first instance courts (i.e. Tribunals) are addressed to the appeal courts. The appeal courts include such data in their own activity reports, which are eventually published.

## Latvia

**(General Comment):** There are publicly available statistical reports on all courts and cases at <https://dati.ta.gov.lv/>.

**(2017):** There are publicly available statistical reports on all courts and cases at <http://tis.ta.gov.lv>

**(2016):** Court Administration provides statistics for most of the courts with the exception for Supreme court, that provides data individually. Individual court reports are made by its staff for the purpose of planning their day-to-day work. It is not required by law or Court Administration. These courts however use data provided by Court Administration that is available online.

## Lithuania

**(2017):** It is the annual report of the court activity that is intended not only to the courts, but also to all the publicity.

**(2016):** It is the annual report of the court activity that is intended not only to the courts, but also to all the publicity.

## Luxembourg

**(2018):** The report is public and available in its integrity.

<https://justice.public.lu/dam-assets/fr/publications/rapport-activites-judiciaires/Rapport-juridictions-judiciaires-2018.pdf>

A condensed version is published in the series "Les chiffres de la Justice".

**(2017):** All the services of the judiciary report to the Prosecutor general who assembles the data in a general report that is transmitted to the Ministry of Justice. The report contains figures as well as comments and remarks on these figures and also general considerations on the functioning of the judiciary. The report is published on the internet site of the judiciary (<http://www.justice.public.lu/fr/publications/index.html>).

In addition please note that since 2017, a summary is published in a separate (paper and digital) booklet "Les chiffres de la Justice".

**(2016):** All the services of the judiciary report to the Prosecutor general who the assembles the data in a general report that is transmitted to the Ministry of Justice. The report contains figures as well as comments and remarks on these figures and also general considerations on the functioning of the judiciary. The report is published on the internet site of the judiciary (<http://www.justice.public.lu/fr/publications/index.html>).

**(2015):** The activity reports of the courts and prosecutors's offices can be found at following URL:

<http://www.justice.public.lu/fr/publications/index.html>

## Malta

**(2017):** All the individual courts with pending cases over 5 years old have to draw an annual report detailing their yearly caseload, the number of pending cases and the age of these cases. This report is an internal report addressed solely to the Chief Justice. It is not made public and it is not even distributed internally to the court administration or to the respective Ministry. The report referenced in this comment is the only 'activity' report that individual courts are expected to submit on an annual basis, and in paper format, to the Chief Justice.

**(2016):** All the individual courts with pending cases over 5 years old have to draw an annual report detailing their yearly caseload, the number of pending cases and the age of these cases. This report is an internal report addressed solely to the Chief Justice. It is not made public and it is not even distributed internally to the court administration or to the respective Ministry. The report referenced in this comment is the only 'activity' report that individual courts are expected to submit on an annual basis, and in paper format, to the Chief Justice.

**(2015):** In view of the new question at 81.1, question 81 was answered differently than previous years. The individual courts do prepare an annual report detailing their yearly caseload, the number of pending cases that they have, and the age of these cases. However this report is internal and addressed solely to the Chief Justice. It is not distributed neither to the administration nor to the general public.

## Netherlands

**(2018):** An annual report for all courts is published. Some Courts still publish an individual annual report. This is not required.

## Poland

**(2016):** The presidents of appellate courts are required to submit, not later than the end of April of each year, the annual information on the activities of the courts acting in the appellate field.

## Portugal

**(General Comment):** Generally, the waiting time during court procedures is not monitored. However, in some courts, there are such practices.

**(2017):** The report is destined to the High Judicial Council.

## **Slovakia**

**(General Comment):** Every court sends the monthly statistical report on the number of pending and resolved cases to the Ministry of justice.

The more detailed are the semiannual and the annual statistical reports.

**(2018):** For previous cycle we indicated answer yes. We considered the monthly statistical reports of the court as the kind of activity report.

With the change of the system of the statistical data collection the courts are not required to send the monthly statistical reports to the Ministry of Justice anymore. Within the cooperation project between Ministry of Justice of the Slovak republic and CEPEJ the pilot courts were asked to draft the activity reports according to the CEPEJ methodology. In the reference year 2018 the courts were not required to prepare an activity report.

**(2017):** Every court sends the monthly statistical report on the number of pending and resolved cases to the Ministry of justice. The more detailed are the semiannual and the annual statistical reports.

## **Slovenia**

**(2018):** For the content of the report and audience, please see Q73.

**(2017):** For the content of the report and audience, please see Q73.

**(2016):** For the content of the report and audience, please see Q73.

## **Spain**

**(2016):** The statistics contain, among other data, cases entered, resolved, by type of procedure, hearings held, pending writings, resolutions adopted, sense of the decisions (if they are estimative or not), enforcement proceedings, appeals (entered and resolved), data on judges, judicial counsellor and staff. The statistic report is sent to the statistic department of the Council for the Judiciary.

# Indicator 5: Legal aid



**Table 5.1: Type of legal aid (other than criminal cases) in 2018 (Q16)**

States	Representation in court	Legal advice
Austria		
Belgium		
Bulgaria		
Croatia		
Cyprus		
Czech Republic		
Denmark		
Estonia		
Finland		
France		
Germany		
Greece		
Hungary		
Ireland		
Italy		
Latvia		
Lithuania		
Luxembourg		
Malta		
Netherlands		
Poland		
Portugal		
Romania		
Slovakia		
Slovenia		
Spain		
Sweden		
<b>Yes</b>	27	27
<b>No</b>	0	0
<b>NAP</b>	0	0
<b>No answer</b>	0	0

**Table 5.2: Legal aid coverage of court fees in 2018 (Q17, Q18, Q19)**

States	Coverage of or exemption from court fees	Enforcement of judicial decisions	Other costs (other than criminal cases)
Austria			
Belgium			
Bulgaria			
Croatia			
Cyprus			
Czech Republic			
Denmark			
Estonia			
Finland			
France			
Germany			
Greece			
Hungary			
Ireland			
Italy			
Latvia			
Lithuania			
Luxembourg			
Malta			
Netherlands			
Poland			
Portugal			
Romania			
Slovakia			
Slovenia			
Spain			
Sweden			
<b>Yes</b>	22	22	18
<b>No</b>	3	5	7
<b>NAP</b>	2	0	2
<b>No answer</b>	0	0	0

**Table 5.3.1 Annual approved public budget allocated to legal aid by type in 2018 (Q12)**

States	Total annual approved public budget allocated to legal aid				Annual approved public budget allocated to legal aid Cases brought to court			Annual approved public budget allocated to legal aid cases not brought to court		
	Total (1 + 2)	Per inhabitant	Criminal cases	Other than criminal cases	Total 1	Criminal cases	Other than criminal cases	Total 2	Criminal cases	Other than criminal cases
Austria	19 500 000 €	2,2 €	NA	NA	NA	NA	NA	NA	NA	NA
Belgium	100 370 000 €	8,8 €	NA	NA	NA	NA	NA	NA	NA	NA
Bulgaria	4 774 886 €	0,7 €	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	13 338 643 €	3,3 €	12 797 765 €	540 878 €	NA	NA	359 551 €	NA	NA	181 326 €
Cyprus	2 305 000 €	2,6 €	NA	NA	NA	NA	NA	NA	NA	NA
Czech Republic	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Denmark	139 254 575 €	24,0 €	71 917 395 €	67 337 182 €	139 254 577 €	71 917 395 €	67 337 182 €	NA	NA	NA
Estonia	4 131 000 €	3,1 €	NA	NA	NA	NA	NA	NA	NA	NA
Finland	93 700 000 €	17,0 €	NA	NA	NA	NA	NA	NA	NA	NA
France	487 085 357 €	7,3 €	NA	NA	478 793 007 €	NA	NA	8 292 350 €	NA	NA
Germany	755 656 823 €	9,1 €	NA	NA	NA	NA	NA	NA	NA	NA
Greece	21 323 380 €	2,0 €	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	772 908 €	0,1 €	NA	NA	NA	NA	NA	NA	NA	NA
Ireland	89 577 000 €	18,4 €	49 302 000 €	40 275 000 €	NA	49 302 000 €	NA	NA	NAP	NA
Italy	317 861 899 €	5,3 €	182 215 914 €	135 645 985 €	317 861 899 €	182 215 914 €	135 645 985 €	0 €	0 €	0 €
Latvia	2 212 650 €	1,2 €	NA	NA	NA	NA	NA	NA	NA	NA
Lithuania	6 224 861 €	2,2 €	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Luxembourg	7 500 000 €	12,2 €	NA	NA	NA	NA	NA	NA	NA	NA
Malta	400 000 €	0,8 €	NA	NA	400 000 €	NA	NA	NAP	NAP	NAP
Netherlands	460 600 000 €	26,7 €	165 800 000 €	294 800 000 €	NA	NA	NA	NA	NA	NA
Poland	NA	NA	NA	NA	28 848 000 €	15 906 000 €	12 942 000 €	NA	NA	NA
Portugal	53 213 075 €	5,2 €	NA	NA	NA	NA	NA	NA	NA	NA
Romania	10 371 363 €	0,5 €	9 645 361 €	762 002 €	10 371 363 €	9 645 361 €	762 002 €	NA	NA	NA
Slovakia	NA	NA	NA	7 786 542 €	NA	NA	NA	NA	NA	NA
Slovenia	2 700 000 €	1,3 €	NA	NA	NA	NA	NA	NA	NA	NA
Spain	299 789 366 €	6,4 €	NA	NA	NA	NA	NA	NA	NA	NA
Sweden	358 275 646 €	35,0 €	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	135 455 768 €	8,1 €	81 946 406 €	78 163 941 €	162 588 141 €	65 797 334 €	43 409 344 €	4 146 175 €	- €	90 663 €
<b>Median</b>	20 411 690 €	4,2 €	60 609 698 €	40 275 000 €	84 051 289 €	49 302 000 €	12 942 000 €	4 146 175 €	- €	90 663 €
<b>Minimum</b>	400 000 €	0,1 €	9 645 361 €	540 878 €	400 000 €	9 645 361 €	359 551 €	- €	- €	- €
<b>Maximum</b>	755 656 823 €	35,0 €	182 215 914 €	294 800 000 €	478 793 007 €	182 215 914 €	135 645 985 €	8 292 350 €	- €	181 326 €
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	11%	11%	74%	70%	74%	78%	78%	85%	85%	85%
<b>% of NAP</b>	0%	0%	4%	4%	4%	4%	4%	7%	11%	7%

Table 5.3.2 Annual implemented public budget allocated to legal aid by type in 2018 (Q12-1)

States	Total annual implemented public budget allocated to legal aid				Annual implemented aid Cases brought to court			Annual implemented public budget allocated to legal aid Cases not brought to court		
	Total ① + ②	Per inhabitant	Criminal cases	Other than criminal cases	Total ①	Criminal cases	Other than criminal cases	Total ②	Criminal cases	Other than criminal cases
Austria	19 828 000 €	2,25 €	NA	NA	NA	NA	NA	NA	NA	NA
Belgium	102 929 000 €	9,00 €	NA	NA	NA	NA	NA	NA	NA	NA
Bulgaria	4 129 570 €	0,59 €	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	13 243 256 €	3,25 €	12 797 765 €	445 491 €	NA	NA	274 009 €	NA	NA	171 481 €
Cyprus	1 713 791 €	1,96 €	NA	NA	NA	NA	NA	NA	NA	NA
Czech Republic	21 045 390 €	1,98 €	15 616 515 €	5 428 875 €	21 045 390 €	15 616 515 €	5 428 875 €	NA	NA	NA
Denmark	112 470 945 €	19,37 €	50 114 505 €	62 356 440 €	112 470 945 €	50 114 505 €	62 356 440 €	NA	NA	NA
Estonia	4 090 000 €	3,10 €	NA	NA	NA	NA	NA	NA	NA	NA
Finland	91 300 000 €	16,53 €	NA	NA	NA	NA	NA	NA	NA	NA
France	479 567 416 €	7,16 €	NA	NA	471 713 627 €	NA	NA	7 853 789 €	NA	NA
Germany	647 411 572 €	7,80 €	NA	NA	NA	NA	NA	NA	NA	NA
Greece	7 026 655 €	0,65 €	NA	NA	NA	NA	NA	NA	NA	NA
Hungary	648 746 €	0,07 €	NA	NA	389 868 €	NA	NA	258 878 €	NA	NA
Ireland	111 463 335 €	22,95 €	64 806 000 €	46 657 335 €	NA	64 806 000 €	NA	NA	NAP	NA
Italy	317 861 899 €	5,27 €	182 215 914 €	135 645 985 €	317 861 899 €	182 215 914 €	135 645 985 €	0 €	0 €	0 €
Latvia	1 726 526 €	0,90 €	1 598 541 €	127 985 €	NA	NA	NA	NA	NA	NA
Lithuania	6 220 085 €	2,23 €	NA	NA	516 089 €	NA	NA	5 703 996 €	NA	NA
Luxembourg	NA	613 900,00 €	NA	NA	NA	NA	NA	NA	NA	NA
Malta	304 137 €	0,64 €	NA	NA	304 137 €	NA	NA	NAP	NAP	NAP
Netherlands	413 900 000 €	23,95 €	149 600 000 €	264 300 000 €	NA	NA	NA	NA	NA	NA
Poland	NA	38 412 000,00 €	NA	NA	27 928 000 €	14 063 000 €	13 865 000 €	NA	NA	NA
Portugal	54 522 686 €	5,31 €	NA	NA	NA	NA	NA	NA	NA	NA
Romania	10 351 642 €	0,53 €	9 627 027 €	724 615 €	10 351 642 €	9 627 027 €	724 615 €	NA	NA	NA
Slovakia	NA	5 450 421,00 €	NA	11 009 750 €	NA	NA	NA	NA	NA	NA
Slovenia	3 980 358 €	1,91 €	NA	NA	NA	NA	NA	NA	NA	NA
Spain	296 294 718 €	6,30 €	NA	NA	NA	NA	NA	NA	NA	NA
Sweden	364 053 128 €	35,59 €	NA	NA	NA	NA	NA	NA	NA	NA
<b>Average</b>	128 586 786 €	1 647 278 €	60 797 033 €	58 521 831 €	106 953 511 €	56 073 827 €	36 382 487 €	3 454 166 €	- €	85 741 €
<b>Median</b>	20 436 695 €	5 €	32 865 510 €	11 009 750 €	21 045 390 €	32 865 510 €	9 646 938 €	2 981 437 €	- €	85 741 €
<b>Minimum</b>	304 137 €	0 €	1 598 541 €	127 985 €	304 137 €	9 627 027 €	274 009 €	- €	- €	- €
<b>Maximum</b>	647 411 572 €	38 412 000 €	182 215 914 €	264 300 000 €	471 713 627 €	182 215 914 €	135 645 985 €	7 853 789 €	- €	171 481 €
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	11%	0%	70%	67%	67%	78%	78%	81%	89%	89%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	4%	7%	4%

**Table 5.4.1 Total annual approved public budget allocated to legal aid in 2010 to 2018 (absolute number and per inhabitant) (Q1, Q12)**

States	2010		2012		2013		2014		2015		2016		2017		2018	
	Absolute number	Per inh.	Absolute number	Per inh.	Absolute number	Per inh.	Absolute number	Per inh.	Absolute number	Per inh.	Absolute number	Per inh.	Absolute number	Per inh.	Absolute number	Per inh.
Austria	18 400 000 €	2,2 €	19 000 000 €	2,2 €	19 000 000 €	2,2 €	19 000 000 €	2,2 €	19 000 000 €	2,2 €	19 500 000 €	2,2 €	19 500 000 €	2,2 €	19 500 000 €	2,2 €
Belgium	75 326 000 €	6,9 €	87 024 000 €	7,8 €	85 241 000 €	7,6 €	84 628 000 €	7,5 €	77 891 000 €	6,9 €	82 869 725 €	7,3 €	91 893 000 €	8,1 €	100 370 000 €	8,8 €
Bulgaria	3 867 730 €	0,5 €	3 579 030 €	0,5 €	4 588 828 €	0,6 €	4 306 647 €	0,6 €	4 785 010 €	0,7 €	4 202 804 €	0,6 €	4 785 010 €	0,7 €	4 774 886 €	0,7 €
Croatia	11 160 557 €	2,5 €	8 071 016 €	1,9 €	6 694 673 €	1,6 €	11 464 658 €	2,7 €	11 529 667 €	2,8 €	10 810 000 €	2,6 €	10 007 450 €	2,4 €	13 338 643 €	3,3 €
Cyprus	NA	NA	1 526 738 €	1,8 €	1 098 226 €	1,3 €	NA	NA	NA	NA	2 076 200 €	2,4 €	2 387 000 €	2,8 €	2 305 000 €	2,6 €
Czech Republic	28 361 213 €	2,7 €	24 142 835 €	2,3 €	20 805 554 €	2,0 €	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Denmark	87 896 311 €	15,8 €	83 643 048 €	14,9 €	102 427 178 €	18,2 €	129 010 156 €	22,8 €	129 435 262 €	22,7 €	139 692 531 €	24,3 €	135 994 117 €	23,5 €	139 254 575 €	24,0 €
Estonia	2 982 213 €	2,2 €	3 835 000 €	3,0 €	3 835 000 €	2,9 €	3 835 000 €	2,9 €	3 838 326 €	2,9 €	3 835 000 €	2,9 €	3 934 000 €	3,0 €	4 131 000 €	3,1 €
Finland	58 100 000 €	10,8 €	67 697 000 €	12,5 €	71 208 000 €	13,1 €	65 276 000 €	11,9 €	77 700 000 €	14,2 €	89 400 000 €	16,2 €	97 700 000 €	17,7 €	93 700 000 €	17,0 €
France	361 197 138 €	5,6 €	367 180 000 €	5,6 €	369 270 787 €	5,6 €	366 887 166 €	5,5 €	389 200 710 €	5,8 €	365 684 483 €	5,5 €	455 671 354 €	6,8 €	487 085 357 €	7,3 €
Germany	NA	NA	344 535 431 €	4,3 €	345 878 597 €	4,3 €	686 978 779 €	8,5 €	673 149 670 €	8,2 €	725 056 049 €	8,8 €	NA	NA	755 656 823 €	9,1 €
Greece	2 500 000 €	0,2 €	8 300 000 €	0,8 €	7 970 370 €	0,7 €	10 225 994 €	0,9 €	12 010 629 €	1,1 €	10 321 925 €	1,0 €	18 501 360 €	1,7 €	21 323 380 €	2,0 €
Hungary	304 823 €	0,0 €	907 974 €	0,1 €	612 980 €	0,1 €	570 980 €	0,1 €	788 773 €	0,1 €	804 784 €	0,1 €	804 679 €	0,1 €	772 908 €	0,1 €
Ireland	87 435 000 €	19,1 €	83 159 000 €	18,1 €	84 623 000 €	18,4 €	80 126 000 €	17,3 €	79 971 000 €	17,1 €	82 390 000 €	17,6 €	89 010 000 €	18,6 €	89 577 000 €	18,4 €
Italy	127 055 510 €	2,1 €	153 454 322 €	2,6 €	160 755 405 €	2,7 €	NA	NA	NA	NA	233 477 724 €	3,9 €	285 534 786 €	4,7 €	317 861 899 €	5,3 €
Latvia	842 985 €	0,4 €	962 294 €	0,5 €	962 294 €	0,5 €	1 650 291 €	0,8 €	1 863 989 €	0,9 €	2 514 338 €	1,3 €	2 207 598 €	1,1 €	2 212 650 €	1,2 €
Lithuania	3 906 105 €	1,2 €	4 543 826 €	1,5 €	4 561 226 €	1,5 €	5 900 767 €	2,0 €	5 925 285 €	2,1 €	5 500 227 €	1,9 €	6 203 031 €	2,2 €	6 224 861 €	2,2 €
Luxembourg	3 000 000 €	5,9 €	3 500 000 €	6,7 €	3 000 000 €	5,5 €	3 000 000 €	5,3 €	3 500 000 €	6,2 €	4 000 000 €	6,8 €	6 000 000 €	10,0 €	7 500 000 €	12,2 €
Malta	85 000 €	0,2 €	49 500 €	0,1 €	49 500 €	0,1 €	70 000 €	0,2 €	51 000 €	0,1 €	100 000 €	0,2 €	150 000 €	0,3 €	400 000 €	0,8 €
Netherlands	481 655 000 €	28,9 €	495 300 000 €	29,5 €	498 200 000 €	29,6 €	430 000 000 €	25,4 €	417 100 000 €	24,6 €	440 400 000 €	25,8 €	447 157 000 €	26,0 €	460 600 000 €	26,7 €
Poland	23 244 000 €	0,6 €	24 107 000 €	0,6 €	-	-	25 029 000 €	0,7 €	-	-	65 738 000 €	1,7 €	57 628 000 €	1,5 €	NA	NA
Portugal	51 641 260 €	4,9 €	55 184 100 €	5,3 €	42 241 300 €	4,1 €	33 403 315 €	3,2 €	35 466 326 €	3,4 €	31 816 000 €	3,1 €	49 496 172 €	4,8 €	53 213 075 €	5,2 €
Romania	7 915 238 €	0,4 €	7 958 050 €	0,4 €	8 739 157 €	0,4 €	9 518 975 €	0,4 €	8 877 666 €	0,4 €	10 306 534 €	0,5 €	9 971 887 €	0,5 €	10 371 363 €	0,5 €
Slovakia	1 357 776 €	0,2 €	1 771 287 €	0,3 €	1 687 629 €	0,3 €	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Slovenia	5 834 338 €	2,8 €	5 514 089 €	2,7 €	4 059 128 €	2,0 €	3 414 646 €	1,7 €	3 043 999 €	1,5 €	3 200 000 €	1,5 €	3 200 000 €	1,5 €	2 700 000 €	1,3 €
Spain	237 898 199 €	5,2 €	253 034 641 €	5,5 €	-	-	237 581 907 €	5,1 €	254 818 057 €	5,5 €	260 079 600 €	5,6 €	281 031 297 €	6,0 €	299 789 366 €	6,4 €
Sweden	195 683 782 €	20,8 €	236 399 146 €	24,7 €	255 679 979 €	26,5 €	244 442 713 €	25,1 €	268 378 957 €	27,2 €	332 168 392 €	33,2 €	371 055 816 €	36,7 €	358 275 646 €	35,0 €
<b>Average</b>	75 106 007 €	5,7 €	86 828 864 €	5,8 €	84 127 592 €	6,1 €	106 796 565 €	6,7 €	112 651 151 €	7,1 €	117 037 773 €	7,1 €	102 075 982 €	7,6 €	135 455 768 €	8,1 €
<b>Median</b>	18 400 000 €	2,5 €	19 000 000 €	2,6 €	8 739 157 €	2,2 €	19 000 000 €	2,9 €	15 505 315 €	3,2 €	19 500 000 €	2,9 €	19 000 680 €	2,9 €	20 411 690 €	4,2 €
<b>Minimum</b>	85 000 €	0,0 €	49 500 €	0,1 €	49 500 €	0,1 €	70 000 €	0,1 €	51 000 €	0,1 €	100 000 €	0,1 €	150 000 €	0,1 €	400 000 €	0,1 €
<b>Maximum</b>	481 655 000 €	28,9 €	495 300 000 €	29,5 €	498 200 000 €	29,6 €	686 978 779 €	25,4 €	673 149 670 €	27,2 €	725 056 049 €	33,2 €	455 671 354 €	36,7 €	755 656 823 €	35,0 €
<b>Nb of values</b>	27	27	27	27	25	25	27	27	26	26	27	27	27	27	27	27
<b>% of NA</b>	7%	7%	0%	0%	0%	0%	15%	15%	15%	15%	7%	7%	11%	11%	11%	11%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

**Malta:** In 2015 the Agency for legal aid was established and the budget increases due to capacity building each year

**Slovakia:** The sum stated for the years 2010, 2012 and 2013 represents exclusively the budget of the Legal Aid Centre which grants legal aid in other than criminal cases to persons in material need

**Table 5.4.2 Total annual implemented public budget allocated to legal aid in 2010 to 2018 (absolute number and per inhabitant) (Q1, Q12-1)**

States	2010		2012		2013		2014		2015		2016		2017		2018	
	Absolute number	Per inh.	Absolute number	Per inh.	Absolute number	Per inh.	Absolute number	Per inh.	Absolute number	Per inh.	Absolute number	Per inh.	Absolute number	Per inh.	Absolute number	Per inh.
Austria	18 400 000 €	2,2 €	19 000 000 €	2,2 €	19 000 000 €	2,2 €	21 070 101 €	2,5 €	20 800 000 €	2,4 €	19 700 000 €	2,3 €	18 860 000 €	2,1 €	19 828 000 €	2,2 €
Belgium	75 326 000 €	6,9 €	87 024 000 €	7,8 €	85 241 000 €	7,6 €	91 998 158 €	8,2 €	81 734 000 €	7,3 €	82 832 591 €	7,3 €	88 269 746 €	7,8 €	102 929 000 €	9,0 €
Bulgaria	3 867 730 €	0,5 €	3 579 030 €	0,5 €	4 588 828 €	0,6 €	4 796 175 €	0,7 €	4 660 132 €	0,7 €	4 197 520 €	0,6 €	4 377 135 €	0,6 €	4 129 570 €	0,6 €
Croatia	11 160 557 €	2,5 €	8 071 016 €	1,9 €	6 694 673 €	1,6 €	10 939 335 €	2,6 €	11 529 654 €	2,8 €	10 809 907 €	2,6 €	10 002 517 €	2,4 €	13 243 256 €	3,2 €
Cyprus	NA	NA	1 526 738 €	1,8 €	1 098 226 €	1,3 €	895 700 €	1,0 €	NA	NA	1 907 617 €	2,2 €	1 636 640 €	1,9 €	1 713 791 €	2,0 €
Czech Republic	28 361 213 €	2,7 €	24 142 835 €	2,3 €	20 805 554 €	2,0 €	20 433 489 €	1,9 €	20 622 005 €	2,0 €	21 135 536 €	2,0 €	21 273 542 €	2,0 €	21 045 390 €	2,0 €
Denmark	87 896 311 €	15,8 €	83 643 048 €	14,9 €	102 427 178 €	18,2 €	134 146 776 €	23,7 €	135 270 967 €	23,7 €	129 857 618 €	22,6 €	120 344 241 €	20,8 €	112 470 945 €	19,4 €
Estonia	2 982 213 €	2,2 €	3 835 000 €	3,0 €	3 835 000 €	2,9 €	3 989 764 €	3,0 €	3 838 326 €	2,9 €	3 835 000 €	2,9 €	3 603 108 €	2,7 €	4 090 000 €	3,1 €
Finland	58 100 000 €	10,8 €	67 697 000 €	12,5 €	71 208 000 €	13,1 €	65 276 000 €	11,9 €	77 700 000 €	14,2 €	89 400 000 €	16,2 €	97 392 000 €	17,7 €	91 300 000 €	16,5 €
France	361 197 138 €	5,6 €	367 180 000 €	5,6 €	369 270 787 €	5,6 €	381 268 078 €	5,7 €	319 155 587 €	4,8 €	338 820 356 €	5,1 €	433 291 526 €	6,4 €	479 567 416 €	7,2 €
Germany	NA	NA	344 535 431 €	4,3 €	345 878 597 €	4,3 €	647 401 631 €	8,0 €	711 636 303 €	8,7 €	676 027 512 €	8,2 €	NA	NA	647 411 572 €	7,8 €
Greece	2 500 000 €	0,2 €	8 300 000 €	0,8 €	7 970 370 €	0,7 €	7 348 223 €	0,7 €	6 788 015 €	0,6 €	6 120 564 €	0,6 €	4 177 398 €	0,4 €	7 026 655 €	0,7 €
Hungary	304 823 €	0,0 €	907 974 €	0,1 €	612 980 €	0,1 €	970 353 €	0,1 €	NA	NA	1 140 272 €	0,1 €	NA	NA	648 746 €	0,1 €
Ireland	87 435 000 €	19,1 €	83 159 000 €	18,1 €	84 623 000 €	18,4 €	85 346 304 €	18,4 €	87 308 145 €	18,7 €	91 666 000 €	19,6 €	100 622 672 €	21,0 €	111 463 335 €	22,9 €
Italy	127 055 510 €	2,1 €	153 454 322 €	2,6 €	160 755 405 €	2,7 €	143 915 571 €	2,4 €	172 851 135 €	2,8 €	233 477 724 €	3,9 €	285 534 786 €	4,7 €	317 861 899 €	5,3 €
Latvia	842 985 €	0,4 €	962 294 €	0,5 €	962 294 €	0,5 €	1 159 625 €	0,6 €	1 691 382 €	0,9 €	2 035 197 €	1,0 €	1 786 933 €	0,9 €	1 726 526 €	0,9 €
Lithuania	3 906 105 €	1,2 €	4 543 826 €	1,5 €	4 561 226 €	1,5 €	5 883 027 €	2,0 €	5 917 807 €	2,0 €	5 494 755 €	1,9 €	5 994 497 €	2,1 €	6 220 085 €	2,2 €
Luxembourg	3 000 000 €	5,9 €	3 500 000 €	6,7 €	3 000 000 €	5,5 €	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Malta	85 000 €	0,2 €	49 500 €	0,1 €	49 500 €	0,1 €	70 000 €	0,2 €	51 000 €	0,1 €	161 662 €	0,4 €	249 326 €	0,5 €	304 137 €	0,6 €
Netherlands	481 655 000 €	28,9 €	495 300 000 €	29,5 €	498 200 000 €	29,6 €	455 000 000 €	26,9 €	403 110 000 €	23,7 €	468 300 000 €	27,4 €	433 005 000 €	25,2 €	413 900 000 €	23,9 €
Poland	23 244 000 €	0,6 €	24 107 000 €	0,6 €	-	-	23 328 000 €	0,6 €	-	-	27 427 000 €	0,7 €	52 913 000 €	1,4 €	NA	NA
Portugal	51 641 260 €	4,9 €	55 184 100 €	5,3 €	42 241 300 €	4,1 €	68 342 718 €	6,6 €	59 549 714 €	5,8 €	60 335 899 €	5,9 €	59 688 085 €	5,8 €	54 522 686 €	5,3 €
Romania	7 915 238 €	0,4 €	7 958 050 €	0,4 €	8 739 157 €	0,4 €	9 511 348 €	0,4 €	8 824 399 €	0,4 €	10 173 620 €	0,5 €	9 962 207 €	0,5 €	10 351 642 €	0,5 €
Slovakia	1 357 776 €	0,2 €	1 771 287 €	0,3 €	1 687 629 €	0,3 €	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Slovenia	5 834 338 €	2,8 €	5 514 089 €	2,7 €	4 059 128 €	2,0 €	3 492 487 €	1,7 €	3 184 217 €	1,5 €	3 091 043 €	1,5 €	3 359 682 €	1,6 €	3 980 358 €	1,9 €
Spain	237 898 199 €	5,2 €	253 034 641 €	5,5 €	-	-	NA	NA	NA	NA	262 316 223 €	5,6 €	275 567 743 €	5,9 €	296 294 718 €	6,3 €
Sweden	195 683 782 €	20,8 €	236 399 146 €	24,7 €	255 679 979 €	26,5 €	257 883 019 €	26,5 €	276 604 518 €	28,1 €	361 941 952 €	36,2 €	377 635 918 €	37,3 €	364 053 128 €	35,6 €
<b>Average</b>	75 106 007 €	5,7 €	86 828 864 €	5,8 €	84 127 592 €	6,1 €	101 852 745 €	6,5 €	114 896 538 €	7,3 €	116 488 223 €	7,1 €	104 762 944 €	7,5 €	128 586 786 €	7,5 €
<b>Median</b>	18 400 000 €	2,5 €	19 000 000 €	2,6 €	8 739 157 €	2,2 €	20 751 795 €	2,4 €	20 800 000 €	2,8 €	21 135 536 €	2,6 €	21 273 542 €	2,4 €	20 436 695 €	3,2 €
<b>Minimum</b>	85 000 €	0,0 €	49 500 €	0,1 €	49 500 €	0,1 €	70 000 €	0,1 €	51 000 €	0,1 €	161 662 €	0,1 €	249 326 €	0,4 €	304 137 €	0,1 €
<b>Maximum</b>	481 655 000 €	28,9 €	495 300 000 €	29,5 €	498 200 000 €	29,6 €	647 401 631 €	27 €	711 636 303 €	28,1 €	676 027 512 €	36,2 €	433 291 526 €	37,3 €	647 411 572 €	35,6 €
<b>Nb of values</b>	27	27	27	27	25	25	27	27	26	26	27	27	27	27	27	27
<b>% of NA</b>	7%	7%	0%	0%	0%	0%	11%	11%	19%	19%	7%	7%	15%	15%	11%	11%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

Malta: In 2015 the Agency for legal aid was established and the budget increases due to capacity building each year

Slovakia: The sum stated for the years 2010, 2012 and 2013 represents exclusively the budget of the Legal Aid Centre which grants legal aid in other than criminal cases to persons in material need

**Table 5.6: Court fees required to start a proceeding at a court of general jurisdiction in 2018 (Q8)**

States	Criminal cases	Other than criminal cases
Austria		
Belgium		
Bulgaria		
Croatia		
Cyprus		
Czech Republic		
Denmark		
Estonia		
Finland		
France		
Germany		
Greece		
Hungary		
Ireland		
Italy		
Latvia		
Lithuania		
Luxembourg		
Malta		
Netherlands		
Poland		
Portugal		
Romania		
Slovakia		
Slovenia		
Spain		
Sweden		
<b>Yes</b>	5	24
<b>No</b>	22	3
<b>No answer</b>	0	0

**Table 5.7 (EC): Coverage of legal aid (other than criminal cases) in 2018 (Q16, Q17)**

States	EC Code	Legal aid applies to representation in court	Legal aid applies to legal advice	Legal aid includes coverage of or exemption from court fees	Legal aid covers the fees that are related to the enforcement of judicial decisions	Legal aid covers other costs
Austria	20	Yes	Yes	Yes	Yes	Yes
Belgium	1	Yes	Yes	Yes	Yes	Yes
Bulgaria	2	Yes	Yes	No	No	Yes
Croatia	11	Yes	Yes	Yes	Yes	Yes
Cyprus	13	Yes	Yes	Yes	No	No
Czech Republic	3	Yes	Yes	Yes	Yes	Yes
Denmark	4	Yes	Yes	Yes	Yes	Yes
Estonia	6	Yes	Yes	Yes	Yes	Yes
Finland	26	Yes	Yes	Yes	Yes	Yes
France	10	Yes	Yes	Yes	Yes	Yes
Germany	5	Yes	Yes	Yes	Yes	Yes
Greece	8	Yes	Yes	Yes	Yes	Yes
Hungary	17	Yes	Yes	Yes	Yes	NAP
Ireland	7	Yes	Yes	Yes	No	Yes
Italy	12	Yes	Yes	Yes	Yes	Yes
Latvia	14	Yes	Yes	Yes	No	Yes
Lithuania	15	Yes	Yes	Yes	Yes	Yes
Luxembourg	16	Yes	Yes	NAP	Yes	No
Malta	18	Yes	Yes	Yes	Yes	No
Netherlands	19	Yes	Yes	No	Yes	Yes
Poland	21	Yes	Yes	Yes	Yes	Yes
Portugal	22	Yes	Yes	Yes	Yes	Yes
Romania	23	Yes	Yes	Yes	Yes	Yes
Slovakia	25	Yes	Yes	No	No	Yes
Slovenia	24	Yes	Yes	NAP	Yes	Yes
Spain	9	Yes	Yes	Yes	Yes	Yes
Sweden	27	Yes	Yes	Yes	Yes	Yes



# Indicator 5: Legal aid

## Comments provided by the national correspondents

### organised by country

*Question 8. Are litigants in general required to pay a court fee to start a proceeding at a court of general jurisdiction:*

*Question 12. Annual approved public budget allocated to legal aid, in €.*

*Question 12-1. Annual implemented public budget allocated to legal aid, in €.*

*Question 16. Does legal aid apply to:*

*Question 17. Does legal aid include the coverage of or the exemption from court fees?*

*Question 18. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?*

*Question 19. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?*

#### Austria

**Q8 (General Comment):** The duty to pay court fees arises from the starting of the civil procedure at the court, but the proceedings itself are not dependent on the payment of this fee. The most important (at least preliminary) exemption from court fees is the attribution of legal aid to the claimant according to the respective provisions of the civil procedure code (Zivilprozessordnung – ZPO, in particular §§ 63 and 64) and §§ 8 and 9 of the court fee act (Gerichtsgebührengesetz - GGG). Detailed information can be derived from the legal aid factsheet on the website of the European Network for Civil and Commercial Matters ([http://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_aus\\_en.htm](http://ec.europa.eu/civiljustice/legal_aid/legal_aid_aus_en.htm)). Other exemptions are laid down in various other provisions as listed in § 10, § 13 and Art. VI Nr. 28 GGG.

**Q8 (2017):** The duty to pay court fees arises from the starting of the civil procedure at the court, but the proceedings itself are not dependent on the payment of this fee. The most important (at least preliminary) exemption from court fees is the attribution of legal aid to the claimant according to the respective provisions of the civil procedure code (Zivilprozessordnung – ZPO, in particular §§ 63 and 64) and §§ 8 and 9 of the court fee act (Gerichtsgebührengesetz - GGG). Detailed information can be derived from the legal aid factsheet on the website of the European Network for Civil and Commercial Matters ([http://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_aus\\_en.htm](http://ec.europa.eu/civiljustice/legal_aid/legal_aid_aus_en.htm)). Other exemptions are laid down in various other provisions as listed in § 10, § 13 and Art. VI Nr. 28 GGG.

**Q8 (2016):** The duty to pay court fees arises from the starting of the civil procedure at the court, but the proceedings itself are not dependent on the payment of this fee. The most important (at least preliminary) exemption from court fees is the attribution of legal aid to the claimant according to the respective provisions of the civil procedure code (Zivilprozessordnung – ZPO, in particular §§ 63 and 64) and §§ 8 and 9 of the court fee act (Gerichtsgebührengesetz - GGG). Detailed information can be derived from the legal aid factsheet on the website of the European Network for Civil and Commercial Matters ([http://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_aus\\_en.htm](http://ec.europa.eu/civiljustice/legal_aid/legal_aid_aus_en.htm)). Other exemptions are laid down in various other provisions as listed in § 10, § 13 and Art. VI Nr. 28 GGG.

**Q8 (2015):** The duty to pay court fees arises from the starting of the civil procedure at the court, but the proceedings itself are not dependent on the payment of this fee.

The most important (at least preliminary) exemption from court fees is the attribution of legal aid to the claimant according to the respective provisions of the civil procedure code (Zivilprozessordnung – ZPO, in particular §§ 63 and 64) and §§ 8 and 9 of the court fee act (Gerichtsgebührengesetz - GGG). Detailed information can be derived from the legal aid factsheet on the website of the European Network for Civil and Commercial Matters ([http://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_aus\\_en.htm](http://ec.europa.eu/civiljustice/legal_aid/legal_aid_aus_en.htm)).

Other exemptions are laid down in various other provisions as listed in § 10, § 13 and Art. VI Nr. 28 GGG.

**Q12 (General Comment):** The indicated sum includes only the lump sum paid to the bar for representation of parties 'pro bono'. It does not include court fees or fees for translation or experts, which are also covered by legal aid, but not isolated within the budget. Accordingly, no figures can be provided as regards the whole regime of legal aid.

The amount of 19.500.000/19.828.000 Euro is already included in the specified total annual budget allocated to all courts, the public prosecutions services and legal aid together (Q 7).

**Q12 (2018):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.828.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12 (2017):** A lump sum of € 19500000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 18860000 Mio. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12 (2016):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.700.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12-1 (General Comment):** The indicated sum includes only the lump sum paid to the bar for representation of parties 'pro bono'. It does not include court fees or fees for translation or experts, which are also covered by legal aid, but not isolated within the budget. Accordingly, no figures can be provided as regards the whole regime of legal aid.

The amount of 19.500.000/19.828.000 Euro is already included in the specified total annual budget allocated to all courts, the public prosecutions services and legal aid together (Q 7).

**Q12-1 (2018):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.828.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12-1 (2017):** A lump sum of € 19500000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 18860000 Mio. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12-1 (2016):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.700.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12-1 (2015):** A lump sum of € 19.000.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 20.800.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**Q12-1 (2014):** In the frame of the 2014 exercise, a lump sum of € 19 Mio represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget in this respect is € 21 070 101. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

**Q16 (General Comment):** In principle every person who retains a defence lawyer or another representative has to bear the costs him or herself even if the lawyer was appointed ex officio. By virtue of the Code of Criminal Procedure, the court has to decide on total or partial legal aid on the request of the defendant if the defendant cannot bear the total costs for the defence lawyer without impairment of his/her own or his/her family's maintenance which enables him/her to a simple lifestyle and if it is necessary in the interest of justice in particular in the interest of an adequate defence. Where in any case the defendant needs a defence lawyer, the court has to decide on legal aid ex officio even if the defendant does not request for it but further requirements to provide legal aid are given.

**Q16 (2017):** As far as civil cases are concerned, according to § 64 of the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) legal aid may cover a provisional exemption from court fees, fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer.

In criminal cases:

According to sec 391 par 1 CCP the enforcement of the court's decision on costs has to take into account the ability of the convicted person to bear the costs for the daily life for him/herself and the family as well as the obligation of compensation in regard of the offence. The court may, if the costs cannot be enforced because of an impecunious defendant, declare the costs unrecoverable. If the court assumes that in the future the costs will be recoverable but for the time being they are not, the economic capacity of the person concerned has to be re-examined after a certain period. The statute for limitation to recover the costs is five years after the final decision in the proceeding. If the court decides that the convicted person has to bear the costs of the proceeding and further on he or she is not able to pay the costs the authorities, responsible to recover costs, may prolong the payment deadline, allow to pay instalments, or to abate the costs.

In principle every person who retains a defence lawyer or another representative has to bear the costs him or herself even if the lawyer was appointed ex officio (sec 393 par 1 of CCP). According to sec 61 para 2 CCP the court has to decide on total or partial legal aid on the request of the defendant if the defendant cannot bear the total costs for the defence lawyer without impairment of his/her own or his/her family's maintenance which enables him/her to a simple lifestyle and if it is necessary in the interest of justice in particular in the interest of an adequate defence. In any case legal aid has to be granted

during the whole procedure if and as long as the defendant is held in pre trial detention; • during the entire procedure on the confinement in an institution for mentally abnormal offenders; • during the trial on the confinement in an institution for addicted offenders in need of curing and on the confinement in an institution for dangerous subsequent offender; • during the trial in front of a jury or of a court of lay assessors; • during the trial in front of a single judge if the sentence which may be imposed is more than three years of deprivation of liberty; • during the appeal procedure against a verdict of a court of jury or a court of lay assessors, in case the European Court for Human Rights has determined a violation of the European Convention on Human Rights or an additional Protocol to it for conducting the request for the reopening of the procedure and for the trial in public;

• if the defendant is blind, deaf, mute or otherwise handicapped or is not able to conduct the defense by him/herself because he/she can do not understand the language at court,

• for the appeal procedure,

• if the factual and legal position is difficult.

Where in any case the defendant needs a defense lawyer, the court has to decide on legal aid ex officio even if the defendant does not request for it but further requirements to provide legal aid are given.

With regard to the decision on legal aid the court has to examine the defendant's economic capacity to bear the costs for a defense lawyer. The economic capacity is determined by the maintenance which enables the defendant and his/her family to a simple lifestyle, and can be identified at the bases of the minimum living wage which may not be garnished given by sec 5 of the act on garnishment of wages and the appropriate maintenance which is higher than the minimum living wage. In particular the income and other assets on the one hand and the number of persons who are entitled to maintenance on the other hand determine the threshold for the court decision on the obligation on costs reimbursement.

**Q17 (General Comment):** With regard to civil cases and according to the Austrian Civil Procedure Order, legal aid may cover a provisional exemption from court fees, fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer. With regard to criminal cases, according to the Code of Criminal procedure, the enforcement of the court's decision on costs has to take into account the ability of the convicted person to bear the costs for the daily life for him/herself and the family as well as the obligation of compensation in regard of the offence. The court may, if the costs cannot be enforced because of an impecunious defendant, declare the costs unrecoverable. If the court assumes that in the future the costs will be recoverable but for the time being they are not, the economic capacity of the person concerned has to be re-examined after a certain period. The statute for limitation to recover the costs is five years after the final decision in the proceeding. Nevertheless, the authorities, responsible to recover costs, may prolong the payment deadline; allow to pay installments, or to abate the costs. As far as administrative cases are concerned, according to § 8a of the Proceedings of Administrative Courts Act and the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) legal aid may cover a provisional exemption from court fees, fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer.

**Q17 (2017):** As far as civil cases are concerned, according to § 64 of the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) legal aid may cover a provisional exemption from court fees.

In criminal cases the defendant has to pay court fees generally only in case of conviction (sec 389 par 1 CCP).

**Q17 (2016):** As far as civil cases are concerned, according to § 64 of the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) legal aid may cover a provisional exemption from court fees, fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer.

In criminal cases:

According to sec 391 par 1 CCP the enforcement of the court's decision on costs has to take into account the ability of the convicted person to bear the costs for the daily life for him/herself and the family as well as the obligation of compensation in regard of the offence. The court may, if the costs cannot be enforced because of an impecunious defendant, declare the costs unrecoverable. If the court assumes that in the future the costs will be recoverable but for the time being they are not, the economic capacity of the person concerned has to be re-examined after a certain period. The statute for limitation to recover the costs is five years after the final decision in the proceeding. If the court decides that the convicted person has to bear the costs of the proceeding and further on he or she is not able to pay the costs the authorities, responsible to recover costs, may prolong the payment deadline, allow to pay instalments, or to abate the costs.

In principle every person who retains a defence lawyer or another representative has to bear the costs him or herself even if the lawyer was appointed ex officio (sec 393 par 1 of CCP). According to sec 61 para 2 CCP the court has to decide on total or partial legal aid on the request of the defendant if the defendant cannot bear the total costs for the defence lawyer without impairment of his/her own or his/her family's maintenance which enables him/her to a simple lifestyle and if it is necessary in the interest of justice in particular in the interest of an adequate defence. In any case legal aid has to be granted during the whole procedure if and as long as the defendant is held in pre trial detention; • during the entire procedure on the confinement in an institution for mentally abnormal offenders; • during the trial on the confinement in an institution for addicted offenders i need of curing and on the confinement in an institution for dangerous subsequent offender;

• during the trial in front of a jury or of a court of lay assessors;

• during the trial in front of a single judge if the sentence which may be imposed is more than three years of deprivation of liberty;

• during the appeal procedure against a verdict of a court of jury or a court of lay assessors, in case the European Court of Human Rights has determined a violation of the European Convention on Human Rights or an additional Protocol to it for conducting the request for the reopening of the procedure and for the trial in public;

• if the defendant is blind, deaf, mute or otherwise handicapped or is not able to conduct the defense by him/herself because he/she can do not understand the language at court,

• for the appeal procedure,

• if the factual and legal position is difficult.

Where in any case the defendant needs a defense lawyer, the court has to decide on legal aid ex officio even if the defendant does not request for it but further requirements to provide legal aid are given.

With regard to the decision on legal aid the court has to examine the defendant's economic capacity to bear the costs for a defense lawyer. The economic capacity is determined by the maintenance which enables the defendant and his/her family to a simple lifestyle, and can be identified at the bases of the minimum living wage which may not be garnished given by sec 5 of the act on garnishment of wages and the appropriate maintenance which is higher than the minimum living wage. In particular

**Q17 (2015):** As far as civil cases are concerned, according to § 64 of the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) legal aid may cover a provisional exemption from court fees, fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer.

In criminal cases:

According to sec 391 par 1 CCP the enforcement of the court's decision on costs has to take into account the ability of the convicted person to bear the costs for the daily life for him/herself and the family as well as the obligation of compensation in regard of the offence. The court may, if the costs cannot be enforced because of an impecunious defendant, declare the costs unrecoverable. If the court assumes that in the future the costs will be recoverable but for the time being they are not, the economic capacity of the person concerned has to be re-examined after a certain period. The statute for limitation to recover the costs is five years after the final decision in the proceeding. If the court decides that the convicted person has to bear the costs of the proceeding and further on he or she is not able to pay the costs the authorities, responsible to recover costs, may prolong the payment deadline, allow to pay instalments, or to abate the costs.

In principle every person who retains a defence lawyer or another representative has to bear the costs him or herself even if the lawyer was appointed ex officio (sec 393 par 1 of CCP).

According to sec 61 para 2 CCP the court has to decide on total or partial legal aid on the request of the defendant if the defendant cannot bear the total costs for the defence lawyer without impairment of his/her own or his/her family's maintenance which enables him/her to a simple lifestyle and if it is necessary in the interest of justice in particular in the interest of an adequate defence. In any case legal aid has to be granted

- during the whole procedure if and as long as the defendant is held in pre trial detention;
- during the entire procedure on the confinement in an institution for mentally abnormal offenders;
- during the trial on the confinement in an institution for addicted offenders in need of curing and on the confinement in a institution for dangerous subsequent offender;
- during the trial in front of a jury or of a court of lay assessors;
- during the trial in front of a single judge if the sentence which may be imposed is more than three years of deprivation of liberty;
- during the appeal procedure against a verdict of a court of jury or a court of lay assessors, in case the European Court of Human Rights has determined a violation of the European Convention on Human Rights or an additional Protocol to it for conducting the request for the reopening of the procedure and for the trial in public;
- if the defendant is blind, deaf, mute or otherwise handicapped or is not able to conduct the defense by him/herself because he/she can do not understand the language at court,
- for the appeal procedure,
- if the factual and legal position is difficult.

Where in any case the defendant needs a defense lawyer, the court has to decide on legal aid ex officio even if the defendant does not request for it but further requirements to provide legal aid are given.

With regard to the decision on legal aid the court has to examine the defendant's economic capacity to bear the costs for a defense lawyer. The economic capacity is determined by the maintenance which enables the defendant and his/her family to a

**Q18 (General Comment):** If legal aid is granted in the main proceeding, the same also applies to the enforcement proceeding. According to the Austrian Civil Procedure Order, the requirements for granting legal aid have only to be re-examined, if the enforcement proceeding will be opened one year after the main proceeding has been closed.

**Q18 (2018):** Legal aid according to § 64 of the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) extends to enforcement proceedings.

**Q19 (General Comment):** In civil matters, the Austrian Civil Procedure Order provides for that legal aid may cover not only the (provisional) exemption from court fees but also the exemption from fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer. If the personal presence of the parties at a hearing is ordered by the court, their necessary travel expenses are also replaced. In criminal matters, there are no costs to bear for the parties, until the court has taken a final decision, which also encompasses a decision on the costs. In case of an acquittal, the State has to bear all the costs. The Public Prosecutor does not have to bear any costs in any case. The Code of Criminal Procedure pinpoints only one exception to this rule, if a person, different from the Public Prosecutor, i.e. "Privatankläger" holds the accusation and loses the case because of an acquittal. In this case, the so called Privatankläger (private prosecutor) has to bear the costs. In case of a false accusation, the person who knowingly accused the (acquitted) perpetrator would have to bear the costs of the trial.

**Q19 (2018):** See above Point 016-1.

## Belgium

**Q8 (General Comment):** there are no scheduling rights for disputes before the labour court, tax disputes with a value of less than EUR 250 000 and cases that are brought under Book XX of the Economic Law Code

**Q8 (2017):** No court tax or fee is required to start a proceeding at a court of general jurisdiction concerning social law cases, tax cases and bankruptcy cases (under conditions).

**Q8 (2016):** There are no duty levied for entry on the hearings schedule for labor disputes and tax disputes with a value of less than 250 000 EUR.

**Q8 (2015):** There are no assignment rights for labor disputes and tax disputes with a value of less than EUR 250 000.

**Q8 (2014):** In criminal, correctional or police matters, even if there is a civil party, no court fees are required for starting the procedure. In other than criminal matters, court fees concern the registration of a case, request or application to the registry (article 269/1 of the Code of court fees and fees related to registration and mortgage). In respect of particular categories of cases, the law provides for exemption from court fees. Such exemption is also granted with regard to cases transferred to other courts in compliance with the law on the use of languages in administrative matters or in case of a judgment declining jurisdiction.

**Q8 (2012):** In criminal, correctional or police matters, even if there is a civil party, no court fees are required for starting the procedure. In other than criminal matters, court fees concern the registration of a case, request or application to the registry (article 269/1 of the Code of court fees and fees related to registration and mortgage). In respect of particular categories of cases, the law provides for exemption from court fees. Such exemption is also granted with regard to cases transferred to other courts in compliance with the law on the use of languages in administrative matters or in case of a judgment declining jurisdiction.

**Q12 (2012):** 2010: The 25% increase of the approved budget allocated to legal aid between 2008 and 2010 can be explained by an increase in costs and expenses.

**Q12-1 (2016):** Intervention in the costs related to the organization of legal aid offices and payment for lawyers responsible for legal aid greater than the initial budget

**Q16 (2017):** In Belgium there are three types of "legal aid": first-line legal aid, second-line legal aid and legal assistance. First-line legal aid consists of practical information, legal information, a first legal opinion or referral to a specialised body (Article 508/1 of the Judicial Code).

Second-line legal aid: legal aid granted to a natural person in the form of a detailed legal opinion or legal assistance in or out of court proceedings or assistance in a trial, including legal representation.

Legal assistance consists in exempting, in whole or in part, those who do not have the necessary income to afford the costs of a procedure, from paying the related costs, which will therefore be covered by the State budget (Article 664 of the Judicial Code). Legal assistance may be obtained in civil or criminal matters and in any proceedings (judicial, administrative or arbitral).

**Q16 (2016):** In Belgium there are three types of "legal aid": front-line legal aid, second-line legal aid and legal assistance. Front-line legal aid consists of practical information, legal information, a first legal opinion or referral to a specialized body (section 508/1 of the Judicial Code).

Second-line legal aid: legal aid granted to a natural person in the form of a detailed legal opinion or legal assistance in the context or not of a procedure or assistance in the context of a trial including representation. Legal assistance consists in providing, in whole or in part, those who do not have the necessary income to meet the costs of a procedure, to pay the related costs which will therefore be borne by the budget of the State (Article 664 of the Judicial Code). Legal aid may be obtained in civil or criminal matters and in any proceeding (judicial, administrative or arbitral).

**Q17 (General Comment):** Legal aid consists in exempting, in whole or in part, those who do not have the means of subsistence necessary to meet the costs of proceedings, even extrajudicial ones, from paying miscellaneous fees, registration, registry and forwarding costs and the other costs involved. It also ensures that the Ministry of Public and Ministerial Officers is free of charge to the persons concerned, under the conditions set out below. It also allows interested parties to benefit from the free assistance of a technical adviser during judicial expertises.

**Q17 (2018):** Legal aid consists in exempting, in total or in part, those who do not have the means of subsistence necessary to meet the costs of proceedings, even the extrajudicial ones, the costs of the various duties of registration, registry and expedition and the other costs that it entails. It also ensures that the Ministry of Public and Ministerial Officers is free of charge for the interested parties, under the conditions set out below. It also allows interested parties to benefit from the free assistance of a technical adviser during judicial expertises.

**Q17 (2017):** Legal assistance in Belgium implies the coverage or exemption of legal costs. On the other hand, second-line legal aid (assistance and representation by a lawyer) does not concern legal costs but only "lawyer's fees".

According to article 664 of the Judicial Code, "legal assistance consists in exempting, in whole or in part, those who do not have the necessary income to afford the costs of a procedure, even extra-judicial, from paying the costs concerning miscellaneous rights, registration, registry and forwarding and the other expenses that it involves. It also ensures that the Ministry of Public and Ministerial Officers is free of charge in respect of the beneficiaries under the conditions set out below. Besides, it allows interested parties to benefit from the free of charge assistance of a technical adviser during judicial expertises.

**Q17 (2016):** Legal assistance in Belgium provides for the coverage or exemption of legal costs. On the other hand, second-line legal aid (assistance and representation by a lawyer) does not concern legal costs but only "lawyer fees".

Article 664 of the Judiciary Code provides that "legal assistance consists in dispensing in whole or in part, those who do not have the income necessary to meet the costs of proceedings, even extra-judicial, to pay the fees, registration fees, registry fees and shipping and other expenses incurred by it. It also ensures free access to the Ministry of Public and Ministerial Officers under the conditions specified below. It also allows interested parties to benefit from the free assistance of a technical advisor during judicial appraisals. "

**Q17 (2012):** Legal aid refers to the concept of legal assistance, that is to say the benefit of free proceedings.

**Q18 (General Comment):** According to article 665, 2° of the Belgian Judicial Code, legal aid is applicable to acts relating to the execution of judgments and decrees.

**Q19 (General Comment):** Legal aid is applicable: 1° to all acts related to claims to be brought or pending before a judge of the judicial or administrative order or before arbitrators;  
2° to acts related to the execution of judgments and decisions;  
3° to proceedings on request;  
4° to procedural acts that fall within the jurisdiction of a member of the judiciary or require the intervention of a public or ministerial officer.  
5° to mediation procedures, extrajudicial or judicial, conducted by an approved mediator.  
6° to all extrajudicial proceedings imposed by law or by the judge;  
7° for the enforcement of authentic instruments in another Member State of the European Union under Article 11 of Council Directive 2003/8/EC of the 27th of January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules related to legal aid for such disputes, under the conditions defined by that Directive  
8° to the assistance of a technical adviser during judicial expert appraisals.

**Q19 (2018):** Legal aid is applicable: 1° to all acts relating to claims to be brought or pending before a judge of the judicial or administrative order or before arbitrators;  
2° to the acts relating to the execution of judgments and decisions;  
3° to the proceedings on request;  
4° to the procedural acts that fall within the jurisdiction of a member of the judiciary or require the intervention of a public or ministerial officer;  
5° to the mediation procedures, extrajudicial or judicial, conducted by an approved mediator;  
6° to all extrajudicial proceedings imposed by law or by the judge;  
7° for the enforcement of authentic instruments in another Member State of the European Union under Article 11 of Council Directive 2003/8/EC of 27 January 2003 aimed at improving access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes, under the conditions defined by that Directive;  
8° to the assistance of a technical adviser during judicial expert appraisals.

**Q19 (2017):** Legal assistance is applicable:

(1) to all acts relating to claims to be brought or pending before a judge (civil, penal or administrative) or before arbitrators;  
(2) to acts relating to the enforcement of judgments and court decisions;  
(3) to proceedings on request;  
(4) to procedural acts that fall within the jurisdiction of a member of the civil and penal order or require the intervention of a public or ministerial officer;  
(5) voluntary or judicial mediation procedures conducted by a mediator approved by the commission referred to in section 1727;  
(6) to all extrajudicial proceedings imposed by law or by the judge;  
(7) to the enforcement of authentic acts in another Member State of the European Union under Article 11 of the Council Directive 2003/8/EC of 27 January 2003 aimed at improving access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes, under the conditions defined by that Directive.  
(8) to the assistance of a technical adviser during judicial expert appraisals.  
Articles 691 to 692bis of the Judicial Code set out a series of costs advanced by the State (transport and subsistence costs of judges and public or ministerial officials, witness taxes, interpreters' costs, disbursements of bailiffs, notaries, etc.) for the benefit of the person receiving legal assistance.

**Q19 (2016):** Legal assistance is applicable to:

1 ° all acts relating to applications to be made or pending before a judge of the judicial or administrative order or before arbitrators;

2 ° acts relating to the execution of judgments and decisions;

3 ° proceedings on request;

4° proceedings that fall within the jurisdiction of a member of the Judicial Order or require the intervention of a public or ministerial officer;

5° mediation procedures, whether voluntary or judicial, conducted by a mediator approved by the commission referred to in article 1727;

6 ° [to all extrajudicial procedures imposed by law or by the judge;

7 ° for the enforcement of authentic instruments in another Member State of the European Union within the framework of Article 11 of Council Directive 2003/8 / EC of 27 January 2003 on improving access to justice in cross-border cases by establishing common minimum rules on legal aid granted in such cases, under the conditions laid down in that directive.]

8 ° to the assistance of a technical advisor during judicial appraisals.

Articles 691 to 692bis of the Judicial Code set forth a series of costs advanced by the State (transportation and subsistence expenses of magistrates and public or ministerial officers, taxes of witnesses, interpreters' fees, disbursements of bailiffs, notaries etc ...); to the discharge of the person benefiting from legal aid.

## **Bulgaria**

**Q8 (General Comment):** According to Art. 71 of the Civil Procedure Code (CPC), stamp duties on the cost of action and court costs shall be collected upon conduct of the case. Where the action is unappraisable, the amount of the court fees is determined by the court. Where the subject matter of the case is a right of ownership or other rights in rem to an immovable, as well as in action for the existence, for annulment or for rescission of a contract which has as its subject any rights in rem to an immovable and for conclusion of a final contract having such subject, the amount of the stamp duty shall be set at one-fourth of the cost of action. In the ambit of the law, a waiver is granted: to plaintiffs who are factory or office workers or cooperative members in respect of any actions arising from employment relationships; to plaintiffs in respect of any actions for maintenance obligations; for any actions brought by a prosecutor; to plaintiffs in respect of any actions for damages sustained as a result of a tort or delict, for which a sentence has entered into effect; to the ad hoc representatives of the party whose address is unknown, appointed by the court. Natural persons found by the court to lack sufficient means to pay the court fees and costs are exempted of paying them. The court considers the petition for waiver in the light of various criteria such as incomes, property status, family situation, health status, employment status, age, etc. Payment of court fees but not of court costs will be waived for: the State and the government institutions, except in actions for private State receivables and rights to corporeal things constituting private State property; the Bulgarian Red Cross; the municipalities, except in actions for private municipal receivables and rights to corporeal things constituting private municipal property. Finally, the Stamp Duty Act enumerates in detail categories of situations, persons and actions in respect of which an exemption from stamp duties should be granted.

According to Art. 12 of the Administrative Procedure Code (APC) no stamp duties shall be collected and no court costs shall be paid on any proceedings under this Code, unless so provided for therein or in another law, as well as in the cases of a judicial appeal against administrative acts and upon bringing a legal action under this Code.



**Q8 (2016):** According to article 83 of the Code of Civil Procedure, fees and costs of the proceeding shall not be deposited: by the plaintiffs who are factory or office workers or cooperative members in respect of any actions arising from employment relationships; by the plaintiffs in respect of any actions for maintenance obligations; on any actions brought by a prosecutor; by the plaintiff in respect of any actions for damages sustained as a result of a tort or offence, for which a sentence has entered into effect; by the ad hoc representatives of the party whose address is unknown, appointed by the court. Besides, fees and costs of the proceeding shall not be deposited by any natural persons who have been found by the court to lack sufficient means to pay the said fees and costs. Considering the petition for waiver, the court shall take into consideration: the income accruing to the person and to the family thereof; the property status, as certified by a declaration; the family situation; the health status; the employment status; the age; other circumstances ascertained. In all these cases, the costs of the proceeding shall be paid from the amounts allocated under the budget of the court.

According to article 84 of the Code of Civil Procedure, payment of stamp duty but not of court costs shall be waived for: the State and the government institutions, except in actions for private state receivables and rights to corporeal things constituting private state property; the Bulgarian Red Cross; the municipalities, except in actions for private municipal receivables and rights to corporeal things constituting private municipal property.

**Q8 (2015):** Article 5 of the Stamp Duty Act states:

The following shall be exempt from stamp duties:

- a) applications filed with the National Assembly, the President of the Republic, the Council of Ministers;
- b) documentation in relation to the labour activities of workers and employees, regulated by the Labour Protection Law and the by-laws regulating their enforcement, as well as the labour contracts - both individual and collective;
- c) claimants - workers and officers - on claims for remuneration for performed work, and on other claims, ensuing from labour contracts;
- d) claimants, who are members of production cooperatives on claims for remuneration for the work performed by them in the same cooperatives;
- e) (repealed);
- f) claimants on remuneration claims, ensuing from rights on inventions;
- g) claimants on claims for support;
- h) registration of birth and death certificates and adoption certificates and the initial registration certificates of civil status;
- i) (repealed);
- k) all documents and papers concerning: criminal trials of general nature; lawsuits for money support; lawsuits for guardianship; lawsuits for establishing of origin; papers and documents for setting and granting relief to mothers of many children; for social and legal protection of minors; for social support, for obtaining the right to pension; for establishment, registration, and other changes of cooperatives;
- l) papers and documents in relations to the activities of the mutual aid funds;
- m) all types of requests, applications, enrollment forms, education certificates and certificates for completed training courses, as well as any other certificates, and duplicates thereof, which are issued by the educational and tutorial establishments for obtaining elementary and high education and by the Ministry of Education and Science;
- n) foreign citizens, by the virtue of international agreements and understandings for participation in competitions for admission in the statehigher and semi-higher educational establishments;
- o) the disabled, pregnant, and mothers of children under 6 years of age, orphans, in the events of transfer from one educational establishment to another, from one specialty or form of study to another due to health reasons, established by the findings of a medical commission;
- p) the Bulgarian Red Cross;
- q) applications for recording school boards in the regional court register;
- r) cases provided for in the international contracts effective for the Republic of Bulgaria;

Civil Procedure Code - Court fees on the cost of action and court costs are collected upon conduct of the case. Where the action is unappraisable, the amount of the court fees is determined by the court. Where the subject matter of the case is a right of ownership or other rights in rem to an immovable, the amount of the court fees is determined on one-fourth of the cost of action.

Fees and costs of the proceeding in the cases do not be deposited:

1. by the plaintiffs who are factory or office workers or cooperative members in respect

**Q12 (General Comment):** The annual budget for legal aid in the Republic of Bulgaria is not granted by type of cases and type of legal aid. Legal aid can be provided for all types of civil cases including non-litigious cases. The budget is common to all types of legal aid – consultation (pre-litigation advice for which the Law on legal aid strictly defines the categories of persons amenable to be granted with) with the purpose to achieve a settlement before initiation of court proceedings or filing a case, preparation of documents for filing a case, litigation, and litigation in event of detainment by the bodies of the Ministry of Interior and the Customs Act. By contrast, the annual budget for legal aid does not include means of alternative dispute resolution (ADR). The annual budget for legal aid is common to all types of criminal, civil and administrative cases. It includes remuneration of the attorneys providing legal aid, remuneration of the Bar Councils for the work carried out by the administration of legal aid, funds for necessary expenses to visit the places of detention or retention and protection in another village. The National Legal Aid Bureau is an independent State authority, a legal entity and a second grade disposer of budget credits to the Minister of Justice. Its competence consists in preparing a draft budget of legal aid and disposing the funds in the budget of legal aid. The Ministry of Justice supervises the planning and reporting of funds in respect of the budget of legal aid. The annual budget of legal aid is part of the budget of the Ministry of Justice – Chapter 'Policy of Justice'.

**Q12 (2014):** In the frame of the 2014 exercise, it has been specified that the implemented budget of legal aid exceeds the approved one because of a large number of criminal cases of serious crimes and a large number of civil cases with high material interest justifying higher legal fees.

**Q12 (2012):** In the frame of the 2012 exercise, it has been explained that the increase of the budget allocated to legal aid between 2010 and 2012 was due to the increase of the number of poor citizens.

**Q12-1 (2018):** The difference between the approved and implemented budget for legal aid is due to the control exercised by the National Legal Aid Bureau on the authorities providing such aid (as investigation authorities and courts) to comply with the statutory procedure for admission of legal aid with a view to the appropriate disposal of the budget funds for legal aid and, in this respect, the reduced number of cases for which legal aid is granted.

**Q12-1 (2017):** The difference in the indicators of the approved and implemented state budget for legal aid is the result of the reduced number of cases, in which legal aid is provided, and the control exercised by the National Legal Aid Bureau over the authorities providing such aid (investigating authorities and courts) to ensure observance of the statutory procedure for the provision of legal aid in view of the appropriate disposal of funds from the legal aid budget.

**Q16 (General Comment):** Legal aid is granted only to natural persons, in criminal, civil and administrative matters before courts of all instances. Legal aid authorities are the Ministry of Justice which conducts the State policy in the sphere of legal aid; the National Legal Aid Bureau /NLAB/ which provides general and methodological guidance of the activity concerning the granting of legal aid by issuing mandatory instructions on the application of the Act and the statutory instruments of secondary legislation; the Bar Councils which organize and administer legal aid within the respective geographical jurisdiction; the authority directing the procedural steps, the court or the relevant police or customs authority which decide whether to grant legal aid or not in civil or administrative cases. The NLAB grants or refuses granting legal aid for a consultation with a view to reaching a settlement prior to bringing legal proceedings or to bringing a case before a court and/or preparation of documents for a trial. The types of legal aid are: pre-litigation advice with a view to reaching a settlement prior to bringing legal proceedings or to bringing a case before a court; preparation of documents for bringing a case before a court; representation in court by legal counsel; representation upon detention under Article 72 of the Ministry of Interior Act and under Article 16a of the Customs Act. The legal aid system covers cases in which the assistance of a lawyer, a stand-by defence counsel or representation is mandatory as provided for by the Criminal Procedure Code, the Civil Procedure Code and the Administrative Procedure Code. Legal aid system covers also cases in which the applicant is unable to pay for a lawyer, wishes to benefit of a legal assistance, and the interests of the justice require such legal assistance.

**Q16 (2014):** In 2014, changes were made in the Regulations of the organization and activities of the National Legal Aid Bureau. Since May 2015, within the NLAB are permanently operating the National Primary Legal Aid Hotline and the Regional Consultation Centers for vulnerable social groups.

**Q16 (2012):** On the occasion of the 2012 evaluation, it has been stressed that in the last two years legislative changes in the Legal Aid Act have been carried out in several directions: increasing the powers of the authorities of the legal aid system and exercising control over granting legal aid; introduction of the figure of the stand-by defence counsel with the purpose of expediting court proceedings in criminal matters; changes in the order and circumstances for entering and striking from the National Legal Aid Register – the disciplinary measures towards lawyers have increased, being a ground for refusal for entering the Register and for striking from it; introducing legislative requirements (order, circumstances and terms) for reporting legal aid; the scope of persons who have right to legal aid has been expanded (e.g. persons and families who satisfy the eligibility requirements for receipt of monthly social assistance benefit; persons placed in specialized institutions for provision of social services or using a resident-type social service or a Mother and Baby Unit social service; a child at risk within the meaning of the Child Protection Act; victims of domestic or sexual violence or of trafficking in human beings; seekers of international protection etc.).

**Q17 (General Comment):** Legal aid does not include the coverage of or the exemption from court fees but according to the Code of Civil Procedure fees and costs of the proceeding shall not be deposited by any natural persons who have been found by the court to lack sufficient means to pay the said fees and costs.

**Q17 (2015):** Legal aid does not include the coverage of or the exemption from court fees but according to the Code of Civil Procedure fees and costs of the proceeding shall not be deposited by any natural persons who have been found by the court to lack sufficient means to pay the said fees and costs.

**Q19 (General Comment):** The travel expenses of an official defence counsel are covered by the budget for legal aid administering.

**Q19 (2017):** The travel expenses of an official defense counsel are covered by the budget for legal aid administering.

## Croatia

**Q8 (2018):** According to the Court Fees Act (Official Gazette, No. 74/95, 57/96, 137/02, 26/03, 125/11, 112/12, 157/13, 110/15) 19 subjects are exempt from paying court fees, such as state government bodies, public authorities, employees in administrative and labour disputes, vulnerable groups of society, etc.

**Q8 (2017):** According to the Court Fees Act (Official Gazette, No. 74/95, 57/96, 137/02, 26/03, 125/11, 112/12, 157/13, 110/15), 19 subjects are exempt from paying court fees, such as state government bodies, public authorities, employees in administrative and labour disputes, vulnerable groups, etc.

**Q8 (2016):** According to the Court Fees Act (Official Gazette, No. 74/95, 57/96, 137/02, 26/03, 125/11, 112/12, 157/13, 110/15), 19 subjects are exempt from paying court fees, such as state government bodies, public authorities, employees in administrative and labour disputes, vulnerable groups, etc.

**Q8 (2015):** According to the Court Fees Act (OG 74/95, 57/96, 137/02, (26/03), 125/11, 112/12, 157/13, 110/15), the following subjects are exempt from paying court fees:

1. The Republic of Croatia and state government bodies
2. Persons and bodies performing public authorities for the performance of such authorities
3. Workers and employees in labour disputes and officials in administrative disputes with regard to exercising their rights from official relations
4. Workers in administrative disputes arising from pre-bankruptcy settlement
5. Disabled veterans of the Homeland War, based on adequate documents proving their status
6. Spouses, children and parents of veterans who were killed, missing or captured in the Homeland War, based on adequate documents proving their status
7. Spouses, children and parents of those who were killed, missing or captured in the Homeland War, based on adequate documents proving their status
8. Displaced persons, refugees and returnees, based on adequate documents proving their status
9. Social aid beneficiaries who receive a subsistence allowance
10. Humanitarian organisations and organisations dedicated to the protection of disabled persons and families of those who were killed, missing or captured during the performance of humanitarian activities
11. Children as parties in proceedings for child care support or in proceedings regarding claims based on that right
12. Plaintiffs in proceedings for acknowledgement of maternity and paternity, and for costs incurred from extramarital pregnancy and childbirth
13. Parties requesting the restoration of working competence
14. Minors requesting the acquisition of working competence based on becoming parents
15. Parties in procedures for transferring custody of a child and for reaching a decision on organizing meetings and spending time with the child
16. Plaintiffs in disputes regarding rights from mandatory pension and basic health insurance, rights of unemployed persons based on regulations on employment and social welfare rights
17. Plaintiffs, i.e. applicants in procedures for the protection of constitutionally guaranteed rights and freedoms against final decisions in individual acts, i.e. for protection due to unlawful actions
18. Plaintiffs in disputes regarding the compensation of damages for environmental pollution
19. Unions and higher level union associations in civil procedure acts for a replacement court agreement and in collective labour disputes, and union representatives in civil procedure acts performing the authority of a worker's council.

Foreign countries are exempt from paying fees if that is determined by an international agreement or subject to reciprocity.

**Q12 (2018):** In 2018 annual approved public budget for legal aid has been increased. Having regard to the comments of the stakeholders of the legal aid system (NGO's registered in the Register of primary legal aid providers Faculties of Law, attorneys), the Ministry of Justice strives to increase the allocations for legal aid, depending on the limits and possibilities of the public budget.

**Q12 (2017):** The annual approved public budget allocated in other than criminal cases to primary legal aid (for non-litigious cases or cases not brought to court) in 2017 has been increased.

**Q12 (2016):** The annual approved public budget allocated in other than criminal cases to primary legal aid (for non-litigious cases or cases not brought to court) in 2016 was significantly reduced, which results in great differences in total amount approved in other than criminal cases to legal aid in 2014/2015 and 2016.

**Q12 (2014):** In the 2014 exercise, it has been specified that the amount of legal aid approved and also allocated to the cases brought before the court (primary legal aid) was 1.450.000,00 kuna, and legal aid for non-litigious cases or cases not brought to court (secondary legal aid) was 2.570.000,00 kuna. The figures provided in the table are calculated according to the currency for 31st December 2014 which was 1 €=7,6577 kuna.

**Q12 (2013):** In the 2013 exercise, it is explained that the budget for legal aid was increased as a response to the observed trend of increased number of requests for granting legal aid. Besides, it is specified that 253 750 euro represent the funds allocated to legal aid in the budget of Croatia intended for free legal aid under the Free Legal Aid Act (civil and administrative proceedings). There also exist funds paid as per submitted requests for granting legal aid - 236 000 euro which could be registered in the following categories: "other than criminal law cases" – 210000; "annual public budget allocated to legal aid for non-litigious cases or cases not brought to court" – 26000.

**Q12 (2012):** In 2012, due to the decreased budget planned for the Ministry of Justice, the amount allocated to legal aid is lower than in 2010. More precisely, the reduction of the budget for legal aid in administrative and civil proceedings was due to the economic situation.

**Q12-1 (2018):** In 2018 annual approved public budget for legal aid has been increased. Having regard to the comments of the stakeholders of the legal aid system (NGO's registered in the Register of primary legal aid providers Faculties of Law, attorneys), the Ministry of Justice strives to increase the allocations for legal aid, depending on the limits and possibilities of the public budget.

**Q12-1 (2016):** In the Ministry of Justice of the RoC there is a Department for legal aid in other than criminal cases and it keeps records on the total annual and implemented budget for legal aid in other than criminal cases in detail. The costs for the legal aid in other than criminal cases are paid after the end of the dispute before the first instance court.

The amount in 2016 for "other than criminal cases brought to court" is higher because more bills had to be paid in 2016. Namely, court proceedings last for several years, and probably in 2016 more bills for paying the costs of court experts and interpreters had been received since the Free Legal Aid Act (OG 143/13), which grants the exemption from paying the costs of court experts and interpreters, came into force on 1 January 2014.

Different methodologies were used in 2014 and 2016 for non-litigious cases or cases not brought to court. According to the methodology used in 2016, the total amount for non-litigious cases or cases not brought to court in 2014 would be 346779, while the amount for criminal cases would be 255 830.

**Q12-1 (2015):** The Ministry of Justice of the RoC keeps statistical records on the total annual approved and implemented budget for legal aid (separate for the other than criminal cases and separate for courts and public prosecution services). Since in the Ministry of Justice there is a Department for legal aid in other than criminal cases, it is possible to keep a track record on these cases in detail. However, it is not possible to present in detail all the other data for approved and implemented budget (total - cases brought to court and cases not brought to court; criminal cases - cases brought to court and cases not brought to court).

**Q16 (2014):** The new Free Legal Aid Act entered into force on the 1st of January 2014. The aim pursued by this reform was to unburden the existing judicial and administrative system. The procedure of exercising the right to primary legal aid (general legal information, legal advice, drawing up submissions in procedures before public and international bodies, representation in proceedings in public bodies, legal aid in amicable, out-of-court dispute resolution) is substantially simplified. Involvement of civil society groups, legal clinics and government bodies in the system of primary legal aid and legal counseling increased the territorial availability of expert legal aid. As to the approval of secondary legal aid in court proceedings and exoneration from paying court costs and court fees (secondary legal aid), the focus of the reform has been placed on increasing the property threshold for approving legal aid. As well, the average monthly income per member of the household of the applicant of the secondary legal aid has been increased.

**Q17 (General Comment):** The approval of the exemption from payment of court proceeding costs includes the exemption from payment of court fees, namely the exemption from payment of an advance for the costs of witnesses, expert witnesses, inspections, announcements and other costs prescribed in accordance with the applicable rules of procedure. When necessary for the conduct of the proceedings, the advance for the costs of the court proceedings shall be covered from the funds of the concerned court, and in accordance with the applicable rules of procedure, the obligation for payment of the advance lies with the beneficiary of legal aid. Any funds paid from the court funds form part of the costs of the proceedings, and the court shall decide on the reimbursement of such costs from the adversary of the party who is the beneficiary of the legal aid, pursuant to the provisions of the applicable rules of procedure on the reimbursement of costs. The court shall recover any costs paid out of the court budget, in accordance with the official duty, from the party which is required to refund them in accordance with the applicable rules of procedure. If the party opposing the beneficiary of the legal aid is ordered to refund the costs of the proceedings, and it is established that he or she is not capable of paying such costs, the court may subsequently order for the costs to be paid in full or partially by the beneficiary of the legal aid from the money awarded to him or her, if the amount of the awarded sum affects the material situation of the beneficiary insofar as it justifies the refund. This does not touch on the rights of the beneficiary to request, in that case, the repayment from his or her adversary for what he or she has paid.

**Q17 (2018):** The legal aid includes the exemption from payment of court fees in all civil and administrative court proceedings.

**Q17 (2017):** The legal aid includes the exemption from court fees in all civil and administrative court proceedings.

**Q17 (2016):** The legal aid includes the exemption from court fees in all civil and administrative court proceedings.

**Q18 (General Comment):** The situation changed few times in the last years. While till 2014, the exemption from payment of court fees could be granted in all judicial proceedings, including enforcement procedures and security procedures, due to changes in the Legal Aid Act in 2014, there was no more this possibility to finally again reinstall it again in 2016 Free Legal Aid Act (Official Gazette 143/13) and allow to grant legal aid for the fees related to the enforcement of judicial decisions.

**Q18 (2018):** Legal aid may be granted for exemption of payment of fees related to the enforcement of judicial decisions.

**Q18 (2017):** In enforcement proceedings legal aid is granted when it comes to enforcing a claim arising from a civil or administrative court procedure for which legal aid may be granted under the provisions of Free Legal Aid Act (Official Gazette 143/13).

**Q18 (2016):** In enforcement proceedings legal aid is granted when it comes to enforcing a claim arising from a civil or administrative court procedure for which legal aid may be granted under the provisions of Free Legal Aid Act (Official Gazette 143/13).

**Q19 (General Comment):** In civil cases, legal aid may be approved for the exemption from payment of litigation costs. The latter applies to the exemptions from depositing in advance the costs of witnesses, interpreters, expert witnesses, investigations and judicial advertisement. The exemption from payment of litigation costs depends on the material conditions and the type of procedure.

**Q19 (2018):** Legal aid may be granted in the form of exemption from payment of court proceeding costs (costs of witnesses, expert witnesses, court-sworn translators, costs of site visits and court advertisements).

**Q19 (2017):** The legal aid can be granted in civil and administrative court proceedings (other than criminal cases) for exemption from payment of court proceedings. The exemption from payment of court proceedings includes the exemption from payment of an advance for the costs of witnesses, expert witnesses, investigation and judicial announcements.

**Q19 (2016):** The legal aid can be granted in civil and administrative court proceedings (other than criminal cases) for exemption from payment of court proceedings. The exemption from payment of court proceedings includes the exemption from payment of an advance for the costs of witnesses, expert witnesses, investigation, judicial announcements.

## Cyprus

**Q8 (General Comment):** when a party in a court case is represented by the office of the Attorney General or the party is the Redundancy fund the exemption to the court fee applies.

**Q12 (General Comment):** The amount of legal aid is included in the amount for cost of criminal prosecutions, civil procedure and procedures in Family courts

**Q12 (2013):** 2013: The decrease in the Legal Aid budget is as a result of the austerity measures and in relation to the budget there were less applications for legal aid.

**Q12-1 (2016):** In 2016 there was an increase in the number of legal aid cases.

**Q18 (General Comment):** There is no provision in the law for this.

## Czech Republic

**Q8 (General Comment):** The law regulates exceptions to the duty to pay court fees. On the one hand, the legislator has established a list of certain persons exempt from paying court fees (e.g. the State, diplomatic representations of foreign States, foundations). On the other hand, the law refers to specific types of procedures in respect of which there is an exemption from paying court fees (e.g. proceedings on guardianship, adoption, probate proceedings, election proceedings). Besides these situations, there is a possibility for participants in proceedings to ask for waiver of court fees ordered by the court. Such release should be justified by the participant's personal situation in order to avoid arbitrary or apparently unsuccessful application or protection of law.

**Q12 (General Comment):** It is noteworthy that before 2014, the implemented budget was provided instead of the approved one.

The data on approved budget allocated to legal aid do not exist, the approved budget is not divided to this level.

**Q12 (2017):** The approved budget is not divided to this level.

**Q12 (2016):** The data on approved budget allocated to legal aid do not exist, the approved budget is not divided to this level.

**Q12 (2014):** Specifically, as concerns the 2014 exercise, it is indicated that data on approved budget allocated to legal aid do not exist because the approval budget is not divided to this level. Owing to the impossibility to identify the approved public budget for legal aid, the reply in respect of this question is NA.

**Q12-1 (General Comment):** The data on implemented budget are obtained from individual courts from their accounting system.

The provided data covers only financial means from the State budget and only cases brought to court. Besides, legal aid is also provided by the Czech Bar Association on its own expenses (or on the expenses of the individual lawyers) and it could cover also cases not brought to court.

**Q12-1 (2016):** The data on implemented budget are obtained from individual courts from their economic system.

The provided data covers only financial means from the State budget and only cases brought to court. Besides, legal aid is also provided by the Czech Bar Association on its own expenses (or on the expenses of the individual lawyers) and it could cover also cases not brought to court.

**Q12-1 (2015):** The data on approved budget allocated to legal aid do not exist, the approval budget is not divided to this level. The data on implemented budget are obtained from individual courts from their economic system.

The provided data covers only financial means from the State budget and only cases brought to court. Besides, legal aid is also provided by the Czech Bar Association on its own expenses (or on the expenses of the individual lawyers) and it could cover also cases not brought to court.

**Q12-1 (2012):** In the frame of the 2014 exercise, it has been indicated that data on implemented budget are obtained from individual courts from their respective economic systems.

**Q17 (General Comment):** There is a possibility for participants in the proceedings to ask for waiver of court fees ordered by the court. Such release should be justified by the participant's personal situation in order to avoid arbitrary or apparently unsuccessful application of law.

**Q17 (2017):** There is a possibility for participant in the proceedings to ask for waiver of court fees ordered by the court, such release should be justified by the participant's personal situation and may not serve as arbitrary or apparently unsuccessful application or protection of law.

**Q17 (2016):** There is a possibility for participant in the proceedings to ask for waiver of court fees ordered by the court, such release should be justified by the participant's personal situation and may not serve as arbitrary or apparently unsuccessful application or protection of law.

**Q18 (General Comment):** Legal aid could be granted at every stage of the proceedings – it could be granted even only for enforcement of judicial decision.

**Q18 (2017):** Legal aid can be granted in any stage of the proceeding.

**Q18 (2016):** Legal aid can be granted in any stage of the proceeding.

**Q19 (General Comment):** If legal aid is granted, it covers all costs, including lawyer's fees, fees of judicial experts, etc.

## Denmark

**Q8 (General Comment):** As a rule, legal fees must be paid in all civil cases. However, there are types of cases that are exempt from court fees. Cases of marriage, custody and paternity are examples of cases where there is no legal charge. If you have been given a free trial to prosecute, you will not pay a court fee.

**Q12 (2018):** The amount listed in Q12.1. also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**Q12 (2017):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts.

**Q12 (2016):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**Q12 (2014):** In the frame of the 2014 exercise, it has been indicated that the budget foreseen for legal aid in 2012 and 2013 proved to be far less than the actual costs these years. Accordingly, the 2014 budget was increased considerably. Thus, there is not a significant increase in expenditure rather that budget is adapted to the actual consumption. This applies to the cost of both criminal and other cases.

**Q12 (2013):** In the ambit of the 2013 exercise, it has been noticed that the 2012 budget was well below the actual result for this year and that accordingly, the 2013 budget has been increased.

**Q12-1 (2018):** The amount listed in Q12.1. also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**Q12-1 (2017):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**Q12-1 (2016):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**Q16 (General Comment):** Criminal cases:

Defendants are in all cases appointed a defence attorney. Victims of certain criminal offences (e.g. sexual offences, homicide and acts of violence) have access to representation in court by a support attorney. Basic legal advice is available to all persons in criminal cases. Further legal advice is only available subject to certain economic criteria.

**Q17 (General Comment):** If a party is granted legal aid (fri proces) in a case before the court, the party is inter alia exempt from paying court fees. Legal aid can also be provided in the form of free legal advice (retshjælp).

**Q18 (General Comment):** The bailiff's court can grant legal aid if the person appearing before the court is deemed to need a lawyer's assistance (Danish Administration of Justice Act, article 500(2)).

**Q19 (General Comment):** With regard to other than criminal cases, legal aid can be granted for all necessary costs associated with the proceedings. The court decides which expenses are covered by legal aid. E.g. expenses that with good reason have been held in connection with a trial.

Under special circumstances fees for technical advisors or experts are covered in criminal cases.

## Estonia

**Q12 (2013):** For 2013, according to the executed budget, the sums paid to lawyers represent 2 980 235 euros from the total (3 835 000). From these 2 980 235 euros, 2 226 315 euros were allocated to legal aid for criminal cases and 718 922 euros were allocated to legal aid for civil and administrative cases, the rest was allocated to legal aid for misdemeanor, enforcement procedure, administrative procedure and review procedure cases and legal consultation.

**Q12 (2012):** The variation observed between 2010 and 2012 should be explained in the light of the above-mentioned clarifications. For 2012, the sums paid to lawyers represent 2 857 850 euros from the total (3 835 000). In this respect, the difference with the amount provided for 2010 is not such important (2 307 334 euros). On the contrary, the IT costs included in the budget of legal aid for both of the exercises are especially high in 2012 due to the implementation of a new IT system. Basically, the increase of this specific part of the legal aid budget affects the total.

**Q17 (General Comment):** Legal aid does not include coverage of or exemption from court fees but there is another procedure for it in civil and administrative cases – procedural assistance. A person can request procedural assistance for bearing procedural expenses. As a result of it, court may release a person, in part or in full, from payment of the State fee or enable to pay it in installments. This procedure is not related to public budget, because the person is released from these fees and these are not compensated to the State or to the court.

**Q17 (2018):** Partial or full exemption from the court fees (depending on the financial situation of the person).

**Q17 (2017):** Partial or full exemption from the court fees (depending on the financial situation of the person).

**Q17 (2016):** Partial or full exemption from the court fees (depending on the financial situation of the person).

**Q18 (General Comment):** Legal aid cannot be granted for fees related to the enforcement of judicial decisions (except for representing a person in enforcement proceedings), but procedural assistance can be granted to release a person from all or a part of the expenses related to enforcement proceedings.

**Q18 (2018):** Partial or full coverage of the costs related to the enforcement of judicial decisions (incl. fees of an enforcement agent) depending on the financial situation of the claimant. The advance payment of enforcement costs shall not be demanded by the bailiff from the claimant who is a natural person and who has received legal aid for the payment of procedural costs (incl. court fees) as well as in case of collection of compensation for damage caused by a criminal offence as well as in case of collection of maintenance support.

**Q18 (2017):** Partial or full coverage of the costs related to the enforcement of judicial decisions (incl. fees of an enforcement agent) depending on the financial situation of the claimant. The advance payment of enforcement costs shall not be demanded by the bailiff from the claimant who is a natural person and who has received legal aid for the payment of procedural costs (incl. court fees) as well as in case of collection of compensation for damage caused by a criminal offence as well as in case of collection of maintenance support.

**Q18 (2016):** Partial or full coverage of the costs related to the enforcement of judicial decisions (incl. fees of an enforcement agent) depending on the financial situation of the claimant. The advance payment of enforcement costs shall not be demanded by the bailiff from the claimant who is a natural person and who has received legal aid for the payment of procedural costs (incl. court fees) as well as in case of collection of compensation for damage caused by a criminal offence as well as in case of collection of maintenance support.

## Finland

**Q8 (General Comment):** The court fee is collected after the court proceedings have finished. The level of the court fee varies depending on the nature of the matter and the instance in which the case is handled.

The person who initiated the proceedings (a plaintiff, an applicant or an appellant) is responsible for paying the court fee. A person who has been granted legal aid free of charge is exempted from the court fee. Certain parties are exempted from the court fee, for example the police, the prosecutors and the enforcement authorities.

Certain matters are handled free of charge, for example coercive measures such as confiscation and detention.

No court fee is collected in criminal cases that have been brought to the court by the prosecutor.

If the judgment or decision of a lower court in a criminal case is amended to the appellant's advantage in a court of appeal or the Supreme Court, no court fee is collected. If the judgment or decision is amended to the appellant's advantage in an administrative court, the Supreme Administrative Court or the Insurance Court, no court fee is collected.

**Q8 (2015):** Charges are collected once the performance has been completed. Payment liability lies with the initiator of the matter (plaintiff or petitioner); on appeal with the appellant; and with other performances with the person ordering the performance. After the consideration of the matter, the District Court collects a charge from the petitioner in a petitionary matter and the plaintiff in a civil matter; the amount of the charge varies depending on the nature of the matter and the court time its consideration has required. Certain matters are by the law free of charge, for example the coercive measures.

A beneficiary of legal aid is free from payment liability. Certain parties are likewise free from payment liability (for example the police and other preliminary investigation authorities as well as prosecutors, enforcement authorities and the authorities of the state and municipality).

In 2015, the litigants did not have to pay fees in criminal cases. However, it has to be noted that this has changed in the beginning of 2016.

**Q8 (2014):** On the occasion of the 2014 exercise, it has been indicated that a government proposal on extending the field of application of court fees is currently pending. It is presented that the fees should be higher and that the group of matters handled free of charge should be reduced.

**Q12 (General Comment):** A part of the expenses of the legal aid comes from cases which are not heard in the courts.

**Q12 (2018):** The total amount includes the expenses of the public legal aid offices (net EUR 24.500.000) and the fees and compensations paid to the private lawyers in legal aid matters (EUR 69.200.000).

**Q12 (2017):** The legal aid expenses have increased. Budgeting practice on VAT has changed. VAT is paid from the same budget account as the fees for the private lawyer.

**Q12 (2016):** The legal aid expenses have increased. This is due to the 4 % increase made in the legal fees. Also the number of refugees getting legal aid has increased.

**Q12 (2014):** Legal aid expenses have been increasing. In 2014 this was due to the 4 % increase made in the legal fees. In 2015 this is due to the increase in the number of refugees to whom legal aid was granted.

**Q12-1 (2018):** The total amount includes the expenses of the public legal aid offices (net EUR 23.100.000) and the fees and compensations paid to the private lawyers in legal aid matters (EUR 68.200.000).

In 2018, the legal aid offices issued approximately 3.300 new legal aid decisions in matters concerning international protection, which was approximately 1.000 decisions less than the year before. The reduction in the number of new asylum seekers applying for legal aid ensued from a drop in the number of persons applying for asylum in Finland.

**Q12-1 (2017):** Budgeting practice on VAT has changed. VAT is paid from the same budget account as the fees for the private lawyer. A part of the expenses of the legal aid comes from cases which are not heard in court. The total amount includes the expenses of the public legal aid offices (net EUR 26 million) and the expenses paid to private lawyers. The public legal aid offices expenditure has not significantly increased since last year. Some expenditure is missing from the figure reported in the previous year. Private lawyers were paid EUR 71 million as fees and compensations in legal aid matters, which is 7 per cent more than in the previous year.

**Q12-1 (2016):** A part of the expenses of the legal aid comes from cases which are not heard in court. The total amount includes the expenses of the public legal aid offices (net EUR 23 million) and the expenses paid to private lawyers. Private lawyers were paid EUR 66.4 million as fees and compensations in legal aid matters, which is 24 per cent more than in the previous year. Expenses have grown as the number of clients has grown. In 74 per cent of the 15,600 legal aid decisions made concerning asylum seekers applying for international protection, the applicant was assisted by a private lawyer.

**Q12-1 (2015):** Q12: A part of the expenses of the legal aid comes from cases which are not heard in the courts. The total amount includes the expenses of the legal aid offices (24,2 milj. €) and the expenses paid to the Private lawyers (53,5 milj. €).

**Q17 (General Comment):** The court fees, other handling fees, document fees and other similar charges are waived for a recipient of legal aid.

**Q17 (2017):** Legal aid includes exemption from court fees. It is however worth noticing that legal aid does not protect against inter-parties costs if the case is lost.

**Q18 (General Comment):** The fees related to the enforcement of a judgment or a court order and any costs that need to be paid in advance are waived for a recipient of legal aid. All necessary costs of enforcement are covered from the state funds, if they cannot be collected from the opposing party.

**Q18 (2017):** Legal aid covers exemption from execution fees resulting from court's decision.

**Q19 (General Comment):** The fees and compensations arising from the interpretation and translation services required in the consideration of the matter are waived for a recipient of legal aid. Compensation for a witness called by a party receiving legal aid are paid from the state funds. Other costs arising from presenting evidence by a party receiving legal aid are paid from the state funds if the evidence was necessary for deciding the case. If a party receiving legal aid, other than the defendant in a criminal case, has been summoned to the court in person, the compensation for the costs of appearing before the court are paid from the state funds.

**Q19 (2017):** Legal aid can include, for example, fees from interpretation services and costs from adducing evidence.

## France

**Q8 (2018):** This rule applies only in certain civil matters: indeed, a fee is imposed by the parties to the appeal proceedings when the appointment of a lawyer is mandatory before the Court of Appeal. The fee is paid by the applicant lawyer on behalf of his client either by mobile stamps or electronically. It is not due by the party receiving legal aid. The proceeds of this right are allocated to the Professional Indemnification Fund (IFAD) at the Courts of Appeal.

Question 8 concerns the terms of Article 1635 bis P of the General Tax Code and Article 97 of the Finance Act No. 2014-1654, in which a duty of €225 is imposed on the parties to the appeal proceedings when the appointment of a lawyer is mandatory before the Court of Appeal. The fee is paid by the applicant lawyer on behalf of his client either by mobile stamps or electronically. It is not due by the party receiving legal aid. The proceeds of this right are allocated to the compensation fund for the profession of attorneys at law at the courts of appeal.



**Q8 (2016):** The procedure before the civil and penal judge is free of charge in first and third instance, which is not the case concerning the appeal. The procedure before the administratif judge (first instance, appeal and Conseil d'Etat) is also free of charge.

**Q8 (2014):** The Law on Finance for 2014 repealed the contribution that had been established by the 1991 Law on Finance. Proceedings before civil courts of first instance and cassation are free of charge, in contrast with the appeal. Proceedings before administrative courts at all instances are free of charge.

**Q8 (2012):** The 1991 Law on Finance, as amended in 2011, has established a contribution of 35 € aimed at financing legal aid. A beneficiary of legal aid is exempted from paying this contribution. The latter is not required before certain courts or court divisions (e.g. guardianship judge, children's judge, liberty and custody judge, Compensation Board for victims of crimes). An exemption is granted for certain proceedings which should be, according to the law, free of charge (especially social security disputes).

Finally, the contribution can be covered by the costs paid by the adverse party according to the court's decision.

**Q8 (2010):** The 1991 Law on Finance, as amended in 2011, has established a contribution of 35 € aimed at financing legal aid. A beneficiary of legal aid is exempted from paying this contribution. The latter is not required before certain courts or court divisions (e.g. guardianship judge, children's judge, liberty and custody judge, Compensation Board for victims of crimes). An exemption is granted for certain proceedings which should be, according to the law, free of charge (especially social security disputes).

Finally, the contribution can be covered by the costs paid by the adverse party according to the court's decision.

**Q12 (General Comment):** The law refers to different types of legal aid: legal aid granted to litigants before courts as well as for out of court proceedings (transactions, participatory procedures in civil matters that are not brought to court); legal aid granted for consultation out of any proceedings; legal aid covering legal representation by a lawyer granted to individuals detained in custody, individuals detained in the frame of disciplinary proceedings, or in matters of mediation and plea bargaining procedures; legal aid granted for legal consultation (Legal Advice Centres and legal access points created by Departmental Councils for Access to the Law offer court users free legal consultations by lawyers, notaries and bailiffs).

**Q12 (2017):** The variation observed in respect of cases brought before courts is explained by the addition of 83 million euros. This is public money paid by the Ministry to the bar associations to provide legal aid to litigants, but it does not represent a voted budget in the strict sense. The variation concerning non-litigious cases or cases not brought to court is explained by the fact that in previous data certain budget items (victim support and family mediation) had been encompassed by mistake.

**Q12 (2016):** As regards the difference between the approved budget and the implemented one, significant cuts have affected the legal aid budget. In addition, several observations (concerning in particular the complexity of the system, the incoherence of the scale of remuneration, the obsolete nature of geographical modulation) have highlighted the need for a major overhaul of the system of financing legal aid. In the Finance Act for 2015, a first step consisted in diversifying the sources of funding of legal aid in order to meet needs that are tending to increase, particularly as a result of changes in European law. The main facets of the reform are aimed at better respond to the demand for law, to better reward the work of the actors and to move towards better governance and optimised management of legal aid.

The general economy of the reform was as follows: 1) reconsidering the system to make it fairer, simpler and better adapted to local situations: the generalised and revalued unit of value, a contractualisation between the courts and the bar associations allowing additional remuneration for lawyers; 2) raising the ceiling on resources for access to full legal aid to €1,000 and raising the ceiling on partial legal aid accordingly; almost 100,000 new litigants will thus be eligible with this scheme; 3) development of the use of alternative dispute resolution methods.

**Q12 (2015):** Thus the implemented budget for legal aid allocated to criminal cases increased significantly between 2014 and 2015 (by 141%).

The 90% decrease between 2014 and 2015 regarding the annual implemented public budget relating to legal aid for non-litigious cases or cases not brought to court results from the different presentation. The related legal aid costs, including those attributed to custody, have been included in the annual implemented public budget allocated to legal aid for cases brought to courts.

This also explains the decrease in other than criminal cases (by 53%). In the basis of calculation have been included the expenses relating to criminal field, the costs for custody (garde à vue), mediation and penal composition, assistance to prisoners, protocols art. 91 and the custodial agreements. The portion of other than criminal expenses is reduced by the same amount.

**Q12 (2012):** The methodology of presentation of data is different for 2010 and 2012. For 2012, legal aid for non-litigious proceedings amounts to 49,732,000 euros. Therefore, for all criminal cases (brought to court and out of court) 49,732,000 euros should be added to the 88,730,000 euros, bringing the figure to 138,462,000 euros. The increase stems from increased custody costs as a result of the 2011 reform.

**Q12 (2010):** The 2010 budget of legal aid takes into account budgetary credit derived from the recovery of credits (11.5 million euros) and fiscal expenses linked with the implementation of a 5.5% reduced VAT rate for services provided by lawyers as part of legal aid. Indeed, legal aid expenditure is reduced by the amount recovered by the Treasury services on the losing party when the latter is not granted legal aid. In addition, lawyers are paid by the Lawyers' Pecuniary Payment Fund whose evolution constitutes an adjustment variable (+ 10.8 million euros in 2010).

**Q12-1 (2018):** The provisional budget is calculated on the basis of a theoretical trend; the executed budget is slightly lower.

**Q12-1 (2017):** The amount of 83 million paid to the Bars is included in the implemented budget, which explains the increase in the implemented budget allocated to legal aid. This addition no longer makes it possible to give the breakdown between civil and criminal cases, as it is not available for amounts paid directly to the bars. On the other hand, for missions directly followed-up by courts (342 million), the breakdown is as follows: 141 million euros for criminal cases and 201 million euros for other cases.

The variation concerning non-litigious cases or cases not brought to court is due to the fact that for previous cycles certain budget items (support to victims; family mediation) had been encompassed by mistake.

**Q12-1 (2016):** The budget has indeed increased significantly by 36% (+ 2,0M€) between 2015 and 2016, going from 5 166 600 to 7 083 912 Euros, as a result of the reform of the system of financing legal aid, aimed at progressively developing legal consultations prior to or as alternatives to the referral to the judge, within access points to the law in the courts. This is a new measure specified by the Finance Act 2016, in order to analyse the validity of the citizen's request, to facilitate, if necessary, the examination of his/her application for legal aid and to propose, if necessary, a referral to other institutions, namely a mediator. This preliminary consultation was implemented within the framework of an agreement between the departmental councils for access to law (CDAD) and the first instance courts (TGI).

As regards the difference between the approved budget and the implemented one, significant cuts have affected the legal aid budget. In addition, several observations (concerning in particular the complexity of the system, the incoherence of the scale of remuneration, the obsolete nature of geographical modulation) have highlighted the need for a major overhaul of the system of financing legal aid. In the Finance Act for 2015, a first step consisted in diversifying the sources of funding of legal aid in order to meet needs that are tending to increase, particularly as a result of changes in European law. The main facets of the reform are aimed at better respond to the demand for law, to better reward the work of the actors and to move towards better governance and optimised management of legal aid.

The general economy of the reform was as follows: 1) reconsidering the system to make it fairer, simpler and better adapted to local situations: the generalised and revalued unit of value, a contractualisation between the courts and the bar associations allowing additional remuneration for lawyers; 2) raising the ceiling on resources for access to full legal aid to €1,000 and raising the ceiling on partial legal aid accordingly; almost 100,000 new litigants will thus be eligible with this scheme; 3) development of the use of alternative dispute resolution methods.

**Q17 (General Comment):** According to articles 40 and 40-1 of the Law on Legal Aid of 10 July 1991, the recipient of legal aid has the right to legal assistance provided by a lawyer and all public or government officials (namely bailiffs and notaries). S/he is also exempted from payment of advance or deposit of all charges relating to the proceedings, procedures or actions for which it was granted (expertise, social investigation, family mediation ...), except from the hearing right (13 €) for certain procedures. Beneficiaries of full legal aid are exempt from this hearing right when it comes to minors subject to criminal prosecution, adults prosecuted through immediate summons, foreigners under administrative detention, or appeal against an expulsion of a foreigner (administrative procedure).

**Q17 (2018):** Article 24 of the above-mentioned Act provides that "the expenses that would be borne by the beneficiary of legal aid if he did not have such aid shall be borne by the State".

**Q17 (2016):** Legal aid consists in exempting the beneficiary from payment, advance or deposit of all costs relating to the proceedings, procedures or acts for which it has been granted (expertise, social inquiry, family mediation, etc.). According to article 40 of Law No. 91-647 of 10 July 1991 on Legal Aid, "legal aid concerns all costs relating to proceedings, procedures or acts for which it has been granted, with the exception of the right to plead. The beneficiary of the aid shall be exempt from payment, advance or deposit of such costs. The costs incurred by the investigation measures are advanced by the State".

**Q18 (General Comment):** Bailiffs may be appointed to enforce any legal decision for a beneficiary of legal aid, either as a continuation of the proceedings or separately. Moreover, according to article 10 of the Law of 10 July 1991 on Legal Aid, legal aid may be granted on the occasion of the enforcement, on French territory, of a court decision or any other enforceable title, including if they emanate from another Member State of the European Union except for Denmark.

**Q18 (2018):** Article 11 of the aforementioned Act provides that legal aid "shall automatically apply to proceedings, acts or measures for the enforcement of court decisions obtained with its benefit, unless enforcement is suspended for more than a year for a cause other than the exercise of a remedy or a stay order. "

**Q19 (General Comment):** Articles 40 and 40-1 of the Act of the 10th of July 1991 on legal aid provide that the beneficiary of legal aid is entitled to the assistance of a lawyer and any public or ministerial officials (bailiffs, solicitors, and notaries in particular). He is also exempt from the payment of advance or deposit of all costs relating to the proceedings, procedures or acts for which it has been granted (expertise, social inquiry, family mediation, etc.), with the exception of a hearing right of €13.

**Q19 (2018):** Legal aid covers all legal costs related to a case (in the case of a total AJ); notaries, bailiffs, experts may thus be paid.

**Q19 (2016):** Legal aid may be granted for notary, bailiff and expert fees in the frame of legal proceedings. It may also be granted for the assistance of a lawyer during mediation or settlement.

## Germany

**Q8 (General Comment):** In civil matters, the court is to serve the statement of claim to the respondent party only after the fee covering the proceedings in general has been paid. Thus, any proceedings fundamentally will become pending by service of the statement of claim only after such payment has been received. Where the demand for relief is expanded, no court action is to be taken prior to payment of the fee for the proceedings; this rule also applies before the courts of appeals (section 12 (1) of the German Law on the Costs of Court Proceedings).

There are exceptions in place for counterclaims, for European small claims procedures (ESCP), for disputes about inventions made by an employee inasmuch as the courts have exclusive competence for patent disputes, and for actions for retrial of a case pursuant to section 580 number 8 of the Code of Civil Procedure. This applies to a counterclaim in light of its close ties to a court dispute already pending; in all other regards, particular reasons are given that relate to the proceedings. Further exceptions have been provided for if a petitioner has been granted legal aid for the costs of the proceedings, if the petitioner is entitled to a release from the obligation to pay fees, or if legitimate interests are given for bringing an action or defending against an action, but the petitioner is unable to make the advance payment or if the delay caused to the proceedings by the obligation to pay the fees in advance would result in damages that it is impossible to compensate, or only with difficulty.

**Q12 (General Comment):** It is noteworthy that all data concerning the budget should be construed in the light of the federal State structure of Germany. Accordingly, variations for which no particular explanation has been notified are often due to the fact that for the different evaluation cycles a different number of Länder provided a reply. Owing to this peculiarity, the information remains most of the time incomplete.

The figures include the federal budget as well as the budgets indicated by the respondent Länder.

**Q12 (2015):** Re. Question 12:

The data refer to the year 2014. At present, no more recent data are available. Some of the Länder were unable to provide data regarding question 12. Accordingly, the information provided here is incomplete and is not comparable with the 2013 data. Inasmuch as the other Federal Länder have provided data, these were added to the aggregate amount. Since a number of Länder have provided the aggregate amount, but have otherwise indicated "NA" in all or some of the cases, it is not possible to form a sum total under 12.1 or 12.2. For this reason, "NA" was indicated.

**Q12 (2014):** In 2014, there was no information available from Hamburg, Saarland, and Thuringia.

In as much as the other Federal Länder have provided data, these were added to the aggregate amount. In contrast to the previous cycles, figures indicated by individual Länder only in respect of the total are encompassed in the total which explains the considerable variation between 2013 and 2014 (which is not real and disappears when comparing comparable data (in 2012 the sum of € 304,584,278 was not included in the total and in 2013 - € 316,707,568). Since a number of Länder have provided the aggregate amount, but have otherwise indicated "NA" in all or some of the cases, it is not possible to form a sum total under 12.1 or 12.2. For this reason, "NA" was indicated.

**Q12 (2013):** In the frame of the 2013 exercise, 10 Länder provided data accompanied by comments.

As in 2012, only figures concerning Länder which provided complete data for the total and the sub-categories were represented in the total (Berlin, Mecklenburg-Western Pomerania, North Rhine/Westphalia, Rhineland-Palatinate, Saxony-Anhalt, and Thuringia). As to individual Länder that communicated only totals (Baden-Württemberg, Bavaria, Brandenburg, Bremen, Hesse, Lower Saxony, Saxony, and Schleswig-Holstein), these amounts were not taken into account (a sum of € 316,707,568). Therefore, the information remained incomplete.

**Q12 (2012):** In the frame of the 2012 exercise, it has been specified that according to the Legal Advice and Assistance Act, the so-called legal advice and assistance is a social benefit provided by the State to persons seeking justice who cannot afford the assistance of or representation by a lawyer and who have no other reasonable possibility of obtaining assistance. Legal advice and assistance is granted for asserting one's rights outside of court proceedings as well as for obligatory conciliation proceedings pursuant to section 15a of the Act on the Introduction of the Code of Civil Procedure.

In 2012, Bremen, Saarland and Schleswig-Holstein did not provide any information. Only figures concerning Länder which provided complete data for the total and the sub-categories were represented in the total. As to individual Länder that communicated only totals, these amounts were not taken into account (a sum of € 304,584,278). Therefore, the information remained incomplete.

**Q12 (2010):** In 2010, the sum of 285 625 euros corresponded to the part of the federal budget allocated to legal aid (47 885 for criminal matters and 237 740 for other than criminal matters).

Two Länder did not provide information. Data were not available for a considerable number of Länder in respect of the total or the sub-categories. Accordingly, the information is not complete.

**Q12-1 (2018): Bavaria**

Administrative courts: no separate estimate for legal aid

Labour and social courts: No answer can be provided regarding question 12 because – as explained under questions 6 and 7 – legal aid and court costs etc. are estimated together in one budgetary item. For this reason, only question 12.1 can be answered here.

**Brandenburg**

The budget plan for 2017/2018 was based on an assumption of greater expenditure.

The expenditure depends on the number of court proceedings and their value. This means that it cannot be controlled by the justice administration. The target was derived from a prognosis based on the actual numbers of previous years, taking into account any changes made to the law governing costs.

**Bremen:**

Actual expenditure over the financial year fell behind the approved funds.

**Hesse**

As regards questions 12 and 12.1, it should be noted that the amount indicated only refers to attorney fees paid within the framework of legal aid. No data can be provided regarding court costs paid within the framework of legal aid – especially regarding costs for experts or interpreters and witness compensation – as these data are not collected separately.

**Mecklenburg-Western Pomerania**

The budget plan for 2018/2019 was based on an assumption of greater expenditure.

**Lower Saxony**

As concerns the estimation of legal aid, no separation is made between criminal cases and cases other than criminal cases. It is not possible to differentiate between the areas of law in which legal aid was granted.

**Saxony**

Expenditure is dependent on the number of court proceedings and the value of the subject matter, both of which are beyond the control of the judicial administration. The target is therefore based on a prognosis reached on the basis of how expenditure has developed in previous years, taking into account any possible changes to the law governing costs.

**Saxony-Anhalt**

Legal assistance in line with the Act on Legal Advice and Assistance

**Schleswig-Holstein**

In terms of legal aid, no target data can be provided since most jurisdictions include legal aid expenditure in the estimate of expenditure on legal matters, which is why it cannot be shown separately. In terms of legal aid, no target data can be provided (legal aid is only estimated in one of the jurisdiction chapters in a separate budgetary item; apart from that, legal aid is included in the estimate of expenditure on legal matters; see explanations to question 6.3).

**Thuringia**

The information provided with regard to questions 12.2 and 12.1.2 (non-litigious cases) refers to expenditure for legal advice and assistance.

No information has been provided in this regard by the other Federal Länder.

**Q12-1 (2015):** The data refer to the year 2014. At present, no more recent data are available. Some of the Länder were unable to provide data regarding question 12.1. Accordingly, the information provided here is incomplete and is not comparable with the 2013 data. Inasmuch as the other Federal Länder have provided data, these were added to the aggregate amount. Since a number of Länder have provided the aggregate amount, but have otherwise indicated “NA” in all or some of the cases, it is not possible to form a sum total under 12.1 or 12.2. For this reason, “NA” was indicated.

**Q17 (General Comment):** Pursuant to section 122 of the Code of Civil Procedure, the granting of legal aid has the effect that the Treasury can only assert court costs if the court had ordered payment (in installments) on account of the financial situation of the person requesting legal aid. Moreover, the recipient of legal aid is not obligated to pay any potential advance on costs.

**Q18 (General Comment):** In civil matters, legal aid in compulsory enforcement is granted for the entire enforcement proceeding and not for individual enforcement measures.

**Q18 (2016):** Legal aid in compulsory enforcement is granted for the entire enforcement proceedings and not for individual enforcement measures.

**Q19 (General Comment):** If granted, legal aid covers all of the costs of the legal dispute. The approval of legal aid includes the costs for the taking of evidence (e.g. witnesses, experts), as well as travel expenses of the recipient to attend a court hearing if personal attendance at the hearing is necessary. Expenditure for the preparation of the proceedings (e.g. expert witnesses, interpreters) may be refundable as necessary expenditure of the appointed solicitor.

**Q19 (2016):** If granted, legal aid covers all of the costs of the legal dispute. In particular, this includes the cost of a court-ordered taking of evidence, as well as the costs for compensating witnesses or obtaining expert reports.

**Greece**

**Q8 (General Comment):** Free access to all courts applies only for those who have been provided with legal aid.

**Q12 (2018):** The difference in the approved and implemented budget is because the approved budget concerns economic obligations not only of 2018 but also of previous years.

**Q12 (2017):** The deviation noted between the allocated (and the implemented) budget between years 2016 and 2017 is due to the fact that the payments do not take place in the same pace as the expenses. The allocated budget for legal aid in 2017 is significantly higher than the one of 2016, because it does not concern only the expected annual relative expenses, but also unpaid debts of previous years. Respectively, the payments of 2017 were lower than they should be, which consequently means that the numbers for 2018 will also present similar deviations.

**Q12 (2016):** A reassessment of the annual budgetary needs in legal aid was made by the Courts Building Fund. The annual cost is not a stable amount and depends on the number of cases where the legal aid is used.

**Q12 (2014):** The increase of the budget allocated to legal aid between 2013 and 2014 resulted to some extent from time limitations. In 31 December 2014 there were unpaid expenses. Generally, legal aid is entirely paid from the budget of the Courts Building Fund, a legal entity of public law, which draws its budget according to its expected annual revenues and its expected annual needs.

**Q12 (2012):** The observed increase of the budget allocated to legal aid in 2012 was due to accumulated debts from previous years.

**Q12 (2010):** The increase of the budget for lawyers in 2010 derived from the increased need and relative requests of payment.

**Q12-1 (2018):** The difference in the approved and implemented budget is because the approved budget concerns economic obligations not only of 2018 but also of previous years.

**Q12-1 (2017):** The deviation noted between the allocated (and the implemented) budget between years 2016 and 2017 is due to the fact that the payments do not take place in the same pace as the expenses. The allocated budget for legal aid in 2017 is significantly higher than the one of 2016, because it does not concern only the expected annual relative expenses, but also unpaid debts of previous years. Respectively, the payments of 2017 were lower than they should be, which consequently means that the numbers for 2018 will also present similar deviations.

**Q12-1 (2016):** The difference observed between the allocated budget to legal aid and the implemented one, is a result of several unpaid obligations due to the very large number of cases of legal aid in comparison to the staff assigned with the task of paying the beneficiaries.

**Q17 (General Comment):** Exoneration from paying court fees in civil and commercial cases covers specifically stamp fees, writ fees and their super additions, witnesses' fees, expert fees or appointed advocates fees, notary or court bailiffs' fees and the obligation of guarantee for such fees.

Exoneration in administrative cases includes specifically (court) stamp fees and deposit.

**Q17 (2017):** As far as civil and commercial cases are concerned, the exemption includes stamp fees, writ fees and their super additions, witnesses' fees, expert fees or appointed advocates fees. In administrative cases, legal aid includes specifically (Court) stamp fees and deposit.

**Q18 (General Comment):** Exoneration from paying court fees in civil and commercial cases covers court bailiffs' fees.

**Q18 (2018):** Exoneration from paying court fees in civil and commercial cases covers court bailiffs' fees.

**Q18 (2017):** Legal aid also includes the bailiff's remuneration.

**Q19 (General Comment):** Regarding "criminal cases", the ex officio appointment of a lawyer is provided. Furthermore, if an expert's opinion is considered by the court to be necessary then the relevant costs are covered by the State.

With regard to administrative courts, there is not any such legislative provision, while in civil and commercial cases legal aid is granted for expert fees.

**Q19 (2017):** Regarding "criminal cases", the ex officio appointment of a lawyer is provided. Furthermore, if an expert's opinion is considered by the court to be necessary then the relevant costs are covered by the State. As far as "civil and commercial cases" are concerned, legal aid also includes notaries, bailiff's and services of judicial documents cost.

With regard to Administrative courts, there is no specific legislative provision, except Articles 199 and 200 of the code of civil procedure.

## Hungary

**Q8 (General Comment):** As a rule, litigants are required to pay court fees. However, if a person is not able to pay the amount because of his/her financial situation, he/she may be granted an exemption from paying the court fee. Besides, some civil societies (e.g. churches, associations, foundations) are exempted from paying court fees ex lege. Moreover, the Hungarian legislation provides for a regime of exemptions with regard to specific categories of cases covering numerous law fields, namely: family law, labour law, trade law, administrative law, electoral law, tax law, intellectual property law, criminal law, procedural law etc. The regime of exemptions applies also in respect of enforcement proceedings, liquidation proceedings, proceedings initiated on the basis of favorable decision by the Constitutional Court, court mediation, different auxiliary proceedings related to the main case in criminal matters, etc. It is interesting to notice that according to the law, there could be a reduction of the court fee in some particular situations. For example, the duty is 10% of the duty on judicial proceedings if, during the first hearing, the plaintiff withdraws his claim, the legal action is suspended and subsequently dismissed, the defendant acknowledges the claim, the parties reach a settlement or jointly file for dismissal, the court ex officio rejects the petition. The duty is 30% of the court fee for cases dismissed by suspension following the first hearing or due to the plaintiff's withdrawal, or if jointly requested by the parties. The duty is 50% of the court fee if a settlement is concluded between the parties after the first hearing. Exceptionally, in criminal cases, a court fee should be paid if the cases arrive to court by a private indictment (e.g. slander or defamation cases).

**Q8 (2017):** As a rule, litigants are required to pay court fees. However, if a person is not able to pay the amount because of his/her financial situation, he/she may be granted an exemption from paying the court fee. Besides, some civil societies (e.g. churches, associations, foundations) are exempted from paying court fees *ex lege*. Moreover, the Hungarian legislation provides for a regime of exemptions with regard to specific categories of cases covering numerous law fields, namely: family law, labour law, trade law, administrative law, electoral law, tax law, intellectual property law, criminal law, procedural law etc. The regime of exemptions applies also in respect of enforcement proceedings, liquidation proceedings, proceedings initiated on the basis of favorable decision by the Constitutional Court, court mediation, different auxiliary proceedings related to the main case in criminal matters, etc. It is interesting to notice that according to the law, there could be a reduction of the court fee in some particular situations. For example, the duty is 10% of the duty on judicial proceedings if, during the first hearing, the plaintiff withdraws his claim, the legal action is suspended and subsequently dismissed, the defendant acknowledges the claim, the parties reach a settlement or jointly file for dismissal, the court *ex officio* rejects the petition. The duty is 30% of the court fee for cases dismissed by suspension following the first hearing or due to the plaintiff's withdrawal, or if jointly requested by the parties. The duty is 50% of the court fee if a settlement is concluded between the parties after the first hearing. Exceptionally, in criminal cases, a court fee should be paid if the cases arrive to court by a private indictment (e.g. slander or defamation cases).

**Q12 (General Comment):** Within the framework of out of court legal assistance ensured by the State, legal counsels assigned for economically and socially disadvantaged people provide legal advice, draft and prepare petitions and other documents to be filed, and study case files upon a power of attorney. For the performance of such tasks, legal counsels are paid or their fees and expenses are advanced by the State instead of the party concerned. The fees and expenses are determined by law.

**Q12 (2013):** The annual public budget allocated to legal aid decreased with 33% between 2012 and 2013 as a consequence of the strengthening of the legal aid service.

**Q12-1 (2018):** The Public budget does not have a limit, the amounts actually paid depends on the number of cases.

**Q12-1 (2017):** The Parliament has not yet adopted the law on the implementation of the budget of 2017

**Q12-1 (2015):** Annual implemented public budget of 2015 not yet approved.

**Q16 (General Comment):** According to the Legal Aid Act LXXX of 2003, the Legal Aid Service may grant legal aid in judicial and extrajudicial cases. The county justice services, as offices of first instance and in charge of receiving the applications for legal aid, do not merely assess the eligibility for aid but, in simple cases, provide legal assistance directly as well – without prior screening of the clients' financial capabilities. However, legal aid (legal advice, drafting a document) is primarily provided by legal aid providers (attorneys, notaries public, non-governmental organizations etc.) who are recorded into the Register of legal aid providers who have contractual relation with the Legal Aid Service. The latter provides professional legal assistance for socially disadvantaged people. The law defines the situations in which legal aid can be granted and those in which no legal aid may be provided.

**Q17 (General Comment):** In civil proceedings there are three types of cost benefits: exemption from costs which includes exemption from court charges, exemption from advance payment and costs to be borne during the proceedings and the opportunity to request for a court-appointed lawyer;

exemption from court charges through which the party is exempted from the obligation to pay court charges but is not entitled to receive further benefits going together with exemption from costs;

right to levy registration implying exemption from paying charges in advance; and in such a case the party obliged by court will have to pay the charges after the proceedings are over.

In criminal proceedings, if it is probable that, due to his/her income or financial situation, the accused will not be able to pay the costs of the proceedings and he/she certifies this, the court or the prosecutor decides on the authorization of personal exemption of costs. The latter includes:

appointment of a defence attorney;

exemption from court charges related to the provision of copies of documents;

exemption from fees and certified out-of-pocket costs of the court-appointed lawyer.

**Q18 (General Comment):** If legal aid is authorized, it extends to all stages of the proceedings, including the enforcement phase. However, it concerns only the fee of the legal aid provider. Besides, legal representation cannot be granted in such cases, but only extrajudicial assistance (legal advice, drafting of documents).

## Ireland

**Q8 (General Comment):** Family Law Proceedings are exempt from court fees.

**Q8 (2017):** Under S.I. 492 of 2014 (<http://www.irishstatutebook.ie/eli/2014/si/492/made/en/print>) certain types of proceedings e.g. Family Law, Childcare, Habeas Corpus, immigration proceedings, and proceedings in which the party is represented by a State law officer, are exempt.

**Q12 (General Comment):** The annual approved public budget allocated to legal aid in other than criminal cases is the state funding received by the Legal Aid Board in one year. The annual public budget implemented regarding legal aid is the total expenditure of the Legal Aid Board. Please note that:

(1) The Legal Aid Board receives funding from sources other than state funding, in the form of contributions paid by legally aided persons and costs recovered from legally aided persons. This funding is paid into the same Legal Aid Fund as the state funding and therefore it is not possible to distinguish expenditure funded from this source as distinct as from state funding.

(2) The Legal Aid Board does not separately account for the money it spends on the provision of legal advice to the money it spends on the provision of legal representation. Nor does it separately account for the costs of the mediation service from that of the law centre service, and even if it did, that would not represent the full total of the Board's spending on non-litigious cases for the above reason.

**Q12 (2017):** The total figure for "other than criminal cases" is the figure that the Legal Aid Board received in money allocated by Parliament (grant). It does not represent the total income of the organisation as it will also have received contributions from legally aided persons and costs recovered. These figures are not yet available for 2017 as the Board has yet to publish its audited accounts (expected to be published November 2018).

**Q12-1 (2017):** The total figure for "other than criminal cases" category is the provisional figure for the Legal Aid Board's expenditure in 2017. This figure is not yet finalised as the Board is yet to publish its audited accounts for 2017 (expected to be published November 2018).

**Q12-1 (2015):** In the answer to Question 12 - the category 'other than criminal cases' is the amount as per the Grant in Aid which the Legal Aid Board received for the Government

In the answer to Question 12.1 - under the category 'Total annual public budget implemented regarding legal aid - other criminal cases' this amount includes the Grant in Aid, Client Contributions, Costs Recovered and Other Incomes

'The annual approved public budget allocated to legal aid in other than criminal cases is the state funding received by the Legal Aid Board in 2015. The annual public budget implemented regarding legal aid is the total expenditure of the Legal Aid Board. Please note that:

(1) the Legal Aid Board receives funding from sources other than state funding, in the form of contributions paid by legally aided persons and costs recovered from legally aided persons. This funding is paid into the same Legal Aid Fund as the state funding and therefore it is not possible to distinguish expenditure funded from this source as distinct as from state funding.

(2) The Legal Aid Board does not separately account for the money it spends on the provision of legal advice to the money it spends on the provision of legal representation. Nor does it separately account for the costs of the mediation service from that of the law centre service, and even if it did, that would not represent the full total of the Board's spending on non-litigious cases for the above reason.'

**Q16 (2017):** Under Irish law, there is a distinction between "legal aid" which refers specifically to "representation in court" and "legal advice". This question is being answered on the basis that the words "legal aid" refers to "legal aid and legal advice" and "Representation in Court" means "Legal Aid".

**Q17 (General Comment):** Court fees are not charged in criminal cases. Other than criminal cases: Civil legal aid will pay the person's own costs subject to the possibility of recovering them either from the other party or from any money or property recovered or preserved on behalf of the legally aided person.

It is noteworthy that Ireland has a mixed model of service provision whereby civil legal aid is provided mainly by solicitors who are civil servants supplemented by referrals to solicitors working in private practice. Solicitors in private practice are mainly used in domestic violence cases, private family law applications concerning children, and asylum appeals. The system is administered by an independent public body, the Legal Aid Board.

**Q17 (2017):** Court fees are not charged in criminal cases. There are no court fees in family law cases which make up over 80% of legal aid for other than criminal cases. Note that this is the case whether or not the parties are legally aided. In non-family law (civil) cases, the Legal Aid Board will cover court fees ("stamp duty") when they arise to be paid, but this is on the basis that it may recover its costs either from the other party or the legally aided person, if the case is successful.

**Q17 (2015):** Court fees are not charged in criminal cases.

Other than criminal cases: Civil legal aid will pay the person's own costs subject to the possibility of recovering them either from the other party or from any money or property recovered or preserved on behalf of the legally aided person.

**Q18 (General Comment):** Civil legal aid does not generally include fees in respect of enforcement by an enforcement agent (this is distinct from enforcement of proceedings in a court which may be covered).

**Q19 (General Comment):** In criminal cases, legal aid can cover the cost of expert witnesses (medical and technical), interpreters, translation service providers, travel costs, disbursements i.e. photocopying costs, prison visits.

In civil cases, fees of other professionals may be covered where it is necessary having regard to the circumstances of the case.

**Q19 (2017):** In criminal cases, legal aid can cover the cost of expert witnesses (medical and technical), interpreters, translation service providers, travel costs, disbursements i.e. photocopying costs, prison visits.  
In other than criminal cases, a legally aided person may apply through their solicitor for the fees of expert witnesses and other experts to be covered.

## Italy

**Q8 (General Comment):** Generally, litigants are required to pay court fees in respect of other than criminal law cases, except for cases concerning employment, agriculture, family matters and other specific cases explicitly enumerated by law (DPR 115/2002).

**Q8 (2015):** Except for cases concerning employment, agriculture, family matters and other specific cases as per law DPR 115/2002

**Q12 (General Comment):** In Italy there is not a specific budget allocated to legal aid. Legal aid is part of the general budget allocated to justice expenses.

More generally, due to the structure of the Italian judicial system, the Ministry of Justice has one single budget which does not distinguish between the budget allocated to courts, the budget allocated to public prosecution services and the one allocated to the administration. The figures provided in this chapter are the result of a re-classification of the budget statements which takes into consideration several criteria.

In Italy, legal aid can be granted for all categories of civil cases: litigious, non-litigious and also ADR. Nevertheless, in respect of the latter, so far the Ministry of Justice has not experienced any payment yet.

**Q12 (2018):** Please note that when it comes to legal aid in civil and criminal cases, there is not a specifically approved budget destined for legal aid. For this reason legal aid expenses are paid to the parties regardless of the budget. For statistical reasons, the approved budget is considered as equivalent to the implemented budget. Please also note that the budget allocated to legal aid for administrative justice is 2.071.809 €

**Q12 (2017):** In Italy, legal aid claims which are legitimate (i.e. the claimant lives under a certain income threshold) are always honoured. In other words, legal aid covers all judicial expenses regardless available funds. In order to reflect this reality, the approved budget appears equal to the implemented one.

**Q12 (2016):** In Italy, legal aid claims which are legitimate (i.e. the claimant lives under a certain income threshold) are always honoured. In other words, legal aid covers all judicial expenses regardless available funds. In order to reflect this reality, the approved budget appears equal to the implemented one.

**Q12 (2013):** On the occasion of the 2013 exercise, it has been stressed that the impact of the “annual public budget allocated to legal aid for cases not brought to court” on the total is extremely low. Therefore -essentially- the figures indicated in the frame of 12.1 may be considered as the total budget allocated to legal aid, even though -strictly speaking- it is not so.

**Q12-1 (2018):** Other than criminal cases at Q.12.1 include both Civil and Administrative Justice.

In Italy, legal aid can be granted for all categories of civil cases: litigious, non-litigious and also ADR. Nevertheless, in respect of the latter, so far the Ministry of Justice hasn't experienced any payment yet.

The implemented public budget allocated to legal aid in 2018 is much higher than in 2016. Generally speaking, legal aid expenses grows at a very high pace. A possible reason for such increase in 2016-2018 might be due to the legal aid granted to migrants. Please also note that such expenses do not exactly reflect the same growth rate of the number of cases for which legal aid has been granted because of a temporal gap between the twos

**Q12-1 (2017):** As already noted before, legal aid expenditure is growing because more and more people are living under the income threshold under which legal aid is granted.

**Q12-1 (2016):** The increase experienced during the period 2014-2016 is very likely due to the higher number of cases for which legal aid was granted.

**Q16 (General Comment):** Legal advice does not exist as such in Italy.

**Q17 (General Comment):** According to the general rule, people granted with legal aid are not required to pay court fees.

**Q18 (General Comment):** Legal aid also covers expenses related to the enforcement of judicial decisions.

**Q19 (General Comment):** Legal aid can also be granted for costs related to private detectives, interpreters and expert witnesses.

## Latvia



**Q8 (General Comment):** Exceptions are set forth by article 43 of the Civil Procedure Law. According to this provision:

o Fourteen exhaustively enumerated categories of persons shall be exempt from payment of court costs to the State. Different law fields are affected by the regime of exemptions, namely labour law, family law, criminal law, financial law, insolvency matters etc.;

o If a public prosecutor or State or local government institutions or persons who are conferred the right by law, to defend in court other persons' rights and interests protected by law, of other persons in court, withdraws from an application which has been submitted on behalf of another person, but such person demands adjudication of the matter on the merits, the court costs shall be paid in accordance with generally applicable provisions.

o The parties may also be exempted from payment of court costs to the State in other cases provided for by law.

o A court or a judge, upon considering the material situation of a natural person, shall exempt him or her partly or fully from payment of court costs into State revenues, as well as postpone payment of court costs adjudged into State revenues, or divide payment thereof into instalments.

o In claims for dissolution of marriage upon the request of the plaintiff the judge shall postpone payment of State fees or divide payment thereof into instalments if a minor child is in the care of the plaintiff.

**Q8 (2017):** In civil procedures a court or a judge, upon considering the material situation of a natural person, shall exempt him or her partly or fully from payment of court expenses into State revenues, as well as postpone payment of court expenses adjudged into State revenues, or divide payment thereof into instalments. According to the Civil Procedure Law Article 43, there are also general exemptions, set categories of persons who do not pay court expenses. In claims for divorce upon request of the plaintiff the judge shall postpone payment of State fees or divide payment thereof into instalments if a minor child is in the care of the plaintiff. The parties may also be exempted from payment of court costs to the State in other cases provided for by law.

**Q8 (2016):** Exceptions are regulated with Civil Procedure Law Article 43. (1) The following persons shall be exempt from payment of court costs to the State: 1) plaintiffs – in claims for recovery of remuneration for work and other claims of employees arising from legal employment relations or related to such; 1.1) plaintiffs – in claims arising from agreement on performance of work, if the plaintiff is a person who serves his or her sentence at a place of imprisonment; 2) plaintiffs – in regard to claims arising from personal injuries that result in mutilation or other damage to health, or the death of a person; 3) plaintiffs – in claims for recovery of child or parent support, as well as in claims for determination of paternity, if the action is brought concurrently with the claim for recovery of child support; 3.1) submitters of applications – in regard to recognition or recognition and enforcement of a decision of a foreign country on recovery of child or parent support; 4) plaintiffs – in claims for compensation for financial loss and moral injury resulting from criminal offences; 5) public prosecutors, state or local government institutions and persons who are conferred the right by law to defend the rights, and interests protected by law, of other persons in court; 6) the submitters of applications – in matters regarding restricting the capacity to act of a person due to mental disorders or other health disorders, revising the restriction of capacity to act or restoration of capacity to act; 6.1) the submitters of applications – in regard to establishment and termination of temporary trusteeship; 7) the submitters of applications – in regard to restricting the capacity to act of a person or establishment of trusteeship for a person due to a dissolute or spendthrift lifestyle, as well as excessive use of alcohol or other intoxicating substances; 8) defendants – in matters regarding reduction of child or parent support adjudged by a court, and reduction of such payments as the court has assessed in claims arising from personal injuries resulting in mutilation or other damage to health, or the death of a person; 9.1) the submitters of applications – in matters regarding the unlawful movement of children across borders or detention; 10) administrators – in claims that are brought for the benefit of persons in respect of which insolvency proceedings of a legal person and insolvency proceedings of a natural person have been announced, as well as when submitting an application in a matter regarding insolvency proceedings of a legal person in the case specified in Section 51, Paragraph three of the Insolvency Law; 11) judgment creditors – in execution matters regarding recoveries for payment into State revenues; 11.1) collectors – in execution matters when recovery should be performed according to the uniform instrument permitting enforcement of claims in the requested Member State; 12) tax (fee) administration – in applications in matters regarding insolvency proceedings of a legal person; 13) the Office of Citizenship and Migration Affairs – in matters regarding revocation of Latvian citizenship; and 14) the State Social Insurance Agency – in matters regarding recovery of financial resources in the State budget in the part regarding overpayment of social insurance services or State social allowances or disbursement of social insurance services or State social allowances due to road traffic accidents. (2) If a public prosecutor or state or local government institutions or persons who are conferred the right by law, to defend in court other persons' rights and interests protected by law, of other persons in court, withdraws from an application which has been submitted on behalf of another person, but such person demands adjudication of the matter on the merits, the court costs shall be paid in accordance with generally applicable provisions. (3) The parties may also be exempted from payment of court costs to the State in other cases provided for by law. (4) A court or a judge, upon considering the material situation of a natural person, shall exempt him or her partly or fully from payment of court costs into State revenues, as well as postpone payment of court costs adjudged into State revenues, or divide payment thereof into instalments. (5) In claims for dissolution of marriage upon the request of the plaintiff the judge shall postpone payment of State fees or divide payment thereof into instalments if a minor child is in the care of the plaintiff.

**Q12 (General Comment):** The Cabinet of Ministers Regulations No. 1493 “Regulations on the Extent of the State Ensured Legal Aid, the Amount of the Payment Due to the Legal Aid Providers, Reimbursable Expenses and Payment Procedure Thereof” of December 22, 2009 provides for the types and extent of legal aid, the amount of payment to be paid to legal aid providers and the reimbursable expenses arising from the provision of legal aid, as well as the amount and payment procedure thereof. In accordance with this Regulation, the following shall be covered from the funds allocated for the provision of legal aid: certain types of legal aid (for example provision of legal consultations, drafting an appellate complaint, representation at court sittings etc.) in criminal matters, civil matters, administrative matters and cross-border dispute matters, as well as in out-of-court dispute matters. Furthermore, reimbursable expenses (road (transportation) expenses and hotel expenses) shall also be paid from the aforementioned funds.

**Q12 (2016):** Through developing the state ensured legal aid system, the Cabinet of Ministers of the Republic of Latvia has revised amount of the payment due to the legal aid providers for the provision of legal aid, anticipating an annual increase starting with January 1, 2014, January 1, 2015 and July 1, 2016. Moreover additional funds were allocated from the state budget in 2014 to extend the provision of legal aid to the victims (Amendments to the Criminal Procedure Law on May 29, 2014).

**Q12 (2014):** Through developing the State ensured legal aid system, the Latvian Cabinet of Ministers has revised compensation for the provision of legal aid, anticipating an annual increase starting with January 1, 2014 and January 1, 2015. From 1 May, 2015 it has reached the maximum limit.

**Q12-1 (General Comment):** Through developing the state ensured legal aid system, the Cabinet of Ministers of the Republic of Latvia has revised amount of the payment due to the legal aid providers for the provision of legal aid, anticipating an annual increase starting with January 1, 2014, January 1, 2015 and July 1, 2016. Moreover additional funds were allocated from the state budget in 2014 to extend the provision of legal aid to the victims (Amendments to the Criminal Procedure Law on May 29, 2014).

**Q12-1 (2018):** The payments in 2016, 2017 and 2018 were significantly affected by the overall decrease of the number of criminal proceedings and, accordingly, the reduction of the number of criminal proceedings in which was provided the state ensured legal aid. Based on this, the Legal Aid Administration made proposals and the Ministry of Justice drafted legal act's projects that foresee redistribution of funds, including increasing the amount of remuneration for legal aid providers, giving fiscal impact for the coming years. On April 1, 2018 and January 1, 2019, the relevant regulations of the Cabinet of Ministers came into force, which provides increasing the amount of payment for certain types of legal aid and introducing new ones.

**Q12-1 (2017):** We can inform that the payments in 2015, 2016 and 2017 were significantly affected by the overall decrease of the number of criminal proceedings and, accordingly, the reduction of the number of criminal proceedings in which was provided the state ensured legal aid. The number of registered criminal proceedings in the country in 2015 were 47 283, in 2016 - 45 565, in 2017 - 44 250. Based on this, the Legal Aid Administration made proposals and the Ministry of Justice drafted legal act's projects that foresee redistribution of funds, including increasing the amount of remuneration for legal aid providers, giving fiscal impact for the coming years.

**Q12-1 (2016):** The Cabinet of Ministers Regulations No. 1493 “Regulations on the Extent of the state Ensured Legal Aid, the Amount of the Payment Due to the Legal Aid Providers, Reimbursable Expenses and Payment Procedure Thereof” of December 22, 2009 provides for the types and extent of legal aid, the amount of payment to be paid to the legal aid providers and the reimbursable expenses arising from the provision of legal aid, as well as the amount and payment procedure thereof. Through developing the state ensured legal aid system, the Latvian Cabinet of Ministers has revised amount of payment to be paid to the legal aid providers from 1 July, 2016.

**Q12-1 (2015):** The Cabinet of Ministers Regulations No. 1493 “Regulations on the Extent of the state Ensured Legal Aid, the Amount of the Payment Due to the Legal Aid Providers, Reimbursable Expenses and Payment Procedure Thereof” of December 22, 2009 provides for the types and extent of legal aid, the amount of payment to be paid to the legal aid providers and the reimbursable expenses arising from the provision of legal aid, as well as the amount and payment procedure thereof. Through developing the state ensured legal aid system, the Latvian Cabinet of Ministers has revised amount of payment to be paid to the legal aid providers from 1 May, 2015 and 1 July, 2016.

**Q17 (General Comment):** In the Republic of Latvia there is another mechanism – a legal framework that provides for exemptions from payment of court costs granted on the basis of the law by the judge in civil proceedings (Section 43 of the Civil Procedure Law) or by the person directing the proceedings in criminal matters (Criminal Procedure Law). Since 1 January, 2016 for all recipients of the state ensured legal aid in civil cases there is automatically base of exemptions from the payment of court costs. In criminal and administrative cases a legal framework provides for exemptions from the payment of court costs both on the basis of law automatically and the judge or the person directing the proceedings deciding on the person exemption from the payment of court costs.

**Q17 (2017):** Since 1 January, 2016 for all recipients of the state ensured legal aid in civil cases there is automatically base of exemptions from the payment of court costs. In criminal and administrative cases a legal framework provides for exemptions from the payment of court costs both on the basis of law automatically and the judge or the person directing the proceedings deciding on the person exemption from the payment of court costs.

**Q17 (2016):** Since 1 January, 2016 for all recipients of the state ensured legal aid in civil cases there is automatically base of exemptions from the payment of court costs. In criminal and administrative cases a legal framework provides for exemptions from the payment of court costs both on the basis of law automatically and the judge or the person directing the proceedings deciding on the person exemption from the payment of court costs.

**Q18 (General Comment):** In the Republic of Latvia there is another mechanism – a legal framework that provides for exemptions from payment of enforcement of the judgment expenditures on the basis of the law (Section 567 of the Civil Procedure Law). Moreover, in accordance with Section 11 of the Cabinet of Ministers Regulations No 454 of 26 June 2012 “Regulations on the Remuneration Rates of Sworn Bailiffs”, a sworn bailiff has the right to reduce the remuneration fees.

**Q18 (2017):** Answer for Q18 is “No”, but in the Republic of Latvia there is another mechanism how persons receive support at the enforcement of judicial decisions stage – a legal framework that provides for exemptions from the payment of enforcement of the judgment expenditures on the basis of law and in addition sworn bailiffs right to reduce the remuneration fees in another cases.

**Q18 (2016):** Answer for Q18 is “No”, but In the Republic of Latvia there is another mechanism how persons receive support at the enforcement of judicial decisions stage – a legal framework that provides for exemptions from the payment to sworn bailiffs of enforcement of the judgment expenditures on the basis of law and in addition sworn bailiffs right to reduce the remuneration fees in another cases.

**Q19 (General Comment):** In the Republic of Latvia there is another mechanism - a legal framework that provides for exemptions from payment of court costs granted on the basis of the law by the judge in civil proceedings (Section 43 of the Civil Procedure Law). Besides, the Criminal Procedure Law stipulates which costs, for example, conducting of inspections, shall be assumed by the State. The mentioned regulation is applying to court proceedings and exemptions rules in their respect (for example concerning the expertise costs etc).

In addition, according to the State Ensured Legal Aid Law, in cross-borders cases a person has the right to receive the following: 1) services of an interpreter; 2) translation of documents requested by the court or the competent authority and submitted by the recipient of legal aid, which are necessary for adjudication of the matter; 3) payment of expenses related to the attendance at court sittings, if the presence of the person in court is provided for by the law or if the court requests so, deciding that the relevant person cannot be heard in another way (the Legal Aid Administration makes a decision).

In accordance with the Cabinet of Ministers Regulation No 1493 of 22 December 2009 “Regulations Regarding the Amount of State-ensured Legal Aid, the Amount of Payment, Reimbursable Expenses and the Procedures for Payment Thereof”, if legal aid is provided outside the place of practice of the provider of legal aid, his or her travelling (transport) expenses and hotel (accommodation) expenses shall be covered from the State budget. It is relevant for all cases – civil, administrative and criminal. In asylum cases and cases related to foreigners who are obligated to be returned, the responsible institution – the Office of Citizenship and Migration Affairs or the Legal Aid Administration – shall ensure the communication of the applicant for legal aid with the provider of legal aid, which covers costs of the interpretation services.

In questions 16-18 it is indicated that the state provides representation in court and legal advice, but in Latvia it is provided and paid also for preparation of procedural documents in all types of cases and in criminal cases for representation in the pre-trial criminal proceedings.

**Q19 (2017):** We can indicate that additional persons are exempted, for example, from expertise, interpreters and travel expenses (in cross border disputes). If the legal aid is provided outside the place of practice of the provider of legal aid, his or her travelling (transport) expenses and hotel (accommodation) expenses also shall be covered from the State budget. In questions 16-18 it is indicated that the state provides representation in court and legal advice, but in Latvia it is provided and paid also for preparation of procedural documents in all types of cases and in criminal cases for representation in the pre-trial proceedings.

**Q19 (2016):** indicates that additional persons are exempted, for example, from expertise, interpreters and travel expenses. In accordance with the Cabinet of Ministers Regulation No 1493 of 22 December 2009 “Regulations Regarding the Amount of State-ensured Legal Aid, the Amount of Payment, Reimbursable Expenses and the Procedures for Payment Thereof” the State shall pay to the provider of legal aid also for drawing up procedural documents in all kind of legal aid cases and for representation in pre-trial criminal proceedings.

## Lithuania

**Q8 (General Comment):** The Code of Civil Procedure enumerates categories of persons to be exempted from payment of court costs. Different law fields are affected by the regime of exemptions, namely labour, family, criminal, procedural, financial, bankruptcy law and other cases provided for by the law. The court, while taking into consideration the person’s material situation, shall be entitled by means of summary proceedings to release him in part from the payment of the official fee at the request of the person. A petition to release a person in part from the payment of the official fee must be reasoned. Proof confirming the grounds of the request must be annexed to the petition. The court ruling concerning this petition must be reasoned.

**Q8 (2018):** According to Article 83(1) of the Code of Civil Procedure of the Republic of Lithuania, the following shall be released from the payment of the stamp duty (court fee) in cases which are heard by a court:

- 1) employees in cases concerning all claims arising from the legal relationships of employment and consumers in cases concerning unfair terms of consumer contracts;
- 2) plaintiffs in cases concerning the adjudication on maintenance;
- 3) plaintiffs in cases concerning compensation of material and non-material damages, connected with an incident of harm to a person's health, the loss of his life in an accident at work, or a professional illness;
- 4) plaintiffs in cases concerning compensation of material and non-material damages created by criminal act; 5) a prosecutor, State and municipal institutions, other persons when a claim or petition is lodged in order to defend public, State and/or municipal interests in that part of a case, in which it is sought to defend a public, State and/or municipal interest;
- 6) parties in cases concerning damages, which have arisen due to an unlawful conviction, unlawful arrest by the use of custodial measures, unlawful detention, unlawful use of coercion measures, or unlawful imposition of an administrative penalty - arrest, as well as damages, which have arisen due to the unlawful actions of a judge or a court in hearing a civil case;
- 7) parties in cases concerning property loss in connection with political repressions;
- 8) an enterprise (establishment), against which a bankruptcy or restructuring case has been lodged or in which an extrajudicial bankruptcy procedure is being executed, or natural person, against whom the bankruptcy case has been lodged, or other participating persons in a case – for lodging appeals and cassation petitions in these cases; 9) plaintiffs and parties, lodging property claims in bankruptcy or restructuring cases (apart from the situations referred to in Article 80(1)(9) of the Code of Civil Procedure);
- 10) State and municipal institutions (establishments) when lodging claims on the recovery of funds;
- 11) the Bank of Lithuania, the State enterprise Turto Bankas, and the State enterprise State Property Fund;
- 12) spouses when lodging petitions to dissolve a marriage by mutual consent and on petition of one of the spouses;
- 13) applicants when lodging applications by the procedure established in Part V, Chapters XXIX (adoption cases) and XXXIX (cases on courts permissions or confirmation of facts, administration of property, the application of procedures of inheritance and other cases, which are heard by a simplified procedure established by the Civil Code and other law) of the Code of Civil Procedure;
- 14) parties in cases concerning restriction of parental authority, abolition of the restriction of parental authority, separation of the child from the parents (father or mother) or abolition of this separation;
- 15) applicants in cases concerning establishment and abolition of the permanent guardianship or care of a child, the appointment, dismissal or removal from duties of a guardian or carer of a child;
- 16) persons in other circumstances, referred to in the Code of Civil Procedure and other law. Article 83(3) of the Code of Civil Procedure establishes that by means of summary proceedings, taking into consideration the person's material situation, the court can partly release from payment of stamp duty. An application for partial release of the stamp duty shall be reasoned. Proof providing the necessity of release of the stamp duty shall be annexed to the application. The court decision on the application has to be motivated.

In accordance with Article 36 of the Law on Administrative Proceedings of the Republic of Lithuania, the stamp duty shall not be imposed on complaints (applications) related to:

**Q8 (2017):** According to Article 83(1) of the Code of Civil Procedure of the Republic of Lithuania there are 14 subjects to be released from the payment of the stamp duty (court fee) in cases which are heard by a court. For instance:

- 1) employees in cases concerning all claims arising from the legal relationships of employment and consumers in cases concerning unfair terms of consumer contracts;
- 2) plaintiffs in cases concerning compensation of material and non-material damages, connected with an incident of harm to a person's health, the loss of his life in an accident at work, or a professional illness; 3) a prosecutor, State and municipal institutions, other persons when a claim or petition is lodged in order to defend public, State and/or municipal interests in that part of a case, in which it is sought to defend a public, State and/or municipal interest;
- 4) spouses when lodging petitions to dissolve a marriage by mutual consent and on petition of one of the spouses;
- 5) applicants when lodging applications by the procedure established in Part V, Chapters XXIX (adoption cases) and XXXIX (cases on courts permissions or confirmation of facts, administration of property, the application of procedures of inheritance and other cases, which are heard by a simplified procedure established by the Civil Code and other law) of the Code of Civil Procedure; 6) persons in other circumstances, referred to in the Code of Civil Procedure and other law. Article 83(3) of the Code of Civil Procedure establishes that by means of summary proceedings, taking into consideration the person's material situation, the court can partly release from payment of stamp duty. An application for partial release of the stamp duty shall be reasoned. Proof providing the necessity of release of the stamp duty shall be annexed to the application. The court decision on the application has to be motivated.

**Q8 (2016):** According to Article 83(1) of the Code of Civil Procedure of the Republic of Lithuania there are 14 subjects to be released from the payment of the stamp duty (court fee) in cases which are heard by a court. For instance:

- 1) employees in cases concerning all claims arising from the legal relationships of employment and consumers in cases concerning unfair terms of consumer contracts;
- 2) plaintiffs in cases concerning compensation of material and non-material damages, connected with an incident of harm to a person's health, the loss of his life in an accident at work, or a professional illness;
- 3) a prosecutor, State and municipal institutions, other persons when a claim or petition is lodged in order to defend public, State and/or municipal interests in that part of a case, in which it is sought to defend a public, State and/or municipal interest;
- 4) spouses when lodging petitions to dissolve a marriage by mutual consent and on petition of one of the spouses;
- 5) applicants when lodging applications by the procedure established in Part V, Chapters XXIX (adoption cases) and XXXIX (cases on courts permissions or confirmation of facts, administration of property, the application of procedures of inheritance and other cases, which are heard by a simplified procedure established by the Civil Code and other law) of the Code of Civil Procedure;
- 6) persons in other circumstances, referred to in the Code of Civil Procedure and other law.

Article 83(3) of the Code of Civil Procedure establishes that by means of summary proceedings, taking into consideration the person's material situation, the court can partly release from payment of stamp duty. An application for partial release of the stamp duty shall be reasoned. Proof providing the necessity of release of the stamp duty shall be annexed to the application. The court decision on the application has to be motivated.

**Q12 (General Comment):** In Lithuania, two types of legal aid are ensured. On the one hand, primary legal aid comprises the delivering of legal information, legal advice (consultations), drafting of documents to be submitted to State and municipal institutions, with the exception of procedural documents, advice on out-of-court settlement of a dispute, actions for amicable settlement of a dispute and drafting of a settlement agreement.

On the other hand, secondary legal aid comprises preparation of documents, defence and representation in courts, including the process of enforcement, representation in preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision (e.g. settlement of a dispute in the Labour disputes commission).

**Q12 (2017):** Different types of legal aid are available in Lithuania. Primary legal aid comprises the delivering of legal information, legal advice (consultations), drafting of documents to be submitted to State and municipal institutions, with the exception of procedural documents, advice on out-of-court settlement of a dispute, actions for amicable settlement of a dispute and drafting of a settlement agreement.

Secondary legal aid comprises preparation of documents, defence and representation in courts, including the process of enforcement, representation in preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision (e.g. settlement of a dispute in the Labour disputes commission).

Extrajudicial conciliatory mediation is a procedure of dispute resolution in which one or several mediators assist parties in reaching a conciliation agreement.

**Q12 (2014):** In the ambit of the 2014 evaluation, it has been explained that within the approved public budget for legal aid (5900767,4 EUR), 560753,59 EUR concern primary legal aid and 5340013,9 EUR concern secondary legal aid.

The implemented public budget in 2014 is 5 43013,22 EUR for primary legal aid and 5340013,9 EUR for secondary legal aid.

It should be noticed that 17740,39 EUR of funds allocated to primary legal aid remained unused and were returned to the State budget.

The approved and the implemented public budget for secondary legal aid comprise remuneration for lawyers and, in contrast with 2012 and akin to 2013, other secondary legal aid costs. In 2014, 1985027 EUR were paid to lawyers providing legal aid in criminal cases and 1583728,53 EUR were paid to lawyers providing legal aid in civil and administrative cases.

**Q12 (2013):** In the frame of the 2013 exercise, it has been indicated that the annual approved public budget for primary legal aid was 519 868 EUR and this for secondary legal aid was 4 041 358 EUR. Besides, the approved public budget for secondary legal aid comprises remuneration for lawyers and, in contrast with 2012, other secondary legal aid costs.

**Q12 (2012):** In the ambit of the 2012 evaluation cycle, it has been indicated that the total encompasses the budget of both primary (513 681,15 €) and secondary legal aid (4 030 144,9 €). The budget of secondary legal aid includes the remuneration for lawyers and excludes other State-guaranteed legal aid expenses (e.g. costs related to collection of evidence, interpretation etc.). Moreover, according to the types of cases, information about the amounts paid for lawyers who provide secondary legal aid has been provided: in civil and administrative cases – 1 350 333,83 €, in criminal cases – 1 955 879,07 €.

**Q12 (2010):** In the frame of the 2010 exercise, it has been explained that the decrease in the budget allocated to legal aid is due to the general budgetary cuts.

**Q12-1 (2018):** Approved public budget for legal aid was € 6224861 (€ 520865 for primary legal aid (the provision of legal information, legal advice and drafting of the documents to be submitted to state and municipal institutions, with the exception of procedural documents) and € 5703996 for secondary legal aid (drafting of documents, defence and representation). Implemented public budget in 2018 was € 6220085 as €4776 of funds allocated to primary legal aid were unused and given back to the state budget.

**Q12-1 (2017):** If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences:

Approved public budget for legal aid in 2017 was € 6203031 (€ 564567 for primary legal aid and € 5638464 for secondary legal aid). Implemented public budget in 2017 was € 5994497. € 208534 were unused and returned to the state budget. The budget is not divided into categories "brought to court" or "not brought to court".

**Q12-1 (2016):** Approved public budget for legal aid was € 5500227 (€ 563000 for primary legal aid and € 4937227 for secondary legal aid). Implemented public budget in 2016 was € 5494755 as €5472 of funds allocated to primary legal aid were unused and given back to the state budget.

**Q12-1 (2015):** Approved public budget for legal aid was 5 925 285 € (562 356 € for primary legal aid and 5 362 929 € for secondary legal aid). Implemented public budget in 2015 was 5 917 807,4 € (554 878,4 € for primary legal aid and 5 362 929 € for secondary legal aid). 7 477,6 € of funds allocated to primary legal aid were unused and returned to the state budget.

**Q17 (General Comment):** According to the Law on State-Guaranteed Legal Aid, persons eligible for secondary legal aid in civil and administrative proceedings as well as for civil actions brought in criminal cases, shall be exempt from the court fees, other litigation costs and the costs of the proceedings.

**Q18 (General Comment):** Secondary legal aid covers costs of the execution process. The State-guaranteed legal aid shall not cover costs incurred by the debtor in the execution process.

**Q19 (General Comment):** The costs of secondary legal aid from which the applicant shall be exempted are: litigation costs incurred in civil and administrative proceedings, the costs related to the hearing of a civil action brought in a criminal matter, the costs related to defence and representation in court (including the appeal and cassation proceedings, irrespective of the initiator), as well as the costs of the execution process, the costs related to the drafting of procedural documents and collection of evidence, interpretation, representation in the event of preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision (Article 14, part 2 of the Law on Legal Aid).

The costs of State-guaranteed legal aid shall also cover the costs of interpretation of communications between the lawyer and the applicant where, in the cases provided for in treaties of the Republic of Lithuania, it is impossible to ensure that a person providing State-guaranteed legal aid communicates with the applicant in the language which the latter understands (Article 14, part 10 of the Law on Legal Aid).

Where the physical presence of an applicant is required by the law or by the court, the travel costs to be borne by the applicant shall be borne by the State-guarantee legal aid services from the State budget funds allocated for that purpose (Article 20, part 2 of the Law on Legal Aid).

## Luxembourg

**Q8 (General Comment):** It is not necessary to pay a tax or fees to start a proceeding before an ordinary court. It may be, however, that one of the parties be ordered to pay the costs and expenses but the amount of this sentence is very low (a few euros).

**Q12 (2018):** The number of people seeking legal aid has increased over the years and the budget has had to be adapted.

**Q12 (2017):** The implementation of the so called ABC directives on procedural rights made an increase of the legal aid budget necessary.

The budget allocated to legal aid covers legal aid for all matters (criminal or not) and types of cases (litigious or not). However, the budget does not distinguish a precise amount of legal aid available depending on the law field or the type of case.

**Q12 (2016):** There is no isolated budget for non-litigious cases or criminal cases.

**Q12 (2012):** It is not possible to differentiate the amount of legal aid allocated to criminal and non-criminal cases, whether they are contentious or not.

**Q12-1 (2018):** The budget allocated for legal aid covers legal aid for all matters (criminal or otherwise) and types of cases (contentious or not). On the other hand, the budget does not distinguish the precise amount of available legal aid by subject or type of case.

**Q12-1 (2017):** The budget allocated to legal aid covers legal aid for all matters (criminal or not) and types of cases (litigious or not). However, the budget does not distinguish a precise amount of legal aid available depending on the law field or the type of case.

**Q12-1 (2016):** The bill containing the implemented budget of 2016 has not been approved yet.

**Q17 (2017):** There are no court fees in Luxembourg.

**Q17 (2016):** There is no exemption from legal fees.

**Q17 (2015):** There are no court fees.

**Q17 (2012):** Legal aid covers all costs pertaining to proceedings, procedures or actions for which it is granted, namely: stamp and registration duties; court fees; lawyers' fees; bailiffs' fees; notaries' fees; expenses for technical staff; witness fees; translators and interpreters' fees; costs of custom certificates; travelling expenses; expenses related to registration, mortgage and pledge, etc.

**Q18 (2018):** An enforcement agent may be required to have a judicial decision executed.

**Q18 (2017):** An enforcement agent can be mandatory to get a judicial decision executed.

## Malta

**Q8 (General Comment):** If a litigant is granted legal aid, he/she is exempted from paying court fees or taxes which are borne by the Government. There are no such taxes or fees in relation to criminal cases.

**Q8 (2017):** If a litigant is granted legal aid, he/she is exempted from paying court fees or taxes which are borne by the Government. There are no such taxes or fees in relation to criminal cases.

**Q8 (2016):** NAP

**Q12 (2018):** The communicated data represents the full amount allocated to the Legal Aid Agency for its operation. However it is not possible to distinguish between the budget allocated to criminal cases, and that allocated to other than criminal cases. There has been an increase in the approved budget since 2015 when the Legal Aid Agency became an independently functioning Agency. Since 2017, not only has there been a recruitment drive in the Agency that now employs more lawyers and an administrative structure, but the conditions and financial package of the lawyers was also improved. Hence the increase in the budget year after year. The Legal Aid Agency is set to expand and therefore further increases in the Agency's budget are expected.

**Q12 (2017):** The Legal Aid budget does not differentiate between the services offered for criminal cases or the services offered for non-criminal cases. However Legal Aid in Malta is offered mainly for litigation purposes, and not for consultation, and hence the NAP response to question 12.2. In 2017, the government invested more in the Legal Aid Agency. The increase in the legal aid budget is due to the fact that all the lawyers working at the Legal Aid Agency were given an honoraria.

**Q12 (2016):** The Legal Aid budget does not differentiate between the services offered for criminal cases or the services offered for non-criminal cases. However Legal Aid in Malta is offered mainly for litigation purposes, and not for consultation, and hence the NAP response to question 12.2. 2016 was the first year in which the legal Aid Agency had a budget of its' own. The actual financial requirements needed to run the Agency.

**Q12 (2012):** In contrast with the 2010 exercise for which the provided figures were more generic, data communicated for 2012 are more accurate.

**Q12 (2010):** In 2010, funds were allocated in a different manner compared to the previous exercise. Basically, in 2008, a part of the legal aid funding was catered for by a different Ministry and such data was not then available.

**Q12-1 (2018):** The implemented budget did not reach the projections of the approved budget. This was mainly due to the fact that allowance was made for the possible recruitment of more lawyers and their cost in wages, but these lawyers were either employed late in the year, or less lawyers were actually recruited than projected.

**Q12-1 (2017):** The increase in the Implemented Budget over the Approved Budget is the result of an increase in the honoraria of Legal Aid lawyers that was given in 2017 to all the lawyers working at the Legal Aid Agency.

**Q12-1 (2016):** The difference between the approved budget and the implemented budget for the Legal Aid Agency results from additional funds requested in 2016 in order to cover the increase in the honoraria of the lawyers and legal procurators offering their services to the Agency (also see answer to Q208)

It is possible that there will be an additional increase in the budget in the forthcoming evaluations.

It is not possible to differentiate between the budget allocated to criminal and 'other than criminal cases' and that is why it is marked as NAP (There are no means to distinguish between the two).

**Q12-1 (2015):** Up to 2015, the funds allocated to Legal Aid were not itemised separately from the budget of the Office of the Attorney General. Therefore whilst there was no approved a priori Legal Aid budget, any related costs were borne out of the budget of the Office of the Attorney General. The cost of Legal Aid throughout 2015 is the amount outlined in Question 12.1, and it does not discriminate on whether the funds were used for other-than-criminal or criminal cases.

**Q16 (2017):** Despite the fact that our current legal aid system does not provide for clients to use the service specifically for legal advice without the requirement of representation in court, in actual practice clients using the services of the Agency are still voluntarily provided with legal advice when solicited.

**Q16 (2014):** In 2014, Malta implemented a major reform in the provision of Legal Aid, by establishing it as an Agency in its own right, with its own budget and management structure (Legal Notice 414 of 2014 (subsidiary legislation 497.11)). Prior to this, legal aid was another function falling within the remit of the office of the Attorney general. Currently, the Agency is in its initial stage to establish its organisation and procedures and in the coming weeks the Minister for Justice will be signing another Legal Notice. Thereafter, discussions will ensue with the Minister and the Legal Aid Advocate to find best practices for the Agency to function better and elevate it to a professional level compared with other European countries within the limits of government funds.

**Q17 (General Comment):** All court related fees are borne by the Government.

**Q17 (2018):** Litigants benefitting from Legal Aid are exempt from court fees.

**Q17 (2017):** Litigants benefitting from Legal Aid are exempt from court fees. All court related fees are borne by the Government, except in certain specific cases that are presently being debated in light of the services offered by the Agency.

**Q17 (2016):** Litigants benefitting from Legal Aid are exempt from Court Fees.

**Q18 (General Comment):** The legal aid lawyer will see to the merits of the case till it is totally finalized.

**Q18 (2018):** Eligible candidates can enforce foreign judgements in Malta through legal aid as long as the procedure is carried out through court representation.

**Q18 (2017):** Eligible candidates can enforce foreign judgements in Malta through Legal Aid as long as the procedure is carried out through court representation.

**Q18 (2016):** Eligible candidates can enforce foreign judgements in Malta through legal aid as long as the procedure is carried out through court representation.

## Netherlands

**Q8 (General Comment):** A court fee is required in Administrative Law and Civil Law procedures. Only in insolvency cases, child care cases, psychiatric patient cases and asylum cases one does not have to pay a court tax or fee. There are no other exceptions.

**Q8 (2017):** "A court fee is required in Administrative Law en Civil Law procedures. Only in insolvency cases, child care cases, psychiatric patient cases and asylum cases people do not have to pay a court tax or fee. "

**Q8 (2016):** "A court fee is required in Administrative Law en Civil Law procedures. Only in insolvency cases, child care cases, psychiatric patient cases and asylum cases people do not have to pay a court tax or fee. "

**Q12 (General Comment):** The Dutch legal aid system encompasses three 'lines' that provide legal aid and constitutes a mixed model consisting of a public preliminary provision, public first-line and private second-line help. o Firstly, the preliminary provision of the interactive online application called Roadmap to Justice offers digital help to people to find solutions for their legal problems in an interactive manner, initially in the area of divorce. This online platform provides information, objective criteria and self-help tools. With the aid of a reviewer the agreements can be finalized in a divorce settlement. In the near future, after-care will also be possible. The Legal Services Counters also have a website that can be seen as a preliminary provision. o Secondly, the Legal Services Counters (LSC) who are financed by the Legal Aid Board, act as what is commonly known as the 'front office' (primary help). Legal matters are being clarified to clients and information and advice given. If necessary, clients will be referred to other professionals or support agencies. Clients may also be referred to a private lawyer or mediator who acts as the secondary line of legal aid. Clients may also apply for legal aid from a subsidised lawyer or mediator directly. o Finally, private lawyers and mediators provide legal aid in more complicated or time-consuming matters (secondary help). They are paid by the Legal Aid Board to provide their services to clients of limited means. Generally they are paid a fixed fee according to the type of case, although exceptions can be made for more extensive cases. Since 2010 it is possible to get subsidized legal aid for criminal cases that do not go to court. However, for subsidized legal aid in criminal cases it is not possible to make the distinction between "cases brought to court" and "non-litigious cases". Until 2013 the number of non-litigious criminal cases was negligible. So they were ignored. On the contrary, currently the number of cases is growing and becoming substantial. So they can no longer be ignored, but the actual figures are not available. It is noteworthy that subsidized legal aid has an open end funding, meaning that all applications that meet the criteria are awarded, regardless of the original budget. Accordingly, the difference between the proposed budget and the implemented one could be contentious. For example, in 2015, the Council for legal aid applied to the Ministry of Security and Justice with a claim for about 25000000 euros.

Figures communicated for the previous evaluation cycles reflect the implemented budget.

The budget intended to the Legal Counters (one of the providers of primary legal aid) is not included.

**Q12 (2017):** At this moment, it is not possible to divide the total amount of cases in all three categories into cases brought to court and non-litigious cases or cases not brought to court. The data does not provide this subcategory due to issues with defining the concept 'brought to court'. In all types of cases, criminal or otherwise, it is possible that there is a verdict or decision without the involvement from a judge or without it being brought to court. The total amount of cases is 424.870, of which 120.882 were criminal cases and 303.988 were other than criminal cases.

**Q12 (2014):** On the occasion of the 2014 evaluation, it has been explained that the ongoing decrease over the period 2012-2014 concerning the annual approved public budget allocated to legal aid for other than criminal cases brought to court might be due to shortening in budget. The State Secretary for Security and Justice developed a policy intended to result in structural savings of 85 million euros annually. On February 1st 2015, the following measures took effect: temporary elimination of annual indexation with respect to the lawyers' fees and the client contribution; reassessment of a fixed number of paid working hours for specific parts of the criminal process and limitation of the legal aid commissioned by the court if the custody is suspended immediately after it is ordered; reduction of the hourly legal aid rate; reduction of lawyer's fee in time consuming cases. Other proposed cutbacks have been suspended because the Senate filed a number of motions in the beginning of 2015. A special commission is established that will issue an opinion after extensive research.

**Q12 (2013):** In 2013, the indicated amount does not include expenditures related to detention of illegal aliens, forced hospitalization by psychiatric problems, divorce and legal guardianship of children.



**Q12-1 (2017):** At this moment, it is not possible to divide the total amount of cases in all three categories into cases brought to court and non-litigious cases or cases not brought to court. The data does not provide this subcategory due to issues with defining the concept 'brought to court'. In all types of cases, criminal or otherwise, it is possible that there is a verdict or decision without the involvement from a judge or without it being brought to court. The total amount of cases is 415.618, of which 119.327 were criminal cases and 296.291 were other than criminal cases.

**Q17 (General Comment):** The court fees are lower for litigants with low incomes. However this is not a part of the legal aid budget.

Only a part of the court fee has to be paid when legal aid is provided.

**Q18 (General Comment):** It is noteworthy that the court fees are lower in respect of litigants with lower incomes.

**Q18 (2018):** Article 12, criminal law on prosecution (wetboek van strafvordering)

**Q18 (2017):** Article 12, criminal law on prosecution (wetboek van strafvordering)

**Q19 (General Comment):** Legal aid can also be granted for the following costs: travel costs, interpreter and translation costs, administrative costs, medical expert costs in injury cases for which a special regulation exists.

**Q19 (2018):** Legal aid can also be granted for the following costs: travel costs, interpreter and translation costs, administrative costs, special regulation for medical expert costs in injury cases.

**Q19 (2010):** In the ambit of the 2010 exercise, it has been indicated that the defense may ask for advice or second opinion from experts. The costs of these operations are borne by the State. However, these costs do not make part of the legal aid.

## Poland

**Q8 (General Comment):** The general rule implies that a litigant must pay an initial fee. There are two kinds of exceptions. Firstly, there are categories of cases (mainly employment and child support) for which there is no initial fee. Secondly, litigants can be granted exemption from paying court fees after having filled a motion in this respect. Also public benefit organizations operating on the basis of public benefit and voluntary work regulations are not obliged to pay fees, with the exception of matters relating to the economic activity conducted by these organizations, in matters related to the implementation of a public task commissioned on the basis of public benefit and voluntary work regulations. Other social organizations whose task does not consist in running a business, may be granted exemption from court costs by the court in their own cases conducted in connection with social, scientific, educational, cultural, sport, charity, self-help, consumer protection, environmental protection and social welfare. While granting exemption from court costs, the court takes into account primarily the statutory objectives of the organization's activities and the possibilities and needs to achieve these objectives through civil proceedings.

**Q8 (2018):** The fee of PLN 300 is paid by the party initiating the case with the guilt of private prosecution (of the prosecuted cases in the Penal Code) and the subsidiary subsidy (all prosecutions for public prosecution, in cases when, after fulfilling the criminal proceedings specified in the Code of Criminal Procedure) premises, the prosecutor did not decide to accuse); the fee is paid by the aggrieved party.

In civil proceedings, numerous exceptions are regulated in Title IV of the Act of 28 July 2005 on court costs in civil matters regarding exemptions from court costs. A party may be exempted from court costs if he or she makes a declaration from which it appears that it is unable to bear them without compromising the maintenance necessary for himself and his family.

**Q8 (2017):** In civil proceeding, amount of fees are regulated by Act of 28 July 2005 on Court Costs in Civil Cases. Under this Act, there are three types of court fees: a relative fee, a fixed fee and a basic fee. The relative fee applies to property rights cases and amounts to 5% of the value of the subject of the dispute, however, not less than PLN 30 and not more than PLN 100,000. On the other hand, fixed fees are, in principle, applicable to non-proprietary rights and certain property law matters specified in the Act. The fixed fee is the same regardless of the value of the subject of the dispute or the value of the subject of the appeal, but it can not be lower than PLN 30. and more than PLN 5,000. The basic fee, which is PLN 30, is collected in cases in which the provisions do not provide for a fixed, relative or temporary fee. Other court fees in civil proceedings are so-called office fees related to the court's technical activities.

In criminal cases, if prosecutor does not bring an accusation, court fee in amount of 300 PLN is paid by entity who is initiating a criminal proceeding (cases from a private or subsidiary prosecution).

**Q12 (2017):** In 2016 annual approved public budget allocated to legal aid was higher due to predicted costs of implementing changes in Code of Criminal Procedure. In fact mentioned costs were lower than expected so in 2017 the decision was made to approve public budget allocated to legal aid proportionately lower. Total Annual approved public budget allocated to legal aid (12.1 + 12.2) only for civil cases: 12006000 €. Legal aid can be given also in other cases e.g.: administrative cases, labour cases, tax cases, family law cases.

Category 12.2 does not equals 0, so we indicate NA for totals.

**Q12 (2016):** In 2016 the costs of implementing changes in the Code of Criminal Procedure in the field of free legal aid granted ex officio were higher than in 2014 but they were not fully used. For that reason we see increase in the amount of approved budgets for legal aid but in fact the implemented legal aid is on the same level as 2014.

**Q12-1 (2017):** Legal aid granted ex officio is financed from two different budgetary sections. One section is related to common courts but second part is connected with voivodes budgets. Financial means designated for realization objectives of free legal aid and legal education were planned in the Budget Act for 2017 in amount of 22891000 €. Total expenses on mentioned objectives was 22726000 €, which pose 99.27% of the plan.

We indicate that annual implemented public budget allocated to legal aid depends on the number of incoming cases and number of beneficiary of legal aid. Expenditure for legal aid does not depend on the financial court activity. Category 12-1.2 does not equals 0, so we indicate NA for totals.

**Q12-1 (2016):** In 2016 the costs of implementing changes in the Code of Criminal Procedure in the field of free legal aid granted ex officio were lower than expected . The amount of funds disbursed by the courts for defense is directly attributable to the number of incoming cases and the number of beneficiaries of unpaid legal aid granted ex officio, therefore implementation of the plan in this group of expenses during the financial year is independent of the activities of the financial services of individual courts.

**Q16 (2016):** Regulations of the act on free legal aid and legal advise were implemented starting 1 January 2016 with some exceptions which were implemented starting 31 August 2015.

**Q17 (General Comment):** It is possible to be exonerated from court fees by a court decision in cases that require courts' action within execution or enforcement proceedings.

In civil proceedings, a natural person may be exempted from court costs if he makes a declaration showing that he is unable to pay them without prejudice to the maintenance necessary for himself and the family. The application for exemption from court costs should be accompanied by a declaration including detailed data on the family status, property, income and sources of income of the person applying for the exemption from costs. The statement is made according to the established formula. The court may collect a promise from a person seeking an exemption from court fees (Article 102 of the Act on court costs in civil cases). The court may grant exemption from court costs for a legal person or organizational unit that is not a legal person, which the law grants legal capacity, if it showed that there are insufficient funds to pay it.

In criminal proceedings, the court may dismiss the accused or the auxiliary prosecutor in whole or in part from payment of court costs to the State Treasury if there are grounds to consider that it would be too burdensome for them to pay due to family, property and income, as well as when it is justified (Article 624 § 1 of the Code of Criminal Procedure).

**Q17 (2017):** Anyone who is unable to pay court fees without prejudice to the maintenance of himself and his family is entitled to exemption from such fees.

The application and the material situation must be sustained.

**Q17 (2016):** Anyone who is unable to pay court fees without prejudice to the maintenance of himself and his family is entitled to exemption from such fees.

The application and the material situation must be sustained.

**Q18 (General Comment):** Legal aid covers costs related to the enforcement agents' fees and actions.

**Q18 (2018):** The exemption from court costs granted to the party by the court in the exploratory proceeding or from which the party uses the power of the act extends also to enforcement proceedings (Article 771 of the Code of Civil Procedure). In addition, applications: for exemption from court costs and for the appointment of an attorney - an attorney or legal counsel ex officio may also be submitted during enforcement proceedings.

**Q18 (2017):** The cost are connected to the enforcement agent fees and actions.

**Q18 (2016):** The cost are connected to the enforcement agent fees and actions.

**Q19 (General Comment):** In civil proceedings, exemption from court costs may relate to fees and expenses. Expenses include in particular: travel costs of a party who is exempt from court costs related to a personal appearance ordered by a court; reimbursement of travel and accommodation costs as well as lost earnings or witness income; remuneration and reimbursement of costs incurred by experts, translators and probation officers established for a party in a given case; lump-sum costs of taking evidence from the opinion-giving opinion of a team of court specialists; remuneration due to other persons or institutions and reimbursement of costs incurred by them; costs of carrying out other evidence; the costs of transporting animals and goods, keeping them or storing them; advertising costs; costs of detention and custody; lump sums due to probation officers for conducting environmental interviews in cases of: annulment of marriage, for divorce and separation, as well as for participation in parents' contacts with children determined by the court; the cost of issuing a certificate by a forensic doctor; the cost of mediation conducted as a result of referral by the court.

In criminal proceedings, unless the Code of Criminal Procedure stipulates otherwise, all expenses are temporarily lectured by the State Treasury.

If a party to a notary's activity is not able to incur the remuneration required by a notary public for its own and for the family, it may apply to the district court competent for its place of residence to release in full or in part from this remuneration. This provision shall apply accordingly to a legal person that proves that he has insufficient funds to incur the remuneration demanded by a notary public.

The court, after determining that there is a need to perform a notarial act, takes into account the application and appoints a notary to perform the requested notarial activity (Article 6 of the Act of 14 February 1991 on Notary Public Rights).

**Q19 (2017):** Expert fees and travel cost reimbursement.

**Q19 (2016):** Expert fees and travel cost reimbursement.

## Portugal

**Q8 (2017):** The Regulation of Procedural Costs enumerates different categories of persons (natural or legal entities; State authorities; political parties; foundations; associations; individuals; minors; public servants in the exercise of their functions etc.) exempt from costs. The main law fields concerned by the regime of exemptions are: constitutional law in terms of fundamental rights protection; labour law; criminal procedural law; insolvency law; tax justice etc. The following are also exempt: mandatory pension redemptions; urgent administrative proceedings related to some electoral processes; all processes that run before the Court of Execution of Punishment (Tribunal de Execução de Penas), where the prisoner is in a situation of economic failure; in the procedures concerning the liquidation and partition of assets belonging to social welfare institutions and to syndicate bodies; children proceedings, such as guardianship, adoption and others; inventory proceedings initiated under Law 29/2009 of 29 June.

**Q12 (2018):** In 2016, in fact, the amounts of budget allocated to legal aid considered in the approved budget were lower than in 2018. However, in 2016 the execution amount was very much in line with the approved budget and the amount implemented in 2018.

**Q12 (2017):** The approved budget allocated to legal aid for 2017 was closer to the value of the implemented budget allocated to legal aid in 2016.

**Q12 (2014):** The decrease in the approved budget allocated to legal aid between 2012 and 2014 can be explained by the current economic and financial situation that led to budget limitations. However, it should be stressed that in the past years, the approved budget allocated to legal aid has been revised and increased on the course of the year. In fact, legal aid expenses have not decreased, quite the opposite, if one checks the implemented budget.

For 2014, the implemented public budget regarding legal aid differs from the annual approved budget allocated to legal aid because the latter was in deficit regarding the needs of the year. Therefore it was necessary to strengthen an endowment by the Ministry of Finance.

**Q12 (2013):** The decrease of the budget of legal aid in 2013 has been justified by the financial constraints faced by the Portuguese government in the past years.

**Q12 (2010):** In the frame of the 2010 exercise, two main reasons have been pointed out in respect of the increase of the budget of legal aid between 2008 and 2010. Firstly, the amendments to the existing legislation granted a greater effectiveness to the fundamental right of access to the law and to the courts which resulted in a very marked increase in the granting of legal protection. Secondly, the elimination of the discretionary nature of setting fees, the table being set in the maximum amounts, and the fact that the service was no longer provided by trainee lawyers, who had a reduction in their salary, also contributed to the increased amounts budgeted.

**Q12-1 (2015):** The public budget implemented regarding legal aid is different from the annual approved budget allocated to legal aid because the annual approved budget was in deficit regarding the needs of the year, therefore it was necessary to strengthen an endowment by the Ministry of Finance

**Q17 (General Comment):** The Portuguese law provides for the total or partial exemption from court fees and other expenses related to the case.

Namely, legal aid, includes: - Total or partial exemption from court fees and other charges relating to the proceedings; - Deferment of payment of court fees and other charges relating to the proceedings; - Appointment and payment of the legal representative's fees, or alternatively, payment of fees to the legal representative chosen by the applicant.

**Q18 (General Comment):** The Portuguese law foresees the total or partial exemption from court fees and other expenses related to the case, such as fees for the enforcement of judicial decisions.

**Q19 (General Comment):** The Portuguese law provides for the total or partial exemption from court fees and other expenses related to the case.

**Q19 (2018):** Legal aid may also include fees of technical advisors or experts, costs of other legal professionals (notaries) and travel costs. In addition, all applications, certificates and any other documents requested for legal protection purposes are exempt from taxes, fees and charges.

## Romania

**Q8 (General Comment):** Government Emergency Ordinance no. 80/2013 on the judicial fees provides for the exceptions in cases regarding: a. payment of pensions and other social rights b. determination and payment of unemployment benefits, professional integration aid and support allowance, social assistance, the state allowance for children, the rights of persons with disabilities and other forms of social protection provided by law; c. legal and contractual maintenance obligations, including actions for nullity, annulment, termination of maintenance; d. establishment and granting of damages resulting from illegal conviction or illegal preventive measures; e. adoption, protection of minors, trusteeship, guardianship, judicial interdiction, assistance of people with mental disorders and the exercise by the guardianship authority of its duties; f. protection of consumer rights when individuals and consumer associations bring claims against economic operators that damaged the legitimate rights and interests of consumers; g. enforcement/exploitation of National Red Cross Society rights; h. voting rights; i. criminal cases, including civil compensation for material and moral damages arising therefrom; j. establishment and granting of civil damages for alleged violations of the rights provided for in art. 2 and 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by Law no. 30/1994, as amended; k. alleged legitimate rights and interests of former prisoners and persecuted for political reasons during the Communist regime in Romania; l. any other actions, claims or proceedings which are provided by special laws, judicial stamp duty exemptions.

The following are also exempt from judicial stamp duties:

- Claims, actions and appeals of the prefect or mayor to annul the legal acts made or issued by breaching Land Law no. 18/1991, republished, as amended and supplemented are also.
- applications for dissolution of companies regulated by Law no. 31/1990, republished, as amended and supplemented, and economic interest groups, if introduced by the National Trade Register Office;

Actions and claims of civil servants and public servants with special status are assimilated to labor disputes as far as judicial stamp duties are concerned.

The copy of documents submitted to the court, if copying services are not performed by the court but by private providers operating in courthouses are free of charge.

**Q12 (General Comment):** Despite the reply NA in respect of the category “budget allocated to legal aid for non-litigious cases”, the indicated totals are correct. In fact, the budget of this item is included in the budget concerning “other than criminal law cases”. There is no separate budget classification for the moment with regard to litigious and non-litigious matters. Expenditure on legal aid covers costs incurred for beneficiaries’ justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

As a general remark, it is worth emphasizing that since 2008 the approved budget for legal aid has recorded an ascendant trend.

**Q12 (2016):** Expenditure on legal aid covers costs incurred for beneficiaries’ justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

**Q12-1 (2016):** Despite the reply NA in respect of the category 12.2, the indicated totals are correct. In fact, the budget of this item is included in the budget concerning “other than criminal law cases”. There is no separate budget classification for the moment with regard to litigious and non-litigious matters. Expenditure on legal aid covers costs incurred for beneficiaries’ justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

**Q17 (General Comment):** According to Article 6 letter d) of the Government Emergency Ordinance 51/2008, legal aid can also be granted as waivers, discounts, time schedules or delays at the payment of the stamp duties stipulated by law, inclusively of those owed in the enforcement phase.

**Q18 (General Comment):** In the light of the explanation provided in respect of question 17, for the enforcement phase, legal aid may be granted as facilities at the payment of judicial duties. Moreover, according to Article 6 letter c) of the Government Emergency Ordinance 51/2008, it can also be the payment of the bailiff’s fee.

**Q18 (2017):** According to the definition at question 17, for the enforcement phase, legal aid may be granted as facilities at the payment of judicial duties, but, according to Article 6 letter c) of GEO no. 51/2008, it can also be the payment of the bailiff’s fee.

**Q18 (2016):** According to the definition at question 17, for the enforcement phase, legal aid may be granted as facilities at the payment of judicial duties, but, according to Article 6 letter c) of GEO no. 51/2008, it can also be the payment of the bailiff’s fee.

**Q19 (General Comment):** According to Article 6 letter b) of the Government Emergency Ordinance 51/2008, public aid may also cover costs of the expert, translator or interpreter services during the trial, with the consent of the court or of the jurisdictional authority, if this payment is the obligation of the one requiring judicial public aid, according to law.

**Q19 (2017):** According to the Article 6 letter b) GEO no. 51/2008, public aid may be also the payment of the expert, translator or interpreter used during the trial, with the consent of the court or of the jurisdictional authority, if this payment is the obligation of the one requiring judicial public aid, according to the law.

**Q19 (2016):** According to the Article 6 letter b) GEO no. 51/2008, public aid may be also the payment of the expert, translator or interpreter used during the trial, with the consent of the court or of the jurisdictional authority, if this payment is the obligation of the one requiring judicial public aid, according to the law.

## Slovakia

**Q8 (2018):** There is a general rule that the plaintiff is obliged to pay a court fee to commence the civil proceedings. The Act on the Court fees (No. 71/1992 Coll.) provides for the exceptions to the general obligation to pay the court fee. The law stipulates the exhaustive list of the subjects who as a litigants are not obliged to pay the court fee (e.g. the state, prosecutor, foundations, consumers in disputes arisen from consumer contracts etc.) as well as the list of specific types of court proceedings wholly exempted from the court fees (e. g. the proceedings on guardianship and trusteeship, the maintenance proceedings, etc.). Except for the situations stipulated in the Act on the court fees, in the civil procedure the court is entitled to grant the exoneration from

the court fees in consideration the social and economical circumstances of the litigant.

**Q12 (General Comment):** In Slovak republic, the legal aid is financed by two different sources which are: 1. the budget of the Legal Aid Centre and 2. the

budget allocated to courts. The sum stated in the table represents exclusively the approved budget of the Legal Aid Centre which is the institution granting legal aid to persons in material need in all types of legal disputes except for criminal cases. As regards the criminal cases, the costs for legal aid represents the fees for counsels appointed by the court "ex officio" to defendants in case of compulsory defense. These costs are not predetermined in the budget of courts and they are paid continuously from the budget allocated to the functioning of the courts and therefore cannot be separated.

**Q12 (2018):** The provided sum represents solely the budget of the Legal Aid Center. Its budget has increased significantly compared to previous years mainly in connection with the amendment to Act on Bankruptcy and Restructuring as of 1 March 2017 which introduced the new model of debt relief of natural persons (personal bankruptcy). The new role of the Legal Aid Center was connected with this amendment. If the applicant (the debtor) seeking for personal bankruptcy meets the legal requirements for granting legal aid, the Center pays the remuneration to the bankruptcy administrator in the total amount of € 500.

**Q12-1 (2018):** The increase in implemented budget of the Legal Aid Center is related to the implementation of amendment of Act No. 7/2005 Coll. on bankruptcy and restructuring (personal bankruptcy), wage and salary indexation and the related increase in insurance levies, and the implementation of the National Project Strengthening and Completion of Legal Assistance and Prevention of Escalation of Legal Problems.

**Q12-1 (2017):** The budget of the Legal Aid Centre for the year 2017 has been increased of a sum 5 million € to implement the amendment to the Act on bankruptcy with regard to the personal bankruptcy of the natural persons

**Q17 (General Comment):** According to the Code of the Civil litigious procedure the person who is granted legal aid may file a motion for exoneration of court fees on the basis of its social and economical circumstances.

**Q17 (2017):** According to the Code of the Civil litigious Procedure (in force since 1. July 2016) the person who is granted legal aid is not exempted from court fees automatically. Any litigant may file a motion for exoneration of court fees on the basis of its social and economical circumstances.

**Q19 (General Comment):** Under the section 5c of the Act on Providing Legal Aid to persons in material need No. 327/2005: Legal aid shall also include: -appointment of an interpreter  
-translation of documents necessary for decision on merits  
-inevitable travel costs of foreign applicant

**Q19 (2017):** Under the section 5c of the Act on Providing Legal Aid to persons in material need (No. 327/2005): Legal aid shall also include: -appointment of an interpreter  
-translation of documents necessary for decision on merits  
-inevitable travel costs of foreign applicant

## Slovenia

**Q8 (General Comment):** According to the Court Fees Act the court shall exempt from payment of court fees a party, if such payment would significantly affect the funds needed for the maintenance of the party or his/her family members.

The exceptions to paying court fees, according to the legislation:

collective labour disputes,

social disputes,

individual labour disputes on conclusion, existence and termination of labour contract when started by worker,

civil enforcement procedure, when enforcing a decisions related to workers and labour disputes or when recovering debt, if the debt in question is alimony

starting an insolvency proceedings, when filled by the debtor

proceedings to establish personal or family status, when started by the State and local authorities and their bodies and Social Service Centres and humanitarian organizations

proceedings regarding disabilities and discrimination, when started by disabled or their organizations

applications for free legal aid, court fees exemptions and international protection

In criminal cases, the payment of court fees is required for assuming prosecution as an injured party or filing a private charge only. The public prosecutor is not required to pay the court fees to starts the proceeding before a criminal court, however if the accused is found guilty, he is required to pay the court fees.

**Q8 (2015):** According to the Court Fees Act the court shall exempt from payment of court fees a party, if such payment would significantly affect the funds needed for the maintenance of the party or his/her family members.

A worker is not required to pay a court fee in individual labour disputes on conclusion, existence and termination of labour contract.

The Labour and Social Courts Act specifies that in collective labour disputes and social disputes no court tax is required.

The parties are not required to pay court fees in court proceedings for judicial enforcement, when:

- enforcing decisions related to workers and labour disputes or

- recovering debt, if the debt in question is alimony.

In criminal cases, the payment of court fees is required for assuming prosecution as an injured party or filing a private charge only. The public prosecutor is not required to pay the court fees to starts the proceeding before a criminal court, however if the accused is found guilty, he is required to pay the court fees.

**Q12 (General Comment):** The law prescribes that legal aid shall mean the right of the eligible person to the entire or partial provision of funds necessary to cover the costs of legal assistance and the right to exemption of payment of the costs of the judicial proceeding (Free Legal Aid Act, Article 1).

Further on the law defines that legal aid may be approved for legal advice, legal representation and other legal services laid down in this Act, for all forms of judicial protection before all courts of general jurisdiction and specialised courts based in the Republic of Slovenia, before the Constitutional Court of the Republic of Slovenia, and before all authorities, institutions or persons in the Republic of Slovenia authorised for out-of-court settlement, as well as in the form of exemption from payment of the costs of the judicial proceeding (Free Legal Aid Act, Article 7).

On the other hand the approved legal aid shall not cover the costs of the proceeding and actual expenditure of and remuneration for the person authorised by the opposing party (Free Legal Aid Act, Article 9).

The law specifically lists the costs that can be covered by the approved legal aid (Free Legal Aid Act, Article 26): - for legal advice;

- for the formulation, verification and certification of documents on legal relations, facts and statements;

- for legal advice and representation in cases of out-of-court settlement;

- for legal advice and representation before courts in the first and second instances;

- for legal advice and representation involving extraordinary appeals;

- for legal advice and representation involving constitutional action;

- for legal advice and representation before international courts;

- for legal advice and representation involving the filing of a petition for the assessment of constitutionality;

- in the form of exemption from payment of the costs of the judicial or extrajudicial proceeding.

Legal aid may also be granted in the form of an exemption from payment of the costs of proceedings before courts, particularly in the form of an exemption from payment of:

1. Costs of experts, witnesses, interpreters, servicing orders and translations, costs of external operations of the court or other authority in the Republic of Slovenia, and other justified costs;

2. Security deposits for the costs or of the costs, of the implementation of the proceeding (advance payments);

3. Costs of public documents and receipts required for the proceeding before a court;

4. Other costs of the proceeding."

In the adoption of the budget, no separation between the amounts that will be allocated for legal aid in criminal or other cases or cases brought to court (or not) is made.

**Q12 (2014):** 2014: The further decrement in the budget for legal aid in 2014 can be attributed to the amendment of insolvency legislation in 2013, which abolished the right for legal persons to apply for legal aid for financing the advances of the costs of the bankruptcy proceedings (legal persons are now exempt from paying the advance in bankruptcy proceedings in all cases, without having to apply for legal aid)."

**Q12-1 (General Comment):** The data on budget, spent on criminal and other than criminal cases is available at the level of the case management system, however the sum will differ from final budgetary data reported above due to accounting rules.

Detailed budgetary data on cases brought to court or not is currently not available, due to the data structure of the case management system. In single "legal aid" cases, the request can be granted for multiple forms (costs) of legal aid (general comment to Q12), some of them fitting in the category "cases, brought to court" while others not (i.e. in one case, legal aid can be granted for verification of documents and representation before courts), however the amount spent for legal aid is currently not recorded by form of legal aid, therefore the sums for cases brought to court or not cannot be calculated.

**Q12-1 (2018):** The difference between adopted and implemented budget is due to hiring additional court staff to reduce the backlogs in this area (legal aid).

**Q12-1 (2015):** According to art. 26 of the Free Legal Aid Act, legal aid may (in addition to expenses, related to cases, brought to court) also be granted for:

- legal advice;
- the formulation, verification and certification of documents on legal relations, facts and statements;
- legal advice and representation in cases of out-of-court settlement;
- legal advice and representation involving constitutional action;
- legal advice and representation before international courts;
- legal advice and representation involving the filing of a petition for the assessment of constitutionality and
- in form of exemption from payment of the costs of the extrajudicial proceedings.

No distinction is possible for the budget allocated to legal aid for:

- cases brought to court and cases not brought to court or
- civil or criminal matters.

**Q17 (General Comment):** Since 2008, the exemption from court fees, which was previously regulated by the Free Legal Aid Act, is regulated by the Court Fees Act (see answer to Q8). The exemption is decided upon by the court at which the main proceeding takes place. The financial criteria is the same as for legal aid, however, the rejection for lack of the merits of the case is not possible. In case the applicant has already been granted free legal aid for this case (i.e. for representation in court), the application can be granted without the new procedure of reviewing the material criteria.

**Q17 (2018):** The exemption from court fees is possible outside the free legal aid system. See general comment.

**Q18 (General Comment):** In the proceeding of enforcement of judicial decisions the exemption from court fees (according to the Court Fees Act) and legal aid in the form of legal advice, legal representation and the exemption from payment of the procedural costs (the Free Legal Aid Act) is possible.

**Q18 (2014):** 2014: In the previous cycle, the answer was No and in this cycle changed to Yes, because the question was interpreted as regarding the court fees, exemption of which is regulated under the Court Fees Act and not under the legal aid as regulated by Free Legal Aid Act (fees related to the enforcement of judicial decisions are still not paid by the party, but the legal ground for the exemption from payment is not legal aid).

**Q19 (General Comment):** The Free Legal Aid Act (FLAA) prescribes that legal aid shall mean the right of the eligible person to the entire or partial provision of funds necessary to cover the costs of legal assistance and the right to exemption of payment of the costs of the judicial proceeding. Further on the law defines that legal aid may be approved for legal advice, legal representation and other legal services, for all forms of judicial protection before all courts of general jurisdiction and specialised courts based in the Republic of Slovenia, before the Constitutional Court of the Republic of Slovenia, and before all authorities, institutions or persons in the Republic of Slovenia authorised for out-of-court settlement, as well as in the form of exemption from payment of the costs of the judicial proceeding.

The law specifically lists the costs that can be covered by the approved legal aid: for legal advice; for the formulation, verification and certification of documents on legal relations, facts and statements; for legal advice and representation in cases of out-of-court settlement; for legal advice and representation before courts in the first and second instances; for legal advice and representation involving extraordinary appeals; for legal advice and representation involving constitutional action; for legal advice and representation before international courts; for legal advice and representation involving the filing of a petition for the assessment of constitutionality; in the form of exemption from payment of the costs of the judicial or extrajudicial proceeding.

Legal aid may also be granted in the form of an exemption from payment of the costs of proceedings before courts, particularly in the form of an exemption from payment of: costs of experts, witnesses, interpreters, servicing orders and translations, costs of external operations of the court or other authority in the Republic of Slovenia, and other justified costs; security deposits for the costs or of the costs, of the implementation of the proceeding (advance payments); costs of public documents and receipts required for the proceeding before a court; other costs of the proceeding. The legal aid system does not cover the costs of the proceeding and actual expenditure of and remuneration for the person representing the opposing party.

## Spain

**Q8 (General Comment):** The Law 10/2012 that regulates certain fees in the area of the Administration of Justice requires to pay court fees to start the proceeding only to companies, not to natural persons.

**Q8 (2016):** Nowadays in Spain, the Law 10/2012 that regulates certain fees in the area of the Administration of Justice requires to pay court fees to start the proceeding only to companies, not to natural persons. The Law mentioned was amended on this point by the Royal Decree 1/2015, 27 February.

**Q12 (2014):** The significant increase in the budget intended to legal aid between 2012 and 2014 stems from the fact that, by contrast to data provided for 2014, for the 2012 exercise, the budget allocated by the autonomous communities for legal aid was not included in the indicated figures. The total budget for legal aid in 2012 was 253.034.641 euros. It includes the budget allocated by the autonomous communities for legal aid.

**Q17 (General Comment):** Till 2013, legal aid was covering fees related to the activity of lodging appeals. The Act on Legal Aid has been modified and since 2013, a person who has been granted legal aid would have an overall exemption of paying court fees.

**Q18 (General Comment):** The proceeding for the enforcement of judicial decisions is not subject to taxes or judicial fees. In any case, the concepts and costs covered by legal aid in the enforcement would be the same as in the trial.

**Q19 (General Comment):** According to Legal Aid Act: Legal assistance to the arrested, prisoner or accused who had not appointed a lawyer, for any police action; Free insertion of announcements, during the process, in official newspapers; Free expert assistance; Free collection (or reduction of 80% of fees depending on cases) of copies, testimonies, instruments and notarial acts; Reduction of 80% of fees for notes, certifications, annotations, in the Property and Commercial Registries.

## Sweden

**Q8 (General Comment):** As a rule, litigants are required to pay a court fee to start a proceeding at a court of general jurisdiction for other than criminal cases. The administrative law cases constitute an exception to the general tenet. Till 2014, there was another exception concerning cases for obtaining an order to pay when the person objects the order to pay issued by the enforcement authority. From the 1st of July 2014, there is an additional court fee in these cases when a claim is disputed and therefore transferred from the Enforcement Authority to the court of first instance. Besides, a person who is granted legal aid does not have to pay court fees.

**Q8 (2017):** Following case types are excepted from the rule to pay a court tax or fee: administrative law cases, court cases about obtaining an order to pay when the person the claim is directed at objects to an order to pay already issued by the Enforcement Authority, cases where the litigant applies for bankruptcy as well as cases where the litigant has been granted legal aid.

**Q8 (2016):** Following case types are excepted from the rule to pay a court tax or fee: administrative law cases, court cases about obtaining an order to pay when the person the claim is directed at objects to an order to pay already issued by the Enforcement Authority, cases where the litigant applies for bankruptcy as well as cases where the litigant has been granted legal aid.

**Q12 (2017):** There is no specific budget allocated to legal aid in criminal cases or legal aid in other than criminal cases. However, there is a specific budget allocated to legal aid in cases involving aliens and aliens cases but these numbers have been included in the total number above.

**Q12 (2016):** The increase in the budget for legal aid is because in 2016 they include legal aid in cases involving aliens and aliens cases.

**Q12 (2012):** As concerns the observed differences between the figures provided respectively for the 2010 and 2012 exercises, more funds have been allocated in 2012 on the one hand, and the exchange rate has varied between the two years, on the other hand. Actually, the increase which could be noticed appears more significant in Euro than in Swedish kronor.

**Q12 (2010):** The increase of the annual approved public budget allocated to legal aid between 2008 and 2010 was a result of the increase of the number of incoming and pending criminal cases in which a public defender was appointed and the complexity of these cases.

**Q12-1 (2017):** See comments to question 12.

**Q12-1 (2016):** The increase in the budget for legal aid is because in 2016 they include legal aid in cases involving aliens and aliens cases.

**Q17 (General Comment):** According to section 19 of the Legal Aid Act, a person who is granted legal aid does not have to pay court fees such as fee for application or proclamation.

**Q17 (2016):** According to section 19 of the Legal Aid Act, a person who is granted legal aid does not have to pay court fees such as fee for application or proclamation.

**Q18 (General Comment):** According to section 19 of the Legal Aid Act, an individual who is granted legal aid does not have to pay fees to the Swedish Enforcement Authority.

**Q18 (2016):** According to section 19 of the Legal Aid Act, an individual who is granted legal aid does not have to pay fees to the Swedish Enforcement Authority.



**Q19 (General Comment):** In criminal cases, legal aid can be granted for travel expenses and subsistence in respect of the accused person. The latter can also be granted legal aid for expenses for witnesses who are not called by the prosecutor. In other than criminal cases, an individual granted with legal aid can have expenses covered for traveling and subsistence, evidence in court, investigation costs to a certain amount (10 000 SEK, approximately 1000 EUR) and for costs for a mediator appointed by the court.

**Q19 (2016):** In criminal cases, legal aid can be granted for travel expenses and subsistence in respect of the accused person. The latter can also be granted legal aid for expenses for witnesses who are not called by the prosecutor. In other than criminal cases, an individual granted with legal aid can have expenses covered for traveling and subsistence, evidence in court, investigation costs to a certain amount (10 000 SEK, approximately 1000 EUR) and for costs for a mediator appointed by the court.

# Indicator 5: Legal aid

## Comments provided by the national correspondents

### organised by question no.

*Question 8. Are litigants in general required to pay a court fee to start a proceeding at a court of general jurisdiction:*

*Question 12. Annual approved public budget allocated to legal aid, in €.*

*Question 12-1. Annual implemented public budget allocated to legal aid, in €.*

*Question 16. Does legal aid apply to:*

*Question 17. Does legal aid include the coverage of or the exemption from court fees?*

*Question 18. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?*

*Question 19. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?*

### Question 8

#### Austria

**(General Comment):** The duty to pay court fees arises from the starting of the civil procedure at the court, but the proceedings itself are not dependent on the payment of this fee. The most important (at least preliminary) exemption from court fees is the attribution of legal aid to the claimant according to the respective provisions of the civil procedure code (Zivilprozessordnung – ZPO, in particular §§ 63 and 64) and §§ 8 and 9 of the court fee act (Gerichtsgebührengesetz - GGG). Detailed information can be derived from the legal aid factsheet on the website of the European Network for Civil and Commercial Matters ([http://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_aus\\_en.htm](http://ec.europa.eu/civiljustice/legal_aid/legal_aid_aus_en.htm)). Other exemptions are laid down in various other provisions as listed in § 10, § 13 and Art. VI Nr. 28 GGG.

**(2017):** The duty to pay court fees arises from the starting of the civil procedure at the court, but the proceedings itself are not dependent on the payment of this fee. The most important (at least preliminary) exemption from court fees is the attribution of legal aid to the claimant according to the respective provisions of the civil procedure code (Zivilprozessordnung – ZPO, in particular §§ 63 and 64) and §§ 8 and 9 of the court fee act (Gerichtsgebührengesetz - GGG). Detailed information can be derived from the legal aid factsheet on the website of the European Network for Civil and Commercial Matters ([http://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_aus\\_en.htm](http://ec.europa.eu/civiljustice/legal_aid/legal_aid_aus_en.htm)). Other exemptions are laid down in various other provisions as listed in § 10, § 13 and Art. VI Nr. 28 GGG.

**(2016):** The duty to pay court fees arises from the starting of the civil procedure at the court, but the proceedings itself are not dependent on the payment of this fee. The most important (at least preliminary) exemption from court fees is the attribution of legal aid to the claimant according to the respective provisions of the civil procedure code (Zivilprozessordnung – ZPO, in particular §§ 63 and 64) and §§ 8 and 9 of the court fee act (Gerichtsgebührengesetz - GGG). Detailed information can be derived from the legal aid factsheet on the website of the European Network for Civil and Commercial Matters ([http://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_aus\\_en.htm](http://ec.europa.eu/civiljustice/legal_aid/legal_aid_aus_en.htm)). Other exemptions are laid down in various other provisions as listed in § 10, § 13 and Art. VI Nr. 28 GGG.

**(2015):** The duty to pay court fees arises from the starting of the civil procedure at the court, but the proceedings itself are not dependent on the payment of this fee.

The most important (at least preliminary) exemption from court fees is the attribution of legal aid to the claimant according to the respective provisions of the civil procedure code (Zivilprozessordnung – ZPO, in particular §§ 63 and 64) and §§ 8 and 9 of the court fee act (Gerichtsgebührengesetz - GGG). Detailed information can be derived from the legal aid factsheet on the website of the European Network for Civil and Commercial Matters ([http://ec.europa.eu/civiljustice/legal\\_aid/legal\\_aid\\_aus\\_en.htm](http://ec.europa.eu/civiljustice/legal_aid/legal_aid_aus_en.htm)).

Other exemptions are laid down in various other provisions as listed in § 10, § 13 and Art. VI Nr. 28 GGG.

## Belgium

**(General Comment):** there are no scheduling rights for disputes before the labour court, tax disputes with a value of less than EUR 250 000 and cases that are brought under Book XX of the Economic Law Code

**(2017):** No court tax or fee is required to start a proceeding at a court of general jurisdiction concerning social law cases, tax cases and bankruptcy cases (under conditions).

**(2016):** There are no duty levied for entry on the hearings schedule for labor disputes and tax disputes with a value of less than 250 000 EUR.

**(2015):** There are no assignment rights for labor disputes and tax disputes with a value of less than EUR 250 000.

**(2014):** In criminal, correctional or police matters, even if there is a civil party, no court fees are required for starting the procedure. In other than criminal matters, court fees concern the registration of a case, request or application to the registry (article 269/1 of the Code of court fees and fees related to registration and mortgage). In respect of particular categories of cases, the law provides for exemption from court fees. Such exemption is also granted with regard to cases transferred to other courts in compliance with the law on the use of languages in administrative matters or in case of a judgment declining jurisdiction.

**(2012):** In criminal, correctional or police matters, even if there is a civil party, no court fees are required for starting the procedure. In other than criminal matters, court fees concern the registration of a case, request or application to the registry (article 269/1 of the Code of court fees and fees related to registration and mortgage). In respect of particular categories of cases, the law provides for exemption from court fees. Such exemption is also granted with regard to cases transferred to other courts in compliance with the law on the use of languages in administrative matters or in case of a judgment declining jurisdiction.

## Bulgaria

**(General Comment):** According to Art. 71 of the Civil Procedure Code (CPC), stamp duties on the cost of action and court costs shall be collected upon conduct of the case. Where the action is unappraisable, the amount of the court fees is determined by the court. Where the subject matter of the case is a right of ownership or other rights in rem to an immovable, as well as in action for the existence, for annulment or for rescission of a contract which has as its subject any rights in rem to an immovable and for conclusion of a final contract having such subject, the amount of the stamp duty shall be set at one-fourth of the cost of action. In the ambit of the law, a waiver is granted: to plaintiffs who are factory or office workers or cooperative members in respect of any actions arising from employment relationships; to plaintiffs in respect of any actions for maintenance obligations; for any actions brought by a prosecutor; to plaintiffs in respect of any actions for damages sustained as a result of a tort or delict, for which a sentence has entered into effect; to the ad hoc representatives of the party whose address is unknown, appointed by the court. Natural persons found by the court to lack sufficient means to pay the court fees and costs are exempted of paying them. The court considers the petition for waiver in the light of various criteria such as incomes, property status, family situation, health status, employment status, age, etc. Payment of court fees but not of court costs will be waived for: the State and the government institutions, except in actions for private State receivables and rights to corporeal things constituting private State property; the Bulgarian Red Cross; the municipalities, except in actions for private municipal receivables and rights to corporeal things constituting private municipal property. Finally, the Stamp Duty Act enumerates in detail categories of situations, persons and actions in respect of which an exemption from stamp duties should be granted.

According to Art. 12 of the Administrative Procedure Code (APC) no stamp duties shall be collected and no court costs shall be paid on any proceedings under this Code, unless so provided for therein or in another law, as well as in the cases of a judicial appeal against administrative acts and upon bringing a legal action under this Code.

**(2016):** According to article 83 of the Code of Civil Procedure, fees and costs of the proceeding shall not be deposited: by the plaintiffs who are factory or office workers or cooperative members in respect of any actions arising from employment relationships; by the plaintiffs in respect of any actions for maintenance obligations; on any actions brought by a prosecutor; by the plaintiff in respect of any actions for damages sustained as a result of a tort or offence, for which a sentence has entered into effect; by the ad hoc representatives of the party whose address is unknown, appointed by the court. Besides, fees and costs of the proceeding shall not be deposited by any natural persons who have been found by the court to lack sufficient means to pay the said fees and costs. Considering the petition for waiver, the court shall take into consideration: the income accruing to the person and to the family thereof; the property status, as certified by a declaration; the family situation; the health status; the employment status; the age; other circumstances ascertained. In all these cases, the costs of the proceeding shall be paid from the amounts allocated under the budget of the court.

According to article 84 of the Code of Civil Procedure, payment of stamp duty but not of court costs shall be waived for: the State and the government institutions, except in actions for private state receivables and rights to corporeal things constituting private state property; the Bulgarian Red Cross; the municipalities, except in actions for private municipal receivables and rights to corporeal things constituting private municipal property.

**(2015):** Article 5 of the Stamp Duty Act states:

The following shall be exempt from stamp duties:

- a) applications filed with the National Assembly, the President of the Republic, the Council of Ministers;
- b) documentation in relation to the labour activities of workers and employees, regulated by the Labour Protection Law and the by-laws regulating their enforcement, as well as the labour contracts - both individual and collective;
- c) claimants - workers and officers - on claims for remuneration for performed work, and on other claims, ensuing from labour contracts;
- d) claimants, who are members of production cooperatives on claims for remuneration for the work performed by them in the same cooperatives;
- e) (repealed);
- f) claimants on remuneration claims, ensuing from rights on inventions;
- g) claimants on claims for support;
- h) registration of birth and death certificates and adoption certificates and the initial registration certificates of civil status;
- i) (repealed);
- k) all documents and papers concerning: criminal trials of general nature; lawsuits for money support; lawsuits for guardianship; lawsuits for establishing of origin; papers and documents for setting and granting relief to mothers of many children; for social and legal protection of minors; for social support, for obtaining the right to pension; for establishment, registration, and other changes of cooperatives;
- l) papers and documents in relations to the activities of the mutual aid funds;
- m) all types of requests, applications, enrollment forms, education certificates and certificates for completed training courses, as well as any other certificates, and duplicates thereof, which are issued by the educational and tutorial establishments for obtaining elementary and high education and by the Ministry of Education and Science;
- n) foreign citizens, by the virtue of international agreements and understandings for participation in competitions for admission in the state higher and semi-higher educational establishments;
- o) the disabled, pregnant, and mothers of children under 6 years of age, orphans, in the events of transfer from one educational establishment to another, from one specialty or form of study to another due to health reasons, established by the findings of a medical commission;
- p) the Bulgarian Red Cross;
- q) applications for recording school boards in the regional court register;
- r) cases provided for in the international contracts effective for the Republic of Bulgaria;

Civil Procedure Code - Court fees on the cost of action and court costs are collected upon conduct of the case. Where the action is unappraisable, the amount of the court fees is determined by the court. Where the subject matter of the case is a right of ownership or other rights in rem to an immovable, the amount of the court fees is determined on one-fourth of the cost of action.

Fees and costs of the proceeding in the cases do not be deposited:

1. by the plaintiffs who are factory or office workers or cooperative members in respect

## Croatia

**(2018):** According to the Court Fees Act (Official Gazette, No. 74/95, 57/96, 137/02, 26/03, 125/11, 112/12, 157/13, 110/15) 19 subjects are exempt from paying court fees, such as state government bodies, public authorities, employees in administrative and labour disputes, vulnerable groups of society, etc.

**(2017):** According to the Court Fees Act (Official Gazette, No. 74/95, 57/96, 137/02, 26/03, 125/11, 112/12, 157/13, 110/15), 19 subjects are exempt from paying court fees, such as state government bodies, public authorities, employees in administrative and labour disputes, vulnerable groups, etc.

**(2016):** According to the Court Fees Act (Official Gazette, No. 74/95, 57/96, 137/02, 26/03, 125/11, 112/12, 157/13, 110/15), 19 subjects are exempt from paying court fees, such as state government bodies, public authorities, employees in administrative and labour disputes, vulnerable groups, etc.

**(2015):** According to the Court Fees Act (OG 74/95, 57/96, 137/02, (26/03), 125/11, 112/12, 157/13, 110/15), the following subjects are exempt from paying court fees:

1. The Republic of Croatia and state government bodies
2. Persons and bodies performing public authorities for the performance of such authorities
3. Workers and employees in labour disputes and officials in administrative disputes with regard to exercising their rights from official relations
4. Workers in administrative disputes arising from pre-bankruptcy settlement
5. Disabled veterans of the Homeland War, based on adequate documents proving their status
6. Spouses, children and parents of veterans who were killed, missing or captured in the Homeland War, based on adequate documents proving their status
7. Spouses, children and parents of those who were killed, missing or captured in the Homeland War, based on adequate documents proving their status
8. Displaced persons, refugees and returnees, based on adequate documents proving their status
9. Social aid beneficiaries who receive a subsistence allowance
10. Humanitarian organisations and organisations dedicated to the protection of disabled persons and families of those who were killed, missing or captured during the performance of humanitarian activities
11. Children as parties in proceedings for child care support or in proceedings regarding claims based on that right
12. Plaintiffs in proceedings for acknowledgement of maternity and paternity, and for costs incurred from extramarital pregnancy and childbirth
13. Parties requesting the restoration of working competence
14. Minors requesting the acquisition of working competence based on becoming parents
15. Parties in procedures for transferring custody of a child and for reaching a decision on organizing meetings and spending time with the child
16. Plaintiffs in disputes regarding rights from mandatory pension and basic health insurance, rights of unemployed persons based on regulations on employment and social welfare rights
17. Plaintiffs, i.e. applicants in procedures for the protection of constitutionally guaranteed rights and freedoms against final decisions in individual acts, i.e. for protection due to unlawful actions
18. Plaintiffs in disputes regarding the compensation of damages for environmental pollution
19. Unions and higher level union associations in civil procedure acts for a replacement court agreement and in collective labour disputes, and union representatives in civil procedure acts performing the authority of a worker's council.

Foreign countries are exempt from paying fees if that is determined by an international agreement or subject to reciprocity.

## **Cyprus**

**(General Comment):** when a party in a court case is represented by the office of the Attorney General or the party is the Redundancy fund the exemption to the court fee applies.

## **Czech Republic**

**(General Comment):** The law regulates exceptions to the duty to pay court fees. On the one hand, the legislator has established a list of certain persons exempt from paying court fees (e.g. the State, diplomatic representations of foreign States, foundations). On the other hand, the law refers to specific types of procedures in respect of which there is an exemption from paying court fees (e.g. proceedings on guardianship, adoption, probate proceedings, election proceedings). Besides these situations, there is a possibility for participants in proceedings to ask for waiver of court fees ordered by the court. Such release should be justified by the participant's personal situation in order to avoid arbitrary or apparently unsuccessful application or protection of law.

## **Denmark**

**(General Comment):** As a rule, legal fees must be paid in all civil cases. However, there are types of cases that are exempt from court fees. Cases of marriage, custody and paternity are examples of cases where there is no legal charge. If you have been given a free trial to prosecute, you will not pay a court fee.

## Finland

**(General Comment):** The court fee is collected after the court proceedings have finished. The level of the court fee varies depending on the nature of the matter and the instance in which the case is handled.

The person who initiated the proceedings (a plaintiff, an applicant or an appellant) is responsible for paying the court fee. A person who has been granted legal aid free of charge is exempted from the court fee. Certain parties are exempted from the court fee, for example the police, the prosecutors and the enforcement authorities.

Certain matters are handled free of charge, for example coercive measures such as confiscation and detention.

No court fee is collected in criminal cases that have been brought to the court by the prosecutor.

If the judgment or decision of a lower court in a criminal case is amended to the appellant's advantage in a court of appeal or the Supreme Court, no court fee is collected. If the judgment or decision is amended to the appellant's advantage in an administrative court, the Supreme Administrative Court or the Insurance Court, no court fee is collected.

**(2015):** Charges are collected once the performance has been completed. Payment liability lies with the initiator of the matter (plaintiff or petitioner); on appeal with the appellant; and with other performances with the person ordering the performance. After the consideration of the matter, the District Court collects a charge from the petitioner in a petitionary matter and the plaintiff in a civil matter; the amount of the charge varies depending on the nature of the matter and the court time its consideration has required. Certain matters are by the law free of charge, for example the coercive measures.

A beneficiary of legal aid is free from payment liability. Certain parties are likewise free from payment liability (for example the police and other preliminary investigation authorities as well as prosecutors, enforcement authorities and the authorities of the state and municipality).

In 2015, the litigants did not have to pay fees in criminal cases. However, it has to be noted that this has changed in the beginning of 2016.

**(2014):** On the occasion of the 2014 exercise, it has been indicated that a government proposal on extending the field of application of court fees is currently pending. It is presented that the fees should be higher and that the group of matters handled free of charge should be reduced.

## France

**(2018):** This rule applies only in certain civil matters: indeed, a fee is imposed by the parties to the appeal proceedings when the appointment of a lawyer is mandatory before the Court of Appeal. The fee is paid by the applicant lawyer on behalf of his client either by mobile stamps or electronically. It is not due by the party receiving legal aid. The proceeds of this right are allocated to the Professional Indemnification Fund (IFAD) at the Courts of Appeal.

Question 8 concerns the terms of Article 1635 bis P of the General Tax Code and Article 97 of the Finance Act No. 2014-1654, in which a duty of €225 is imposed on the parties to the appeal proceedings when the appointment of a lawyer is mandatory before the Court of Appeal. The fee is paid by the applicant lawyer on behalf of his client either by mobile stamps or electronically. It is not due by the party receiving legal aid. The proceeds of this right are allocated to the compensation fund for the profession of attorneys at law at the courts of appeal.

**(2016):** The procedure before the civil and penal judge is free of charge in first and third instance, which is not the case concerning the appeal. The procedure before the administratif judge (first instance, appeal and Conseil d'Etat) is also free of charge.

**(2014):** The Law on Finance for 2014 repealed the contribution that had been established by the 1991 Law on Finance. Proceedings before civil courts of first instance and cassation are free of charge, in contrast with the appeal. Proceedings before administrative courts at all instances are free of charge.

**(2012):** The 1991 Law on Finance, as amended in 2011, has established a contribution of 35 € aimed at financing legal aid. A beneficiary of legal aid is exempted from paying this contribution. The latter is not required before certain courts or court divisions (e.g. guardianship judge, children's judge, liberty and custody judge, Compensation Board for victims of crimes). An exemption is granted for certain proceedings which should be, according to the law, free of charge (especially social security disputes).

Finally, the contribution can be covered by the costs paid by the adverse party according to the court's decision.

**(2010):** The 1991 Law on Finance, as amended in 2011, has established a contribution of 35 € aimed at financing legal aid. A beneficiary of legal aid is exempted from paying this contribution. The latter is not required before certain courts or court decisions (e.g. guardianship judge, children's judge, liberty and custody judge, Compensation Board for victims of crimes). An exemption is granted for certain proceedings which should be, according to the law, free of charge (especially social security disputes).

Finally, the contribution can be covered by the costs paid by the adverse party according to the court's decision.

## Germany

**(General Comment):** In civil matters, the court is to serve the statement of claim to the respondent party only after the fee covering the proceedings in general has been paid. Thus, any proceedings fundamentally will become pending by service of the statement of claim only after such payment has been received. Where the demand for relief is expanded, no court action is to be taken prior to payment of the fee for the proceedings; this rule also applies before the courts of appeals (section 12 (1) of the German Law on the Costs of Court Proceedings).

There are exceptions in place for counterclaims, for European small claims procedures (ESCP), for disputes about inventions made by an employee inasmuch as the courts have exclusive competence for patent disputes, and for actions for retrial of a case pursuant to section 580 number 8 of the Code of Civil Procedure. This applies to a counterclaim in light of its close ties to a court dispute already pending; in all other regards, particular reasons are given that relate to the proceedings. Further exceptions have been provided for if a petitioner has been granted legal aid for the costs of the proceedings, if the petitioner is entitled to a release from the obligation to pay fees, or if legitimate interests are given for bringing an action or defending against an action, but the petitioner is unable to make the advance payment or if the delay caused to the proceedings by the obligation to pay the fees in advance would result in damages that it is impossible to compensate, or only with difficulty.

## Greece

**(General Comment):** Free access to all courts applies only for those who have been provided with legal aid.

## Hungary

**(General Comment):** As a rule, litigants are required to pay court fees. However, if a person is not able to pay the amount because of his/her financial situation, he/she may be granted an exemption from paying the court fee. Besides, some civil societies (e.g. churches, associations, foundations) are exempted from paying court fees ex lege. Moreover, the Hungarian legislation provides for a regime of exemptions with regard to specific categories of cases covering numerous law fields, namely: family law, labour law, trade law, administrative law, electoral law, tax law, intellectual property law, criminal law, procedural law etc. The regime of exemptions applies also in respect of enforcement proceedings, liquidation proceedings, proceedings initiated on the basis of favorable decision by the Constitutional Court, court mediation, different auxiliary proceedings related to the main case in criminal matters, etc. It is interesting to notice that according to the law, there could be a reduction of the court fee in some particular situations. For example, the duty is 10% of the duty on judicial proceedings if, during the first hearing, the plaintiff withdraws his claim, the legal action is suspended and subsequently dismissed, the defendant acknowledges the claim, the parties reach a settlement or jointly file for dismissal, the court ex officio rejects the petition. The duty is 30% of the court fee for cases dismissed by suspension following the first hearing or due to the plaintiff's withdrawal, or if jointly requested by the parties. The duty is 50% of the court fee if a settlement is concluded between the parties after the first hearing. Exceptionally, in criminal cases, a court fee should be paid if the cases arrive to court by a private indictment (e.g. slander or defamation cases).

**(2017):** As a rule, litigants are required to pay court fees. However, if a person is not able to pay the amount because of his/her financial situation, he/she may be granted an exemption from paying the court fee. Besides, some civil societies (e.g. churches, associations, foundations) are exempted from paying court fees *ex lege*. Moreover, the Hungarian legislation provides for a regime of exemptions with regard to specific categories of cases covering numerous law fields, namely: family law, labour law, trade law, administrative law, electoral law, tax law, intellectual property law, criminal law, procedural law etc. The regime of exemptions applies also in respect of enforcement proceedings, liquidation proceedings, proceedings initiated on the basis of favorable decision by the Constitutional Court, court mediation, different auxiliary proceedings related to the main case in criminal matters, etc. It is interesting to notice that according to the law, there could be a reduction of the court fee in some particular situations. For example, the duty is 10% of the duty on judicial proceedings if, during the first hearing, the plaintiff withdraws his claim, the legal action is suspended and subsequently dismissed, the defendant acknowledges the claim, the parties reach a settlement or jointly file for dismissal, the court *ex officio* rejects the petition. The duty is 30% of the court fee for cases dismissed by suspension following the first hearing or due to the plaintiff's withdrawal, or if jointly requested by the parties. The duty is 50% of the court fee if a settlement is concluded between the parties after the first hearing. Exceptionally, in criminal cases, a court fee should be paid if the cases arrive to court by a private indictment (e.g. slander or defamation cases).

## Ireland

**(General Comment):** Family Law Proceedings are exempt from court fees.

**(2017):** Under S.I. 492 of 2014 (<http://www.irishstatutebook.ie/eli/2014/si/492/made/en/print>) certain types of proceedings e.g. Family Law, Childcare, Habeas Corpus, immigration proceedings, and proceedings in which the party is represented by a State law officer, are exempt.

## Italy

**(General Comment):** Generally, litigants are required to pay court fees in respect of other than criminal law cases, except for cases concerning employment, agriculture, family matters and other specific cases explicitly enumerated by law (DPR 115/2002).

**(2015):** Except for cases concerning employment, agriculture, family matters and other specific cases as per law DPR 115/2002

## Latvia

**(General Comment):** Exceptions are set forth by article 43 of the Civil Procedure Law. According to this provision:

- o Fourteen exhaustively enumerated categories of persons shall be exempt from payment of court costs to the State. Different law fields are affected by the regime of exemptions, namely labour law, family law, criminal law, financial law, insolvency matters etc.;
- o If a public prosecutor or State or local government institutions or persons who are conferred the right by law, to defend in court other persons' rights and interests protected by law, of other persons in court, withdraws from an application which has been submitted on behalf of another person, but such person demands adjudication of the matter on the merits, the court costs shall be paid in accordance with generally applicable provisions.
- o The parties may also be exempted from payment of court costs to the State in other cases provided for by law.
- o A court or a judge, upon considering the material situation of a natural person, shall exempt him or her partly or fully from payment of court costs into State revenues, as well as postpone payment of court costs adjudged into State revenues, or divide payment thereof into instalments.
- o In claims for dissolution of marriage upon the request of the plaintiff the judge shall postpone payment of State fees or divide payment thereof into instalments if a minor child is in the care of the plaintiff.

**(2017):** In civil procedures a court or a judge, upon considering the material situation of a natural person, shall exempt him or her partly or fully from payment of court expenses into State revenues, as well as postpone payment of court expenses adjudged into State revenues, or divide payment thereof into instalments. According to the Civil Procedure Law Article 43, there are also general exemptions, set categories of persons who do not pay court expenses. In claims for divorce upon request of the plaintiff the judge shall postpone payment of State fees or divide payment thereof into instalments if a minor child is in the care of the plaintiff. The parties may also be exempted from payment of court costs to the State in other cases provided for by law.



**(2016):** Exceptions are regulated with Civil Procedure Law Article 43. (1) The following persons shall be exempt from payment of court costs to the State: 1) plaintiffs – in claims for recovery of remuneration for work and other claims of employees arising from legal employment relations or related to such; 1.1) plaintiffs – in claims arising from agreement on performance of work, if the plaintiff is a person who serves his or her sentence at a place of imprisonment; 2) plaintiffs – in regard to claims arising from personal injuries that result in mutilation or other damage to health, or the death of a person; 3) plaintiffs – in claims for recovery of child or parent support, as well as in claims for determination of paternity, if the action is brought concurrently with the claim for recovery of child support; 3.1) submitters of applications – in regard to recognition or recognition and enforcement of a decision of a foreign country on recovery of child or parent support; 4) plaintiffs – in claims for compensation for financial loss and moral injury resulting from criminal offences; 5) public prosecutors, state or local government institutions and persons who are conferred the right by law to defend the rights, and interests protected by law, of other persons in court; 6) the submitters of applications – in matters regarding restricting the capacity to act of a person due to mental disorders or other health disorders, revising the restriction of capacity to act or restoration of capacity to act; 6.1) the submitters of applications – in regard to establishment and termination of temporary trusteeship; 7) the submitters of applications – in regard to restricting the capacity to act of a person or establishment of trusteeship for a person due to a dissolute or spendthrift lifestyle, as well as excessive use of alcohol or other intoxicating substances; 8) defendants – in matters regarding reduction of child or parent support adjudged by a court, and reduction of such payments as the court has assessed in claims arising from personal injuries resulting in mutilation or other damage to health, or the death of a person; 9.1) the submitters of applications – in matters regarding the unlawful movement of children across borders or detention; 10) administrators – in claims that are brought for the benefit of persons in respect of which insolvency proceedings of a legal person and insolvency proceedings of a natural person have been announced, as well as when submitting an application in a matter regarding insolvency proceedings of a legal person in the case specified in Section 51, Paragraph three of the Insolvency Law; 11) judgment creditors – in execution matters regarding recoveries for payment into State revenues; 11.1) collectors – in execution matters when recovery should be performed according to the uniform instrument permitting enforcement of claims in the requested Member State; 12) tax (fee) administration – in applications in matters regarding insolvency proceedings of a legal person; 13) the Office of Citizenship and Migration Affairs – in matters regarding revocation of Latvian citizenship; and 14) the State Social Insurance Agency – in matters regarding recovery of financial resources in the State budget in the part regarding overpayment of social insurance services or State social allowances or disbursement of social insurance services or State social allowances due to road traffic accidents. (2) If a public prosecutor or state or local government institutions or persons who are conferred the right by law, to defend in court other persons' rights and interests protected by law, of other persons in court, withdraws from an application which has been submitted on behalf of another person, but such person demands adjudication of the matter on the merits, the court costs shall be paid in accordance with generally applicable provisions. (3) The parties may also be exempted from payment of court costs to the State in other cases provided for by law. (4) A court or a judge, upon considering the material situation of a natural person, shall exempt him or her partly or fully from payment of court costs into State revenues, as well as postpone payment of court costs adjudged into State revenues, or divide payment thereof into instalments. (5) In claims for dissolution of marriage upon the request of the plaintiff the judge shall postpone payment of State fees or divide payment thereof into instalments if a minor child is in the care of the plaintiff.

## Lithuania

**(General Comment):** The Code of Civil Procedure enumerates categories of persons to be exempted from payment of court costs. Different law fields are affected by the regime of exemptions, namely labour, family, criminal, procedural, financial, bankruptcy law and other cases provided for by the law. The court, while taking into consideration the person's material situation, shall be entitled by means of summary proceedings to release him in part from the payment of the official fee at the request of the person. A petition to release a person in part from the payment of the official fee must be reasoned. Proof confirming the grounds of the request must be annexed to the petition. The court ruling concerning this petition must be reasoned.

**(2018):** According to Article 83(1) of the Code of Civil Procedure of the Republic of Lithuania, the following shall be released from the payment of the stamp duty (court fee) in cases which are heard by a court:

- 1) employees in cases concerning all claims arising from the legal relationships of employment and consumers in cases concerning unfair terms of consumer contracts;
- 2) plaintiffs in cases concerning the adjudication on maintenance;
- 3) plaintiffs in cases concerning compensation of material and non-material damages, connected with an incident of harm to a person's health, the loss of his life in an accident at work, or a professional illness;
- 4) plaintiffs in cases concerning compensation of material and non-material damages created by criminal act; 5) a prosecutor, State and municipal institutions, other persons when a claim or petition is lodged in order to defend public, State and/or municipal interests in that part of a case, in which it is sought to defend a public, State and/or municipal interest;
- 6) parties in cases concerning damages, which have arisen due to an unlawful conviction, unlawful arrest by the use of custodial measures, unlawful detention, unlawful use of coercion measures, or unlawful imposition of an administrative penalty - arrest, as well as damages, which have arisen due to the unlawful actions of a judge or a court in hearing a civil case;
- 7) parties in cases concerning property loss in connection with political repressions;
- 8) an enterprise (establishment), against which a bankruptcy or restructuring case has been lodged or in which an extrajudicial bankruptcy procedure is being executed, or natural person, against whom the bankruptcy case has been lodged, or other participating persons in a case – for lodging appeals and cassation petitions in these cases; 9) plaintiffs and parties, lodging property claims in bankruptcy or restructuring cases (apart from the situations referred to in Article 80(1)(9) of the Code of Civil Procedure);
- 10) State and municipal institutions (establishments) when lodging claims on the recovery of funds;
- 11) the Bank of Lithuania, the State enterprise Turto Bankas, and the State enterprise State Property Fund;
- 12) spouses when lodging petitions to dissolve a marriage by mutual consent and on petition of one of the spouses;
- 13) applicants when lodging applications by the procedure established in Part V, Chapters XXIX (adoption cases) and XXXIX (cases on courts permissions or confirmation of facts, administration of property, the application of procedures of inheritance and other cases, which are heard by a simplified procedure established by the Civil Code and other law) of the Code of Civil Procedure;
- 14) parties in cases concerning restriction of parental authority, abolition of the restriction of parental authority, separation of the child from the parents (father or mother) or abolition of this separation;
- 15) applicants in cases concerning establishment and abolition of the permanent guardianship or care of a child, the appointment, dismissal or removal from duties of a guardian or carer of a child;
- 16) persons in other circumstances, referred to in the Code of Civil Procedure and other law. Article 83(3) of the Code of Civil Procedure establishes that by means of summary proceedings, taking into consideration the person's material situation, the court can partly release from payment of stamp duty. An application for partial release of the stamp duty shall be reasoned. Proof providing the necessity of release of the stamp duty shall be annexed to the application. The court decision on the application has to be motivated.

In accordance with Article 36 of the Law on Administrative Proceedings of the Republic of Lithuania, the stamp duty shall not be imposed on complaints (applications) related to:

**(2017):** According to Article 83(1) of the Code of Civil Procedure of the Republic of Lithuania there are 14 subjects to be released from the payment of the stamp duty (court fee) in cases which are heard by a court. For instance:

- 1) employees in cases concerning all claims arising from the legal relationships of employment and consumers in cases concerning unfair terms of consumer contracts;
- 2) plaintiffs in cases concerning compensation of material and non-material damages, connected with an incident of harm to a person's health, the loss of his life in an accident at work, or a professional illness; 3) a prosecutor, State and municipal institutions, other persons when a claim or petition is lodged in order to defend public, State and/or municipal interests in that part of a case, in which it is sought to defend a public, State and/or municipal interest;
- 4) spouses when lodging petitions to dissolve a marriage by mutual consent and on petition of one of the spouses;
- 5) applicants when lodging applications by the procedure established in Part V, Chapters XXIX (adoption cases) and XXXIX (cases on courts permissions or confirmation of facts, administration of property, the application of procedures of inheritance and other cases, which are heard by a simplified procedure established by the Civil Code and other law) of the Code of Civil Procedure; 6) persons in other circumstances, referred to in the Code of Civil Procedure and other law. Article 83(3) of the Code of Civil Procedure establishes that by means of summary proceedings, taking into consideration the person's material situation, the court can partly release from payment of stamp duty. An application for partial release of the stamp duty shall be reasoned. Proof providing the necessity of release of the stamp duty shall be annexed to the application. The court decision on the application has to be motivated.

**(2016):** According to Article 83(1) of the Code of Civil Procedure of the Republic of Lithuania there are 14 subjects to be released from the payment of the stamp duty (court fee) in cases which are heard by a court. For instance:

1) employees in cases concerning all claims arising from the legal relationships of employment and consumers in cases concerning unfair terms of consumer contracts;

2) plaintiffs in cases concerning compensation of material and non-material damages, connected with an incident of harm to a person's health, the loss of his life in an accident at work, or a professional illness; 3) a prosecutor, State and municipal institutions, other persons when a claim or petition is lodged in order to defend public, State and/or municipal interests in that part of a case, in which it is sought to defend a public, State and/or municipal interest;

4) spouses when lodging petitions to dissolve a marriage by mutual consent and on petition of one of the spouses;

5) applicants when lodging applications by the procedure established in Part V, Chapters XXIX (adoption cases) and XXXIX (cases on courts permissions or confirmation of facts, administration of property, the application of procedures of inheritance and other cases, which are heard by a simplified procedure established by the Civil Code and other law) of the Code of Civil Procedure; 6) persons in other circumstances, referred to in the Code of Civil Procedure and other law. Article 83(3) of the Code of Civil Procedure establishes that by means of summary proceedings, taking into consideration the person's material situation, the court can partly release from payment of stamp duty. An application for partial release of the stamp duty shall be reasoned. Proof providing the necessity of release of the stamp duty shall be annexed to the application. The court decision on the application has to be motivated.

### **Luxembourg**

**(General Comment):** It is not necessary to pay a tax or fees to start a proceeding before an ordinary court. It may be, however, that one of the parties be ordered to pay the costs and expenses but the amount of this sentence is very low (a few euros).

### **Malta**

**(General Comment):** If a litigant is granted legal aid, he/she is exempted from paying court fees or taxes which are borne by the Government. There are no such taxes or fees in relation to criminal cases.

**(2017):** If a litigant is granted legal aid, he/she is exempted from paying court fees or taxes which are borne by the Government. There are no such taxes or fees in relation to criminal cases.

**(2016):** NAP

### **Netherlands**

**(General Comment):** A court fee is required in Administrative Law and Civil Law procedures. Only in insolvency cases, child care cases, psychiatric patient cases and asylum cases one does not have to pay a court tax or fee. There are no other exceptions.

**(2017):** "A court fee is required in Administrative Law en Civil Law procedures. Only in insolvency cases, child care cases, psychiatric patient cases and asylum cases people do not have to pay a court tax or fee. "

**(2016):** "A court fee is required in Administrative Law en Civil Law procedures. Only in insolvency cases, child care cases, psychiatric patient cases and asylum cases people do not have to pay a court tax or fee. "

### **Poland**

**(General Comment):** The general rule implies that a litigant must pay an initial fee. There are two kinds of exceptions. Firstly, there are categories of cases (mainly employment and child support) for which there is no initial fee. Secondly, litigants can be granted exemption from paying court fees after having filed a motion in this respect. Also public benefit organizations operating on the basis of public benefit and voluntary work regulations are not obliged to pay fees, with the exception of matters relating to the economic activity conducted by these organizations, in matters related to the implementation of a public task commissioned on the basis of public benefit and voluntary work regulations. Other social organizations whose task does not consist in running a business, may be granted exemption from court costs by the court in their own cases conducted in connection with social, scientific, educational, cultural, sport, charity, self-help, consumer protection, environmental protection and social welfare. While granting exemption from court costs, the court takes into account primarily the statutory objectives of the organization's activities and the possibilities and needs to achieve these objectives through civil proceedings.

**(2018):** The fee of PLN 300 is paid by the party initiating the case with the guilt of private prosecution (of the prosecuted cases in the Penal Code) and the subsidiary subsidy (all prosecutions for public prosecution, in cases when, after fulfilling the criminal proceedings specified in the Code of Criminal Procedure) premises, the prosecutor did not decide to accuse); the fee is paid by the aggrieved party.

In civil proceedings, numerous exceptions are regulated in Title IV of the Act of 28 July 2005 on court costs in civil matters regarding exemptions from court costs. A party may be exempted from court costs if he or she makes a declaration from which it appears that it is unable to bear them without compromising the maintenance necessary for himself and his family.

**(2017):** In civil proceeding, amount of fees are regulated by Act of 28 July 2005 on Court Costs in Civil Cases. Under this Act, there are three types of court fees: a relative fee, a fixed fee and a basic fee. The relative fee applies to property rights cases and amounts to 5% of the value of the subject of the dispute, however, not less than PLN 30 and not more than PLN 100,000. On the other hand, fixed fees are, in principle, applicable to non-proprietary rights and certain property law matters specified in the Act. The fixed fee is the same regardless of the value of the subject of the dispute or the value of the subject of the appeal, but it can not be lower than PLN 30. and more than PLN 5,000. The basic fee, which is PLN 30, is collected in cases in which the provisions do not provide for a fixed, relative or temporary fee. Other court fees in civil proceedings are so-called office fees related to the court's technical activities.

In criminal cases, if prosecutor does not bring an accusation, court fee in amount of 300 PLN is paid by entity who is initiating a criminal proceeding (cases from a private or subsidiary prosecution).

## Portugal

**(2017):** The Regulation of Procedural Costs enumerates different categories of persons (natural or legal entities; State authorities; political parties; foundations; associations; individuals; minors; public servants in the exercise of their functions etc.) exempt from costs. The main law fields concerned by the regime of exemptions are: constitutional law in terms of fundamental rights protection; labour law; criminal procedural law; insolvency law; tax justice etc. The following are also exempt: mandatory pension redemptions; urgent administrative proceedings related to some electoral processes; all processes that run before the Court of Execution of Punishment (Tribunal de Execução de Penas), where the prisoner is in a situation of economic failure; in the procedures concerning the liquidation and partition of assets belonging to social welfare institutions and to syndicate bodies; children proceedings, such as guardianship, adoption and others; inventory proceedings initiated under Law 29/2009 of 29 June.

## Romania

**(General Comment):** Government Emergency Ordinance no. 80/2013 on the judicial fees provides for the exceptions in cases regarding:

- a. payment of pensions and other social rights
- b. determination and payment of unemployment benefits, professional integration aid and support allowance, social assistance, the state allowance for children, the rights of persons with disabilities and other forms of social protection provided by law;
- c. legal and contractual maintenance obligations, including actions for nullity, annulment, termination of maintenance;
- d. establishment and granting of damages resulting from illegal conviction or illegal preventive measures;
- e. adoption, protection of minors, trusteeship, guardianship, judicial interdiction, assistance of people with mental disorders and the exercise by the guardianship authority of its duties;
- f. protection of consumer rights when individuals and consumer associations bring claims against economic operators that damaged the legitimate rights and interests of consumers;
- g. enforcement/exploitation of National Red Cross Society rights;
- h. voting rights;
- i. criminal cases, including civil compensation for material and moral damages arising therefrom;
- j. establishment and granting of civil damages for alleged violations of the rights provided for in art. 2 and 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by Law no. 30/1994, as amended;
- k. alleged legitimate rights and interests of former prisoners and persecuted for political reasons during the Communist regime in Romania;
- l. any other actions, claims or proceedings which are provided by special laws, judicial stamp duty exemptions.

The following are also exempt from judicial stamp duties:

- Claims, actions and appeals of the prefect or mayor to annul the legal acts made or issued by breaching Land Law no. 18/1991, republished, as amended and supplemented are also.
- applications for dissolution of companies regulated by Law no. 31/1990, republished, as amended and supplemented, and economic interest groups, if introduced by the National Trade Register Office;

Actions and claims of civil servants and public servants with special status are assimilated to labor disputes as far as judicial stamp duties are concerned.

The copy of documents submitted to the court, if copying services are not performed by the court but by private providers operating in courthouses are free of charge.

## Slovakia

**(2018):** There is a general rule that the plaintiff is obliged to pay a court fee to commence the civil proceedings. The Act on the Court fees (No. 71/1992 Coll.) provides for the exceptions to the general obligation to pay the court fee. The law stipulates the exhaustive list of the subjects who as a litigants are not obliged to pay the court fee (e.g. the state, prosecutor, foundations, consumers in disputes arisen from consumer contracts etc.) as well as the list of specific types of court proceedings wholly exempted from the court fees (e. g. the proceedings on guardianship and trusteeship, the maintenance proceedings, etc.).

Except for the situations stipulated in the Act on the court fees, in the civil procedure the court is entitled to grant the exoneration from

the court fees in consideration the social and economical circumstances of the litigant.

## Slovenia

**(General Comment):** According to the Court Fees Act the court shall exempt from payment of court fees a party, if such payment would significantly affect the funds needed for the maintenance of the party or his/her family members.

The exceptions to paying court fees, according to the legislation:

collective labour disputes,

social disputes,

individual labour disputes on conclusion, existence and termination of labour contract when started by worker,

civil enforcement procedure, when enforcing a decisions related to workers and labour disputes or when recovering debt, if the debt in question is alimony

starting an insolvency proceedings, when filled by the debtor

proceedings to establish personal or family status, when started by the State and local authorities and their bodies and Social Service Centres and humanitarian organizations

proceedings regarding disabilities and discrimination, when started by disabled or their organizations

applications for free legal aid, court fees exemptions and international protection

In criminal cases, the payment of court fees is required for assuming prosecution as an injured party or filing a private charge only. The public prosecutor is not required to pay the court fees to starts the proceeding before a criminal court, however if the accused is found guilty, he is required to pay the court fees.

**(2015):** According to the Court Fees Act the court shall exempt from payment of court fees a party, if such payment would significantly affect the funds needed for the maintenance of the party or his/her family members.

A worker is not required to pay a court fee in individual labour disputes on conclusion, existence and termination of labour contract.

The Labour and Social Courts Act specifies that in collective labour disputes and social disputes no court tax is required.

The parties are not required to pay court fees in court proceedings for judicial enforcement, when:

- enforcing decisions related to workers and labour disputes or
- recovering debt, if the debt in question is alimony.

In criminal cases, the payment of court fees is required for assuming prosecution as an injured party or filing a private charge only. The public prosecutor is not required to pay the court fees to start the proceeding before a criminal court, however if the accused is found guilty, he is required to pay the court fees.

## Spain

**(General Comment):** The Law 10/2012 that regulates certain fees in the area of the Administration of Justice requires to pay court fees to start the proceeding only to companies, not to natural persons.

**(2016):** Nowadays in Spain, the Law 10/2012 that regulates certain fees in the area of the Administration of Justice requires to pay court fees to start the proceeding only to companies, not to natural persons. The Law mentioned was amended on this point by the Royal Decree 1/2015, 27 February.

## Sweden

**(General Comment):** As a rule, litigants are required to pay a court fee to start a proceeding at a court of general jurisdiction for other than criminal cases. The administrative law cases constitute an exception to the general tenet. Till 2014, there was another exception concerning cases for obtaining an order to pay when the person objects the order to pay issued by the enforcement authority. From the 1st of July 2014, there is an additional court fee in these cases when a claim is disputed and therefore transferred from the Enforcement Authority to the court of first instance. Besides, a person who is granted legal aid does not have to pay court fees.

**(2017):** Following case types are excepted from the rule to pay a court tax or fee: administrative law cases, court cases about obtaining an order to pay when the person the claim is directed at objects to an order to pay already issued by the Enforcement Authority, cases where the litigant applies for bankruptcy as well as cases where the litigant has been granted legal aid.

**(2016):** Following case types are excepted from the rule to pay a court tax or fee: administrative law cases, court cases about obtaining an order to pay when the person the claim is directed at objects to an order to pay already issued by the Enforcement Authority, cases where the litigant applies for bankruptcy as well as cases where the litigant has been granted legal aid.

## Question 12

### Austria

**(General Comment):** The indicated sum includes only the lump sum paid to the bar for representation of parties 'pro bono'. It does not include court fees or fees for translation or experts, which are also covered by legal aid, but not isolated within the budget. Accordingly, no figures can be provided as regards the whole regime of legal aid.

The amount of 19.500.000/19.828.000 Euro is already included in the specified total annual budget allocated to all courts, the public prosecutions services and legal aid together (Q 7).

**(2018):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for "pro bono" representation of parties. The implemented public budget for payment to the bar for "pro bono" representation of parties is € 19.828.000. The difference between these two figures is mainly due to advance payments to the bar for "pro bono" representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**(2017):** A lump sum of € 19500000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 18860000 Mio. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**(2016):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.700.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

## **Belgium**

**(2012):** 2010: The 25% increase of the approved budget allocated to legal aid between 2008 and 2010 can be explained by an increase in costs and expenses.

## **Bulgaria**

**(General Comment):** The annual budget for legal aid in the Republic of Bulgaria is not granted by type of cases and type of legal aid. Legal aid can be provided for all types of civil cases including non-litigious cases. The budget is common to all types of legal aid – consultation (pre-litigation advice for which the Law on legal aid strictly defines the categories of persons amenable to be granted with) with the purpose to achieve a settlement before initiation of court proceedings or filing a case, preparation of documents for filing a case, litigation, and litigation in event of detainment by the bodies of the Ministry of Interior and the Customs Act. By contrast, the annual budget for legal aid does not include means of alternative dispute resolution (ADR). The annual budget for legal aid is common to all types of criminal, civil and administrative cases. It includes remuneration of the attorneys providing legal aid, remuneration of the Bar Councils for the work carried out by the administration of legal aid, funds for necessary expenses to visit the places of detention or retention and protection in another village. The National Legal Aid Bureau is an independent State authority, a legal entity and a second grade disposer of budget credits to the Minister of Justice. Its competence consists in preparing a draft budget of legal aid and disposing the funds in the budget of legal aid. The Ministry of Justice supervises the planning and reporting of funds in respect of the budget of legal aid. The annual budget of legal aid is part of the budget of the Ministry of Justice – Chapter 'Policy of Justice'.

**(2014):** In the frame of the 2014 exercise, it has been specified that the implemented budget of legal aid exceeds the approved one because of a large number of criminal cases of serious crimes and a large number of civil cases with high material interest justifying higher legal fees.

**(2012):** In the frame of the 2012 exercise, it has been explained that the increase of the budget allocated to legal aid between 2010 and 2012 was due to the increase of the number of poor citizens.

## **Croatia**

**(2018):** In 2018 annual approved public budget for legal aid has been increased. Having regard to the comments of the stakeholders of the legal aid system (NGO's registered in the Register of primary legal aid providers Faculties of Law, attorneys), the Ministry of Justice strives to increase the allocations for legal aid, depending on the limits and possibilities of the public budget.

**(2017):** The annual approved public budget allocated in other than criminal cases to primary legal aid (for non-litigious cases or cases not brought to court) in 2017 has been increased.

**(2016):** The annual approved public budget allocated in other than criminal cases to primary legal aid (for non-litigious cases or cases not brought to court) in 2016 was significantly reduced, which results in great differences in total amount approved in other than criminal cases to legal aid in 2014/2015 and 2016.

**(2014):** In the 2014 exercise, it has been specified that the amount of legal aid approved and also allocated to the cases brought before the court (primary legal aid) was 1.450.000,00 kuna, and legal aid for non-litigious cases or cases not brought to court (secondary legal aid) was 2.570.000,00 kuna. The figures provided in the table are calculated according to the currency for 31st December 2014 which was 1 €=7,6577 kuna.

**(2013):** In the 2013 exercise, it is explained that the budget for legal aid was increased as a response to the observed trend of increased number of requests for granting legal aid. Besides, it is specified that 253 750 euro represent the funds allocated to legal aid in the budget of Croatia intended for free legal aid under the Free Legal Aid Act (civil and administrative proceedings). There also exist funds paid as per submitted requests for granting legal aid - 236 000 euro which could be registered in the following categories: "other than criminal law cases" – 210000; "annual public budget allocated to legal aid for non-litigious cases or cases not brought to court" – 26000.

**(2012):** In 2012, due to the decreased budget planned for the Ministry of Justice, the amount allocated to legal aid is lower than in 2010. More precisely, the reduction of the budget for legal aid in administrative and civil proceedings was due to the economic situation.

## Cyprus

**(General Comment):** The amount of legal aid is included in the amount for cost of criminal prosecutions, civil procedure and procedures in Family courts

**(2013):** 2013: The decrease in the Legal Aid budget is as a result of the austerity measures and in relation to the budget there were less applications for legal aid.

## Czech Republic

**(General Comment):** It is noteworthy that before 2014, the implemented budget was provided instead of the approved one. The data on approved budget allocated to legal aid do not exist, the approved budget is not divided to this level.

**(2017):** The approved budget is not divided to this level.

**(2016):** The data on approved budget allocated to legal aid do not exist, the approved budget is not divided to this level.

**(2014):** Specifically, as concerns the 2014 exercise, it is indicated that data on approved budget allocated to legal aid do not exist because the approval budget is not divided to this level. Owing to the impossibility to identify the approved public budget for legal aid, the reply in respect of this question is NA.

## Denmark

**(2018):** The amount listed in Q12.1. also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**(2017):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts.

**(2016):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**(2014):** In the frame of the 2014 exercise, it has been indicated that the budget foreseen for legal aid in 2012 and 2013 proved to be far less than the actual costs these years. Accordingly, the 2014 budget was increased considerably. Thus, there is not a significant increase in expenditure rather that budget is adapted to the actual consumption. This applies to the cost of both criminal and other cases.

**(2013):** In the ambit of the 2013 exercise, it has been noticed that the 2012 budget was well below the actual result for this year and that accordingly, the 2013 budget has been increased.



## Estonia

**(2013):** For 2013, according to the executed budget, the sums paid to lawyers represent 2 980 235 euros from the total (3 835 000). From these 2 980 235 euros, 2 226 315 euros were allocated to legal aid for criminal cases and 718 922 euros were allocated to legal aid for civil and administrative cases, the rest was allocated to legal aid for misdemeanor, enforcement procedure, administrative procedure and review procedure cases and legal consultation.

**(2012):** The variation observed between 2010 and 2012 should be explained in the light of the above-mentioned clarifications. For 2012, the sums paid to lawyers represent 2 857 850 euros from the total (3 835 000). In this respect, the difference with the amount provided for 2010 is not such important (2 307 334 euros). On the contrary, the IT costs included in the budget of legal aid for both of the exercises are especially high in 2012 due to the implementation of a new IT system. Basically, the increase of this specific part of the legal aid budget affects the total.

## Finland

**(General Comment):** A part of the expenses of the legal aid comes from cases which are not heard in the courts.

**(2018):** The total amount includes the expenses of the public legal aid offices (net EUR 24.500.000) and the fees and compensations paid to the private lawyers in legal aid matters (EUR 69.200.000).

**(2017):** The legal aid expenses have increased. Budgeting practice on VAT has changed. VAT is paid from the same budget account as the fees for the private lawyer.

**(2016):** The legal aid expenses have increased. This is due to the 4 % increase made in the legal fees. Also the number of refugees getting legal aid has increased.

**(2014):** Legal aid expenses have been increasing. In 2014 this was due to the 4 % increase made in the legal fees. In 2015 this is due to the increase in the number of refugees to whom legal aid was granted.

## France

**(General Comment):** The law refers to different types of legal aid: legal aid granted to litigants before courts as well as for out of court proceedings (transactions, participatory procedures in civil matters that are not brought to court); legal aid granted for consultation out of any proceedings; legal aid covering legal representation by a lawyer granted to individuals detained in custody, individuals detained in the frame of disciplinary proceedings, or in matters of mediation and plea bargaining procedures; legal aid granted for legal consultation (Legal Advice Centres and legal access points created by Departmental Councils for Access to the Law offer court users free legal consultations by lawyers, notaries and bailiffs).

**(2017):** The variation observed in respect of cases brought before courts is explained by the addition of 83 million euros. This is public money paid by the Ministry to the bar associations to provide legal aid to litigants, but it does not represent a voted budget in the strict sense. The variation concerning non-litigious cases or cases not brought to court is explained by the fact that in previous data certain budget items (victim support and family mediation) had been encompassed by mistake.

**(2016):** As regards the difference between the approved budget and the implemented one, significant cuts have affected the legal aid budget. In addition, several observations (concerning in particular the complexity of the system, the incoherence of the scale of remuneration, the obsolete nature of geographical modulation) have highlighted the need for a major overhaul of the system of financing legal aid. In the Finance Act for 2015, a first step consisted in diversifying the sources of funding of legal aid in order to meet needs that are tending to increase, particularly as a result of changes in European law. The main facets of the reform are aimed at better respond to the demand for law, to better reward the work of the actors and to move towards better governance and optimised management of legal aid.

The general economy of the reform was as follows: 1) reconsidering the system to make it fairer, simpler and better adapted to local situations: the generalised and revalued unit of value, a contractualisation between the courts and the bar associations allowing additional remuneration for lawyers; 2) raising the ceiling on resources for access to full legal aid to €1,000 and raising the ceiling on partial legal aid accordingly; almost 100,000 new litigants will thus be eligible with this scheme; 3) development of the use of alternative dispute resolution methods.

**(2015):** Thus the implemented budget for legal aid allocated to criminal cases increased significantly between 2014 and 2015 (by 141%).

The 90% decrease between 2014 and 2015 regarding the annual implemented public budget relating to legal aid for non-litigious cases or cases not brought to court results from the different presentation. The related legal aid costs, including those attributed to custody, have been included in the annual implemented public budget allocated to legal aid for cases brought to courts.

This also explains the decrease in other than criminal cases (by 53%). In the basis of calculation have been included the expenses relating to criminal field, the costs for custody (*garde à vue*), mediation and penal composition, assistance to prisoners, protocols art. 91 and the custodial agreements. The portion of other than criminal expenses is reduced by the same amount.

**(2012):** The methodology of presentation of data is different for 2010 and 2012. For 2012, legal aid for non-litigious proceedings amounts to 49,732,000 euros. Therefore, for all criminal cases (brought to court and out of court) 49,732,000 euros should be added to the 88,730,000 euros, bringing the figure to 138,462,000 euros. The increase stems from increased custody costs as a result of the 2011 reform.

**(2010):** The 2010 budget of legal aid takes into account budgetary credit derived from the recovery of credits (11.5 million euros) and fiscal expenses linked with the implementation of a 5.5% reduced VAT rate for services provided by lawyers as part of legal aid. Indeed, legal aid expenditure is reduced by the amount recovered by the Treasury services on the losing party when the latter is not granted legal aid. In addition, lawyers are paid by the Lawyers' Pecuniary Payment Fund whose evolution constitutes an adjustment variable (+ 10.8 million euros in 2010).

## Germany

**(General Comment):** It is noteworthy that all data concerning the budget should be construed in the light of the federal State structure of Germany. Accordingly, variations for which no particular explanation has been notified are often due to the fact that for the different evaluation cycles a different number of Länder provided a reply. Owing to this peculiarity, the information remains most of the time incomplete.

The figures include the federal budget as well as the budgets indicated by the respondent Länder.

**(2015):** Re. Question 12:

The data refer to the year 2014. At present, no more recent data are available. Some of the Länder were unable to provide data regarding question 12. Accordingly, the information provided here is incomplete and is not comparable with the 2013 data. Inasmuch as the other Federal Länder have provided data, these were added to the aggregate amount. Since a number of Länder have provided the aggregate amount, but have otherwise indicated "NA" in all or some of the cases, it is not possible to form a sum total under 12.1 or 12.2. For this reason, "NA" was indicated.

**(2014):** In 2014, there was no information available from Hamburg, Saarland, and Thuringia.

In as much as the other Federal Länder have provided data, these were added to the aggregate amount. In contrast to the previous cycles, figures indicated by individual Länder only in respect of the total are encompassed in the total which explains the considerable variation between 2013 and 2014 (which is not real and disappears when comparing comparable data (in 2012 the sum of € 304,584,278 was not included in the total and in 2013 - € 316,707,568). Since a number of Länder have provided the aggregate amount, but have otherwise indicated "NA" in all or some of the cases, it is not possible to form a sum total under 12.1 or 12.2. For this reason, "NA" was indicated.

**(2013):** In the frame of the 2013 exercise, 10 Länder provided data accompanied by comments.

As in 2012, only figures concerning Länder which provided complete data for the total and the sub-categories were represented in the total (Berlin, Mecklenburg-Western Pomerania, North Rhine/Westphalia, Rhineland-Palatinate, Saxony-Anhalt, and Thuringia). As to individual Länder that communicated only totals (Baden-Württemberg, Bavaria, Brandenburg, Bremen, Hesse, Lower Saxony, Saxony, and Schleswig-Holstein), these amounts were not taken into account (a sum of € 316,707,568). Therefore, the information remained incomplete.

**(2012):** In the frame of the 2012 exercise, it has been specified that according to the Legal Advice and Assistance Act, the so-called legal advice and assistance is a social benefit provided by the State to persons seeking justice who cannot afford the assistance of or representation by a lawyer and who have no other reasonable possibility of obtaining assistance. Legal advice and assistance is granted for asserting one's rights outside of court proceedings as well as for obligatory conciliation proceedings pursuant to section 15a of the Act on the Introduction of the Code of Civil Procedure.

In 2012, Bremen, Saarland and Schleswig-Holstein did not provide any information. Only figures concerning Landers which provided complete data for the total and the sub-categories were represented in the total. As to individual Landers that communicated only totals, these amounts were not taken into account (a sum of € 304,584,278). Therefore, the information remained incomplete.

**(2010):** In 2010, the sum of 285 625 euros corresponded to the part of the federal budget allocated to legal aid (47 885 for criminal matters and 237 740 for other than criminal matters).

Two Landers did not provide information. Data were not available for a considerable number of Landers in respect of the total or the sub-categories. Accordingly, the information is not complete.

## Greece

**(2018):** The difference in the approved and implemented budget is because the approved budget concerns economic obligations not only of 2018 but also of previous years.

**(2017):** The deviation noted between the allocated (and the implemented) budget between years 2016 and 2017 is due to the fact that the payments do not take place in the same pace as the expenses. The allocated budget for legal aid in 2017 is significantly higher than the one of 2016, because it does not concern only the expected annual relative expenses, but also unpaid debts of previous years. Respectively, the payments of 2017 were lower than they should be, which consequently means that the numbers for 2018 will also present similar deviations.

**(2016):** A reassessment of the annual budgetary needs in legal aid was made by the Courts Building Fund. The annual cost is not a stable amount and depends on the number of cases where the legal aid is used.

**(2014):** The increase of the budget allocated to legal aid between 2013 and 2014 resulted to some extent from time limitations. In 31 December 2014 there were unpaid expenses. Generally, legal aid is entirely paid from the budget of the Courts Building Fund, a legal entity of public law, which draws its budget according to its expected annual revenues and its expected annual needs.

**(2012):** The observed increase of the budget allocated to legal aid in 2012 was due to accumulated debts from previous years.

**(2010):** The increase of the budget for lawyers in 2010 derived from the increased need and relative requests of payment.

## Hungary

**(General Comment):** Within the framework of out of court legal assistance ensured by the State, legal counsels assigned for economically and socially disadvantaged people provide legal advice, draft and prepare petitions and other documents to be filed, and study case files upon a power of attorney. For the performance of such tasks, legal counsels are paid or their fees and expenses are advanced by the State instead of the party concerned. The fees and expenses are determined by law.

**(2013):** The annual public budget allocated to legal aid decreased with 33% between 2012 and 2013 as a consequence of the strengthening of the legal aid service.

## Ireland

**(General Comment):** The annual approved public budget allocated to legal aid in other than criminal cases is the state funding received by the Legal Aid Board in one year. The annual public budget implemented regarding legal aid is the total expenditure of the Legal Aid Board. Please note that:

(1) The Legal Aid Board receives funding from sources other than state funding, in the form of contributions paid by legally aided persons and costs recovered from legally aided persons. This funding is paid into the same Legal Aid Fund as the state funding and therefore it is not possible to distinguish expenditure funded from this source as distinct as from state funding.

(2) The Legal Aid Board does not separately account for the money it spends on the provision of legal advice to the money it spends on the provision of legal representation. Nor does it separately account for the costs of the mediation service from that of the law centre service, and even if it did, that would not represent the full total of the Board's spending on non-litigious cases for the above reason.

**(2017):** The total figure for "other than criminal cases" is the figure that the Legal Aid Board received in money allocated by Parliament (grant). It does not represent the total income of the organisation as it will also have received contributions from legally aided persons and costs recovered. These figures are not yet available for 2017 as the Board has yet to publish its audited accounts (expected to be published November 2018).

## Italy

**(General Comment):** In Italy there is not a specific budget allocated to legal aid. Legal aid is part of the general budget allocated to justice expenses.

More generally, due to the structure of the Italian judicial system, the Ministry of Justice has one single budget which does not distinguish between the budget allocated to courts, the budget allocated to public prosecution services and the one allocated to the administration. The figures provided in this chapter are the result of a re-classification of the budget statements which takes into consideration several criteria.

In Italy, legal aid can be granted for all categories of civil cases: litigious, non-litigious and also ADR. Nevertheless, in respect of the latter, so far the Ministry of Justice has not experienced any payment yet.

**(2018):** Please note that when it comes to legal aid in civil and criminal cases, there is not a specifically approved budget destined for legal aid. For this reason legal aid expenses are paid to the parties regardless of the budget. For statistical reasons, the approved budget is considered as equivalent to the implemented budget. Please also note that the budget allocated to legal aid for administrative justice is 2.071.809 €

**(2017):** In Italy, legal aid claims which are legitimate (i.e. the claimant lives under a certain income threshold) are always honoured. In other words, legal aid covers all judicial expenses regardless available funds. In order to reflect this reality, the approved budget appears equal to the implemented one.

**(2016):** In Italy, legal aid claims which are legitimate (i.e. the claimant lives under a certain income threshold) are always honoured. In other words, legal aid covers all judicial expenses regardless available funds. In order to reflect this reality, the approved budget appears equal to the implemented one.

**(2013):** On the occasion of the 2013 exercise, it has been stressed that the impact of the "annual public budget allocated to legal aid for cases not brought to court" on the total is extremely low. Therefore -essentially- the figures indicated in the frame of 12.1 may be considered as the total budget allocated to legal aid, even though -strictly speaking- it is not so.

## Latvia

**(General Comment):** The Cabinet of Ministers Regulations No. 1493 "Regulations on the Extent of the State Ensured Legal Aid, the Amount of the Payment Due to the Legal Aid Providers, Reimbursable Expenses and Payment Procedure Thereof" of December 22, 2009 provides for the types and extent of legal aid, the amount of payment to be paid to legal aid providers and the reimbursable expenses arising from the provision of legal aid, as well as the amount and payment procedure thereof. In accordance with this Regulation, the following shall be covered from the funds allocated for the provision of legal aid: certain types of legal aid (for example provision of legal consultations, drafting an appellate complaint, representation at court sittings etc.) in criminal matters, civil matters, administrative matters and cross-border dispute matters, as well as in out-of-court dispute matters. Furthermore, reimbursable expenses (road (transportation) expenses and hotel expenses) shall also be paid from the aforementioned funds.

**(2016):** Through developing the state ensured legal aid system, the Cabinet of Ministers of the Republic of Latvia has revised amount of the payment due to the legal aid providers for the provision of legal aid, anticipating an annual increase starting with January 1, 2014, January 1, 2015 and July 1, 2016. Moreover additional funds were allocated from the state budget in 2014 to extend the provision of legal aid to the victims (Amendments to the Criminal Procedure Law on May 29, 2014).

**(2014):** Through developing the State ensured legal aid system, the Latvian Cabinet of Ministers has revised compensation for the provision of legal aid, anticipating an annual increase starting with January 1, 2014 and January 1, 2015. From 1 May, 2015 it has reached the maximum limit.

## Lithuania

**(General Comment):** In Lithuania, two types of legal aid are ensured. On the one hand, primary legal aid comprises the delivering of legal information, legal advice (consultations), drafting of documents to be submitted to State and municipal institutions, with the exception of procedural documents, advice on out-of-court settlement of a dispute, actions for amicable settlement of a dispute and drafting of a settlement agreement.

On the other hand, secondary legal aid comprises preparation of documents, defence and representation in courts, including the process of enforcement, representation in preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision (e.g. settlement of a dispute in the Labour disputes commission).

**(2017):** Different types of legal aid are available in Lithuania. Primary legal aid comprises the delivering of legal information, legal advice (consultations), drafting of documents to be submitted to State and municipal institutions, with the exception of procedural documents, advice on out-of-court settlement of a dispute, actions for amicable settlement of a dispute and drafting of a settlement agreement.

Secondary legal aid comprises preparation of documents, defence and representation in courts, including the process of enforcement, representation in preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision (e.g. settlement of a dispute in the Labour disputes commission).

Extrajudicial conciliatory mediation is a procedure of dispute resolution in which one or several mediators assist parties in reaching a conciliation agreement.

**(2014):** In the ambit of the 2014 evaluation, it has been explained that within the approved public budget for legal aid (5900767,4 EUR), 560753,59 EUR concern primary legal aid and 5340013,9 EUR concern secondary legal aid.

The implemented public budget in 2014 is 5 43013,22 EUR for primary legal aid and 5340013,9 EUR for secondary legal aid.

It should be noticed that 17740,39 EUR of funds allocated to primary legal aid remained unused and were returned to the State budget.

The approved and the implemented public budget for secondary legal aid comprise remuneration for lawyers and, in contrast with 2012 and akin to 2013, other secondary legal aid costs. In 2014, 1985027 EUR were paid to lawyers providing legal aid in criminal cases and 1583728,53 EUR were paid to lawyers providing legal aid in civil and administrative cases.

**(2013):** In the frame of the 2013 exercise, it has been indicated that the annual approved public budget for primary legal aid was 519 868 EUR and this for secondary legal aid was 4 041 358 EUR. Besides, the approved public budget for secondary legal aid comprises remuneration for lawyers and, in contrast with 2012, other secondary legal aid costs.

**(2012):** In the ambit of the 2012 evaluation cycle, it has been indicated that the total encompasses the budget of both primary (513 681,15 €) and secondary legal aid (4 030 144,9 €). The budget of secondary legal aid includes the remuneration for lawyers and excludes other State-guaranteed legal aid expenses (e.g. costs related to collection of evidence, interpretation etc.). Moreover, according to the types of cases, information about the amounts paid for lawyers who provide secondary legal aid has been provided: in civil and administrative cases – 1 350 333,83 €, in criminal cases – 1 955 879,07 €.

**(2010):** In the frame of the 2010 exercise, it has been explained that the decrease in the budget allocated to legal aid is due to the general budgetary cuts.

## Luxembourg

**(2018):** The number of people seeking legal aid has increased over the years and the budget has had to be adapted.

**(2017):** The implementation of the so called ABC directives on procedural rights made an increase of the legal aid budget necessary.

The budget allocated to legal aid covers legal aid for all matters (criminal or not) and types of cases (litigious or not). However, the budget does not distinguish a precise amount of legal aid available depending on the law field or the type of case.

**(2016):** There is no isolated budget for non-litigious cases or criminal cases.

**(2012):** It is not possible to differentiate the amount of legal aid allocated to criminal and non-criminal cases, whether they are contentious or not.

## **Malta**

**(2018):** The communicated data represents the full amount allocated to the Legal Aid Agency for its operation. However it is not possible to distinguish between the budget allocated to criminal cases, and that allocated to other than criminal cases. There has been an increase in the approved budget since 2015 when the Legal Aid Agency became an independently functioning Agency. Since 2017, not only has there been a recruitment drive in the Agency that now employs more lawyers and an administrative structure, but the conditions and financial package of the lawyers was also improved. Hence the increase in the budget year after year. The Legal Aid Agency is set to expand and therefore further increases in the Agency's budget are expected.

**(2017):** The Legal Aid budget does not differentiate between the services offered for criminal cases or the services offered for non-criminal cases. However Legal Aid in Malta is offered mainly for litigation purposes, and not for consultation, and hence the NAP response to question 12.2. In 2017, the government invested more in the Legal Aid Agency. The increase in the legal aid budget is due to the fact that all the lawyers working at the Legal Aid Agency were given an honoraria.

**(2016):** The Legal Aid budget does not differentiate between the services offered for criminal cases or the services offered for non-criminal cases. However Legal Aid in Malta is offered mainly for litigation purposes, and not for consultation, and hence the NAP response to question 12.2. 2016 was the first year in which the legal Aid Agency had a budget of its' own. The actual financial requirements needed to run the Agency.

**(2012):** In contrast with the 2010 exercise for which the provided figures were more generic, data communicated for 2012 are more accurate.

**(2010):** In 2010, funds were allocated in a different manner compared to the previous exercise. Basically, in 2008, a part of the legal aid funding was catered for by a different Ministry and such data was not then available.

## **Netherlands**

**(General Comment):** The Dutch legal aid system encompasses three 'lines' that provide legal aid and constitutes a mixed model consisting of a public preliminary provision, public first-line and private second-line help. o Firstly, the preliminary provision of the interactive online application called Roadmap to Justice offers digital help to people to find solutions for their legal problems in an interactive manner, initially in the area of divorce. This online platform provides information, objective criteria and self-help tools. With the aid of a reviewer the agreements can be finalized in a divorce settlement. In the near future, after-care will also be possible. The Legal Services Counters also have a website that can be seen as a preliminary provision. o Secondly, the Legal Services Counters (LSC) who are financed by the Legal Aid Board, act as what is commonly known as the 'front office' (primary help). Legal matters are being clarified to clients and information and advice given. If necessary, clients will be referred to other professionals or support agencies. Clients may also be referred to a private lawyer or mediator who acts as the secondary line of legal aid. Clients may also apply for legal aid from a subsidised lawyer or mediator directly. o Finally, private lawyers and mediators provide legal aid in more complicated or time-consuming matters (secondary help). They are paid by the Legal Aid Board to provide their services to clients of limited means. Generally they are paid a fixed fee according to the type of case, although exceptions can be made for more extensive cases. Since 2010 it is possible to get subsidized legal aid for criminal cases that do not go to court. However, for subsidized legal aid in criminal cases it is not possible to make the distinction between "cases brought to court" and "non-litigious cases". Until 2013 the number of non-litigious criminal cases was negligible. So they were ignored. On the contrary, currently the number of cases is growing and becoming substantial. So they can no longer be ignored, but the actual figures are not available. It is noteworthy that subsidized legal aid has an open end funding, meaning that all applications that meet the criteria are awarded, regardless of the original budget. Accordingly, the difference between the proposed budget and the implemented one could be contentious. For example, in 2015, the Council for legal aid applied to the Ministry of Security and Justice with a claim for about 25000000 euros.

Figures communicated for the previous evaluation cycles reflect the implemented budget.

The budget intended to the Legal Counters (one of the providers of primary legal aid) is not included.

**(2017):** At this moment, it is not possible to divide the total amount of cases in all three categories into cases brought to court and non-litigious cases or cases not brought to court. The data does not provide this subcategory due to issues with defining the concept 'brought to court'. In all types of cases, criminal or otherwise, it is possible that there is a verdict or decision without the involvement from a judge or without it being brought to court. The total amount of cases is 424.870, of which 120.882 were criminal cases and 303.988 were other than criminal cases.

**(2014):** On the occasion of the 2014 evaluation, it has been explained that the ongoing decrease over the period 2012-2014 concerning the annual approved public budget allocated to legal aid for other than criminal cases brought to court might be due to shortening in budget. The State Secretary for Security and Justice developed a policy intended to result in structural savings of 85 million euros annually. On February 1st 2015, the following measures took effect: temporary elimination of annual indexation with respect to the lawyers' fees and the client contribution; reassessment of a fixed number of paid working hours for specific parts of the criminal process and limitation of the legal aid commissioned by the court if the custody is suspended immediately after it is ordered; reduction of the hourly legal aid rate; reduction of lawyer's fee in time consuming cases. Other proposed cutbacks have been suspended because the Senate filed a number of motions in the beginning of 2015. A special commission is established that will issue an opinion after extensive research.

**(2013):** In 2013, the indicated amount does not include expenditures related to detention of illegal aliens, forced hospitalization by psychiatric problems, divorce and legal guardianship of children.

## Poland

**(2017):** In 2016 annual approved public budget allocated to legal aid was higher due to predicted costs of implementing changes in Code of Criminal Procedure. In fact mentioned costs were lower than expected so in 2017 the decision was made to approve public budget allocated to legal aid proportionately lower. Total Annual approved public budget allocated to legal aid (12.1 + 12.2) only for civil cases: 12006000 €. Legal aid can be given also in other cases e.g.: administrative cases, labour cases, tax cases, family law cases.

Category 12.2 does not equals 0, so we indicate NA for totals.

**(2016):** In 2016 the costs of implementing changes in the Code of Criminal Procedure in the field of free legal aid granted ex officio were higher than in 2014 but they were not fully used. For that reason we see increase in the amount of approved budgets for legal aid but in fact the implemented legal aid is on the same level as 2014.

## Portugal

**(2018):** In 2016, in fact, the amounts of budget allocated to legal aid considered in the approved budget were lower than in 2018. However, in 2016 the execution amount was very much in line with the approved budget and the amount implemented in 2018.

**(2017):** The approved budget allocated to legal aid for 2017 was closer to the value of the implemented budget allocated to legal aid in 2016.

**(2014):** The decrease in the approved budget allocated to legal aid between 2012 and 2014 can be explained by the current economic and financial situation that led to budget limitations. However, it should be stressed that in the past years, the approved budget allocated to legal aid has been revised and increased on the course of the year. In fact, legal aid expenses have not decreased, quite the opposite, if one checks the implemented budget.

For 2014, the implemented public budget regarding legal aid differs from the annual approved budget allocated to legal aid because the latter was in deficit regarding the needs of the year. Therefore it was necessary to strengthen an endowment by the Ministry of Finance.

**(2013):** The decrease of the budget of legal aid in 2013 has been justified by the financial constraints faced by the Portuguese government in the past years.

**(2010):** In the frame of the 2010 exercise, two main reasons have been pointed out in respect of the increase of the budget of legal aid between 2008 and 2010. Firstly, the amendments to the existing legislation granted a greater effectiveness to the fundamental right of access to the law and to the courts which resulted in a very marked increase in the granting of legal protection. Secondly, the elimination of the discretionary nature of setting fees, the table being set in the maximum amounts, and the fact that the service was no longer provided by trainee lawyers, who had a reduction in their salary, also contributed to the increased amounts budgeted.

## Romania

**(General Comment):** Despite the reply NA in respect of the category "budget allocated to legal aid for non-litigious cases", the indicated totals are correct. In fact, the budget of this item is included in the budget concerning "other than criminal law cases". There is no separate budget classification for the moment with regard to litigious and non-litigious matters. Expenditure on legal aid covers costs incurred for beneficiaries' justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

As a general remark, it is worth emphasizing that since 2008 the approved budget for legal aid has recorded an ascendant trend.

**(2016):** Expenditure on legal aid covers costs incurred for beneficiaries' justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

## Slovakia

**(General Comment):** In Slovak republic, the legal aid is financed by two different sources which are: 1. the budget of the Legal Aid Centre and 2. the

budget allocated to courts. The sum stated in the table represents exclusively the approved budget of the Legal Aid Centre which is the institution granting legal aid to persons in material need in all types of legal disputes except for criminal cases. As regards the criminal cases, the costs for legal aid represents the fees for counsels appointed by the court "ex officio" to defendants in case of compulsory defense. These costs are not predetermined in the budget of courts and they are paid continuously from the budget allocated to the functioning of the courts and therefore cannot be separated.

**(2018):** The provided sum represents solely the budget of the Legal Aid Center. Its budget has increased significantly compared to previous years mainly in connection with the amendment to Act on Bankruptcy and Restructuring as of 1 March 2017 which introduced the new model of debt relief of natural persons (personal bankruptcy). The new role of the Legal Aid Center was connected with this amendment. If the applicant (the debtor) seeking for personal bankruptcy meets the legal requirements for granting legal aid, the Center pays the remuneration to the bankruptcy administrator in the total amount of € 500.



## Slovenia

**(General Comment):** The law prescribes that legal aid shall mean the right of the eligible person to the entire or partial provision of funds necessary to cover the costs of legal assistance and the right to exemption of payment of the costs of the judicial proceeding (Free Legal Aid Act, Article 1).

Further on the law defines that legal aid may be approved for legal advice, legal representation and other legal services laid down in this Act, for all forms of judicial protection before all courts of general jurisdiction and specialised courts based in the Republic of Slovenia, before the Constitutional Court of the Republic of Slovenia, and before all authorities, institutions or persons in the Republic of Slovenia authorised for out-of-court settlement, as well as in the form of exemption from payment of the costs of the judicial proceeding (Free Legal Aid Act, Article 7).

On the other hand the approved legal aid shall not cover the costs of the proceeding and actual expenditure of and remuneration for the person authorised by the opposing party (Free Legal Aid Act, Article 9).

The law specifically lists the costs that can be covered by the approved legal aid (Free Legal Aid Act, Article 26): - for legal advice;

- for the formulation, verification and certification of documents on legal relations, facts and statements;
- for legal advice and representation in cases of out-of-court settlement;
- for legal advice and representation before courts in the first and second instances;
- for legal advice and representation involving extraordinary appeals;
- for legal advice and representation involving constitutional action;
- for legal advice and representation before international courts;
- for legal advice and representation involving the filing of a petition for the assessment of constitutionality;
- in the form of exemption from payment of the costs of the judicial or extrajudicial proceeding.

Legal aid may also be granted in the form of an exemption from payment of the costs of proceedings before courts, particularly in the form of an exemption from payment of:

1. Costs of experts, witnesses, interpreters, servicing orders and translations, costs of external operations of the court or other authority in the Republic of Slovenia, and other justified costs;
2. Security deposits for the costs or of the costs, of the implementation of the proceeding (advance payments);
3. Costs of public documents and receipts required for the proceeding before a court;
4. Other costs of the proceeding."

In the adoption of the budget, no separation between the amounts that will be allocated for legal aid in criminal or other cases or cases brought to court (or not) is made.

**(2014):** 2014: The further decrement in the budget for legal aid in 2014 can be attributed to the amendment of insolvency legislation in 2013, which abolished the right for legal persons to apply for legal aid for financing the advances of the costs of the bankruptcy proceedings (legal persons are now exempt from paying the advance in bankruptcy proceedings in all cases, without having to apply for legal aid)."

## Spain

**(2014):** The significant increase in the budget intended to legal aid between 2012 and 2014 stems from the fact that, by contrast to data provided for 2014, for the 2012 exercise, the budget allocated by the autonomous communities for legal aid was not included in the indicated figures. The total budget for legal aid in 2012 was 253.034.641 euros. It includes the budget allocated by the autonomous communities for legal aid.

## Sweden

**(2017):** There is no specific budget allocated to legal aid in criminal cases or legal aid in other than criminal cases. However, there is a specific budget allocated to legal aid in cases involving aliens and aliens cases but these numbers have been included in the total number above.

**(2016):** The increase in the budget for legal aid is because in 2016 they include legal aid in cases involving aliens and aliens cases.

**(2012):** As concerns the observed differences between the figures provided respectively for the 2010 and 2012 exercises, more funds have been allocated in 2012 on the one hand, and the exchange rate has varied between the two years, on the other hand. Actually, the increase which could be noticed appears more significant in Euro than in Swedish kronor.

**(2010):** The increase of the annual approved public budget allocated to legal aid between 2008 and 2010 was a result of the increase of the number of incoming and pending criminal cases in which a public defender was appointed and the complexity of these cases.

## Question 12-1

### Austria

**(General Comment):** The indicated sum includes only the lump sum paid to the bar for representation of parties 'pro bono'. It does not include court fees or fees for translation or experts, which are also covered by legal aid, but not isolated within the budget. Accordingly, no figures can be provided as regards the whole regime of legal aid.

The amount of 19.500.000/19.828.000 Euro is already included in the specified total annual budget allocated to all courts, the public prosecutions services and legal aid together (Q 7).

**(2018):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.828.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**(2017):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 18.860.000 Mio. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**(2016):** A lump sum of € 19.500.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 19.700.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**(2015):** A lump sum of € 19.000.000 represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget for payment to the bar for “pro bono” representation of parties is € 20.800.000. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

These figures do, however, not include court fees for expertise or interpretation, which are also covered by legal aid, but not isolated within the budget. Therefore, no figures can be provided as regards the whole regime of legal aid.

**(2014):** In the frame of the 2014 exercise, a lump sum of € 19 Mio represents the approved public budget for payment to the bar for “pro bono” representation of parties. The implemented public budget in this respect is € 21 070 101. The difference between these two figures is mainly due to advance payments to the bar for “pro bono” representation in overlong cases.

### Belgium

**(2016):** Intervention in the costs related to the organization of legal aid offices and payment for lawyers responsible for legal aid greater than the initial budget

### Bulgaria

**(2018):** The difference between the approved and implemented budget for legal aid is due to the control exercised by the National Legal Aid Bureau on the authorities providing such aid (as investigation authorities and courts) to comply with the statutory procedure for admission of legal aid with a view to the appropriate disposal of the budget funds for legal aid and, in this respect, the reduced number of cases for which legal aid is granted.

**(2017):** The difference in the indicators of the approved and implemented state budget for legal aid is the result of the reduced number of cases, in which legal aid is provided, and the control exercised by the National Legal Aid Bureau over the authorities providing such aid (investigating authorities and courts) to ensure observance of the statutory procedure for the provision of legal aid in view of the appropriate disposal of funds from the legal aid budget.

## **Croatia**

**(2018):** In 2018 annual approved public budget for legal aid has been increased. Having regard to the comments of the stakeholders of the legal aid system (NGO's registered in the Register of primary legal aid providers Faculties of Law, attorneys), the Ministry of Justice strives to increase the allocations for legal aid, depending on the limits and possibilities of the public budget.

**(2016):** In the Ministry of Justice of the RoC there is a Department for legal aid in other than criminal cases and it keeps records on the total annual and implemented budget for legal aid in other than criminal cases in detail. The costs for the legal aid in other than criminal cases are paid after the end of the dispute before the first instance court. The amount in 2016 for "other than criminal cases brought to court" is higher because more bills had to be paid in 2016. Namely, court proceedings last for several years, and probably in 2016 more bills for paying the costs of court experts and interpreters had been received since the Free Legal Aid Act (OG 143/13), which grants the exemption from paying the costs of court experts and interpreters, came into force on 1 January 2014. Different methodologies were used in 2014 and 2016 for non-litigious cases or cases not brought to court. According to the methodology used in 2016, the total amount for non-litigious cases or cases not brought to court in 2014 would be 346779, while the amount for criminal cases would be 255 830.

**(2015):** The Ministry of Justice of the RoC keeps statistical records on the total annual approved and implemented budget for legal aid (separate for the other than criminal cases and separate for courts and public prosecution services). Since in the Ministry of Justice there is a Department for legal aid in other than criminal cases, it is possible to keep a track record on these cases in detail. However, it is not possible to present in detail all the other data for approved and implemented budget (total - cases brought to court and cases not brought to court; criminal cases - cases brought to court and cases not brought to court).

## **Cyprus**

**(2016):** In 2016 there was an increase in the number of legal aid cases.

## **Czech Republic**

**(General Comment):** The data on implemented budget are obtained from individual courts from their accounting system. The provided data covers only financial means from the State budget and only cases brought to court. Besides, legal aid is also provided by the Czech Bar Association on its own expenses (or on the expenses of the individual lawyers) and it could cover also cases not brought to court.

**(2016):** The data on implemented budget are obtained from individual courts from their economic system. The provided data covers only financial means from the State budget and only cases brought to court. Besides, legal aid is also provided by the Czech Bar Association on its own expenses (or on the expenses of the individual lawyers) and it could cover also cases not brought to court.

**(2015):** The data on approved budget allocated to legal aid do not exist, the approval budget is not divided to this level. The data on implemented budget are obtained from individual courts from their economic system. The provided data covers only financial means from the State budget and only cases brought to court. Besides, legal aid is also provided by the Czech Bar Association on its own expenses (or on the expenses of the individual lawyers) and it could cover also cases not brought to court.

**(2012):** In the frame of the 2014 exercise, it has been indicated that data on implemented budget are obtained from individual courts from their respective economic systems.

## **Denmark**

**(2018):** The amount listed in Q12.1. also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**(2017):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

**(2016):** The amount listed also includes expenses for non-litigious cases or cases not brought to court. It is not currently possible to separate these amounts

## **Finland**

**(2018):** The total amount includes the expenses of the public legal aid offices (net EUR 23.100.000) and the fees and compensations paid to the private lawyers in legal aid matters (EUR 68.200.000).

In 2018, the legal aid offices issued approximately 3.300 new legal aid decisions in matters concerning international protection, which was approximately 1.000 decisions less than the year before. The reduction in the number of new asylum seekers applying for legal aid ensued from a drop in the number of persons applying for asylum in Finland.

**(2017):** Budgeting practice on VAT has changed. VAT is paid from the same budget account as the fees for the private lawyer. A part of the expenses of the legal aid comes from cases which are not heard in court. The total amount includes the expenses of the public legal aid offices (net EUR 26 million) and the expenses paid to private lawyers. The public legal aid offices expenditure has not significantly increased since last year. Some expenditure is missing from the figure reported in the previous year. Private lawyers were paid EUR 71 million as fees and compensations in legal aid matters, which is 7 per cent more than in the previous year.

**(2016):** A part of the expenses of the legal aid comes from cases which are not heard in court. The total amount includes the expenses of the public legal aid offices (net EUR 23 million) and the expenses paid to private lawyers. Private lawyers were paid EUR 66.4 million as fees and compensations in legal aid matters, which is 24 per cent more than in the previous year. Expenses have grown as the number of clients has grown. In 74 per cent of the 15,600 legal aid decisions made concerning asylum seekers applying for international protection, the applicant was assisted by a private lawyer.

**(2015):** Q12: A part of the expenses of the legal aid comes from cases which are not heard in the courts. The total amount includes the expenses of the legal aid offices (24,2 milj. €) and the expenses paid to the Private lawyers (53,5 milj. €).

## **France**

**(2018):** The provisional budget is calculated on the basis of a theoretical trend; the executed budget is slightly lower.

**(2017):** The amount of 83 million paid to the Bars is included in the implemented budget, which explains the increase in the implemented budget allocated to legal aid. This addition no longer makes it possible to give the breakdown between civil and criminal cases, as it is not available for amounts paid directly to the bars. On the other hand, for missions directly followed-up by courts (342 million), the breakdown is as follows: 141 million euros for criminal cases and 201 million euros for other cases. The variation concerning non-litigious cases or cases not brought to court is due to the fact that for previous cycles certain budget items (support to victims; family mediation) had been encompassed by mistake.

**(2016):** The budget has indeed increased significantly by 36% (+ 2,0M€) between 2015 and 2016, going from 5 166 600 to 7 083 912 Euros, as a result of the reform of the system of financing legal aid, aimed at progressively developing legal consultations prior to or as alternatives to the referral to the judge, within access points to the law in the courts. This is a new measure specified by the Finance Act 2016, in order to analyse the validity of the citizen's request, to facilitate, if necessary, the examination of his/her application for legal aid and to propose, if necessary, a referral to other institutions, namely a mediator. This preliminary consultation was implemented within the framework of an agreement between the departmental councils for access to law (CDAD) and the first instance courts (TGI).

As regards the difference between the approved budget and the implemented one, significant cuts have affected the legal aid budget. In addition, several observations (concerning in particular the complexity of the system, the incoherence of the scale of remuneration, the obsolete nature of geographical modulation) have highlighted the need for a major overhaul of the system of financing legal aid. In the Finance Act for 2015, a first step consisted in diversifying the sources of funding of legal aid in order to meet needs that are tending to increase, particularly as a result of changes in European law. The main facets of the reform are aimed at better respond to the demand for law, to better reward the work of the actors and to move towards better governance and optimised management of legal aid.

The general economy of the reform was as follows: 1) reconsidering the system to make it fairer, simpler and better adapted to local situations: the generalised and revalued unit of value, a contractualisation between the courts and the bar associations allowing additional remuneration for lawyers; 2) raising the ceiling on resources for access to full legal aid to €1,000 and raising the ceiling on partial legal aid accordingly; almost 100,000 new litigants will thus be eligible with this scheme; 3) development of the use of alternative dispute resolution methods.

## **Germany**

### **(2018): Bavaria**

Administrative courts: no separate estimate for legal aid

Labour and social courts: No answer can be provided regarding question 12 because – as explained under questions 6 and 7 – legal aid and court costs etc. are estimated together in one budgetary item. For this reason, only question 12.1 can be answered here.

### **Brandenburg**

The budget plan for 2017/2018 was based on an assumption of greater expenditure.

The expenditure depends on the number of court proceedings and their value. This means that it cannot be controlled by the justice administration. The target was derived from a prognosis based on the actual numbers of previous years, taking into account any changes made to the law governing costs.

### **Bremen:**

Actual expenditure over the financial year fell behind the approved funds.

### **Hesse**

As regards questions 12 and 12.1, it should be noted that the amount indicated only refers to attorney fees paid within the framework of legal aid. No data can be provided regarding court costs paid within the framework of legal aid – especially regarding costs for experts or interpreters and witness compensation – as these data are not collected separately.

### **Mecklenburg-Western Pomerania**

The budget plan for 2018/2019 was based on an assumption of greater expenditure.

### **Lower Saxony**

As concerns the estimation of legal aid, no separation is made between criminal cases and cases other than criminal cases. It is not possible to differentiate between the areas of law in which legal aid was granted.

### **Saxony**

Expenditure is dependent on the number of court proceedings and the value of the subject matter, both of which are beyond the control of the judicial administration. The target is therefore based on a prognosis reached on the basis of how expenditure has developed in previous years, taking into account any possible changes to the law governing costs.

### **Saxony-Anhalt**

Legal assistance in line with the Act on Legal Advice and Assistance

### **Schleswig-Holstein**

In terms of legal aid, no target data can be provided since most jurisdictions include legal aid expenditure in the estimate of expenditure on legal matters, which is why it cannot be shown separately. In terms of legal aid, no target data can be provided (legal aid is only estimated in one of the jurisdiction chapters in a separate budgetary item; apart from that, legal aid is included in the estimate of expenditure on legal matters; see explanations to question 6.3).

### **Thuringia**

The information provided with regard to questions 12.2 and 12.1.2 (non-litigious cases) refers to expenditure for legal advice and assistance.

No information has been provided in this regard by the other Federal Länder.

**(2015):** The data refer to the year 2014. At present, no more recent data are available. Some of the Länder were unable to provide data regarding question 12.1. Accordingly, the information provided here is incomplete and is not comparable with the 2013 data. Inasmuch as the other Federal Länder have provided data, these were added to the aggregate amount. Since a number of Länder have provided the aggregate amount, but have otherwise indicated "NA" in all or some of the cases, it is not possible to form a sum total under 12.1 or 12.2. For this reason, "NA" was indicated.

## **Greece**

**(2018):** The difference in the approved and implemented budget is because the approved budget concerns economic obligations not only of 2018 but also of previous years.

**(2017):** The deviation noted between the allocated (and the implemented) budget between years 2016 and 2017 is due to the fact that the payments do not take place in the same pace as the expenses. The allocated budget for legal aid in 2017 is significantly higher than the one of 2016, because it does not concern only the expected annual relative expenses, but also unpaid debts of previous years. Respectively, the payments of 2017 were lower than they should be, which consequently means that the numbers for 2018 will also present similar deviations.

**(2016):** The difference observed between the allocated budget to legal aid and the implemented one, is a result of several unpaid obligations due to the very large number of cases of legal aid in comparison to the staff assigned with the task of paying the beneficiaries.

## **Hungary**

**(2018):** The Public budget does not have a limit, the amounts actually paid depends on the number of cases.

**(2017):** The Parliament has not yet adopted the law on the implementation of the budget of 2017

**(2015):** Annual implemented public budget of 2015 not yet approved.

## **Ireland**

**(2017):** The total figure for "other than criminal cases" category is the provisional figure for the Legal Aid Board's expenditure in 2017. This figure is not yet finalised as the Board is yet to publish its audited accounts for 2017 (expected to be published November 2018).

**(2015):** In the answer to Question 12 - the category 'other than criminal cases' is the amount as per the Grant in Aid which the Legal Aid Board received for the Government

In the answer to Question 12.1 - under the category 'Total annual public budget implemented regarding legal aid - other criminal cases' this amount includes the Grant in Aid, Client Contributions, Costs Recovered and Other Incomes

'The annual approved public budget allocated to legal aid in other than criminal cases is the state funding received by the Legal Aid Board in 2015. The annual public budget implemented regarding legal aid is the total expenditure of the Legal Aid Board. Please note that:

(1) the Legal Aid Board receives funding from sources other than state funding, in the form of contributions paid by legally aided persons and costs recovered from legally aided persons. This funding is paid into the same Legal Aid Fund as the state funding and therefore it is not possible to distinguish expenditure funded from this source as distinct as from state funding.

(2) The Legal Aid Board does not separately account for the money it spends on the provision of legal advice to the money it spends on the provision of legal representation. Nor does it separately account for the costs of the mediation service from that of the law centre service, and even if it did, that would not represent the full total of the Board's spending on non-litigious cases for the above reason.'

## **Italy**

**(2018):** Other than criminal cases at Q.12.1 include both Civil and Administrative Justice.

In Italy, legal aid can be granted for all categories of civil cases: litigious, non-litigious and also ADR. Nevertheless, in respect of the latter, so far the Ministry of Justice hasn't experienced any payment yet.

The implemented public budget allocated to legal aid in 2018 is much higher than in 2016. Generally speaking, legal aid expenses grows at a very high pace. A possible reason for such increase in 2016-2018 might be due to the legal aid granted to migrants. Please also note that such expenses do not exactly reflect the same growth rate of the number of cases for which legal aid has been granted because of a temporal gap between the twos

**(2017):** As already noted before, legal aid expenditure is growing because more and more people are living under the income threshold under which legal aid is granted.

**(2016):** The increase experienced during the period 2014-2016 is very likely due to the higher number of cases for which legal aid was granted.

## Latvia

**(General Comment):** Through developing the state ensured legal aid system, the Cabinet of Ministers of the Republic of Latvia has revised amount of the payment due to the legal aid providers for the provision of legal aid, anticipating an annual increase starting with January 1, 2014, January 1, 2015 and July 1, 2016. Moreover additional funds were allocated from the state budget in 2014 to extend the provision of legal aid to the victims (Amendments to the Criminal Procedure Law on May 29, 2014).

**(2018):** The payments in 2016, 2017 and 2018 were significantly affected by the overall decrease of the number of criminal proceedings and, accordingly, the reduction of the number of criminal proceedings in which was provided the state ensured legal aid. Based on this, the Legal Aid Administration made proposals and the Ministry of Justice drafted legal act's projects that foresee redistribution of funds, including increasing the amount of remuneration for legal aid providers, giving fiscal impact for the coming years. On April 1, 2018 and January 1, 2019, the relevant regulations of the Cabinet of Ministers came into force, which provides increasing the amount of payment for certain types of legal aid and introducing new ones.

**(2017):** We can inform that the payments in 2015, 2016 and 2017 were significantly affected by the overall decrease of the number of criminal proceedings and, accordingly, the reduction of the number of criminal proceedings in which was provided the state ensured legal aid. The number of registered criminal proceedings in the country in 2015 were 47 283, in 2016 - 45 565, in 2016 - 44 250. Based on this, the Legal Aid Administration made proposals and the Ministry of Justice drafted legal act's projects that foresee redistribution of funds, including increasing the amount of remuneration for legal aid providers, giving fiscal impact for the coming years.

**(2016):** The Cabinet of Ministers Regulations No. 1493 "Regulations on the Extent of the state Ensured Legal Aid, the Amount of the Payment Due to the Legal Aid Providers, Reimbursable Expenses and Payment Procedure Thereof" of December 22, 2009 provides for the types and extent of legal aid, the amount of payment to be paid to the legal aid providers and the reimbursable expenses arising from the provision of legal aid, as well as the amount and payment procedure thereof. Through developing the state ensured legal aid system, the Latvian Cabinet of Ministers has revised amount of payment to be paid to the legal aid providers from 1 July, 2016.

**(2015):** The Cabinet of Ministers Regulations No. 1493 "Regulations on the Extent of the state Ensured Legal Aid, the Amount of the Payment Due to the Legal Aid Providers, Reimbursable Expenses and Payment Procedure Thereof" of December 22, 2009 provides for the types and extent of legal aid, the amount of payment to be paid to the legal aid providers and the reimbursable expenses arising from the provision of legal aid, as well as the amount and payment procedure thereof. Through developing the state ensured legal aid system, the Latvian Cabinet of Ministers has revised amount of payment to be paid to the legal aid providers from 1 May, 2015 and 1 July, 2016.

## Lithuania

**(2018):** Approved public budget for legal aid was € 6224861 (€ 520865 for primary legal aid (the provision of legal information, legal advice and drafting of the documents to be submitted to state and municipal institutions, with the exception of procedural documents) and € 5703996 for secondary legal aid (drafting of documents, defence and representation). Implemented public budget in 2018 was € 6220085 as €4776 of funds allocated to primary legal aid were unused and given back to the state budget.

**(2017):** If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences:

Approved public budget for legal aid in 2017 was € 6203031 (€ 564567 for primary legal aid and € 5638464 for secondary legal aid). Implemented public budget in 2017 was € 5994497. € 208534 were unused and returned to the state budget. The budget is not divided into categories "brought to court" or "not brought to court".

**(2016):** Approved public budget for legal aid was € 5500227 (€ 563000 for primary legal aid and € 4937227 for secondary legal aid). Implemented public budget in 2016 was € 5494755 as €5472 of funds allocated to primary legal aid were unused and given back to the state budget.

**(2015):** Approved public budget for legal aid was 5 925 285 € (562 356 € for primary legal aid and 5 362 929 € for secondary legal aid). Implemented public budget in 2015 was 5 917 807,4 € (554 878,4 € for primary legal aid and 5 362 929 € for secondary legal aid). 7 477,6 € of funds allocated to primary legal aid were unused and returned to the state budget.

## **Luxembourg**

**(2018):** The budget allocated for legal aid covers legal aid for all matters (criminal or otherwise) and types of cases (contentious or not). On the other hand, the budget does not distinguish the precise amount of available legal aid by subject or type of case.

**(2017):** The budget allocated to legal aid covers legal aid for all matters (criminal or not) and types of cases (litigious or not). However, the budget does not distinguish a precise amount of legal aid available depending on the law field or the type of case.

**(2016):** The bill containing the implemented budget of 2016 has not been approved yet.

## **Malta**

**(2018):** The implemented budget did not reach the projections of the approved budget. This was mainly due to the fact that allowance was made for the possible recruitment of more lawyers and their cost in wages, but these lawyers were either employed late in the year, or less lawyers were actually recruited than projected.

**(2017):** The increase in the Implemented Budget over the Approved Budget is the result of an increase in the honoraria of Legal Aid lawyers that was given in 2017 to all the lawyers working at the Legal Aid Agency.

**(2016):** The difference between the approved budget and the implemented budget for the Legal Aid Agency results from additional funds requested in 2016 in order to cover the increase in the honoraria of the lawyers and legal procurators offering their services to the Agency (also see answer to Q208)

It is possible that there will be an additional increase in the budget in the forthcoming evaluations.

It is not possible to differentiate between the budget allocated to criminal and 'other than criminal cases' and that is why it is marked as NAP (There are no means to distinguish between the two).

**(2015):** Up to 2015, the funds allocated to Legal Aid were not itemised separately from the budget of the Office of the Attorney General. Therefore whilst there was no approved a priori Legal Aid budget, any related costs were borne out of the budget of the Office of the Attorney General. The cost of Legal Aid throughout 2015 is the amount outlined in Question 12.1, and it does not discriminate on whether the funds were used for other-than-criminal or criminal cases.

## **Netherlands**

**(2017):** At this moment, it is not possible to divide the total amount of cases in all three categories into cases brought to court and non-litigious cases or cases not brought to court. The data does not provide this subcategory due to issues with defining the concept 'brought to court'. In all types of cases, criminal or otherwise, it is possible that there is a verdict or decision without the involvement from a judge or without it being brought to court. The total amount of cases is 415.618, of which 119.327 were criminal cases and 296.291 were other than criminal cases.



## Poland

**(2017):** Legal aid granted ex officio is financed from two different budgetary sections. One section is related to common courts but second part is connected with voivodes budgets. Financial means designated for realization objectives of free legal aid and legal education were planned in the Budget Act for 2017 in amount of 22891000 €. Total expenses on mentioned objectives was 22726000 €, which pose 99.27% of the plan.

We indicate that annual implemented public budget allocated to legal aid depends on the number of incoming cases and number of beneficiary of legal aid. Expenditure for legal aid does not depend on the financial court activity. Category 12-1.2 does not equals 0, so we indicate NA for totals.

**(2016):** In 2016 the costs of implementing changes in the Code of Criminal Procedure in the field of free legal aid granted ex officio were lower than expected . The amount of funds disbursed by the courts for defense is directly attributable to the number of incoming cases and the number of beneficiaries of unpaid legal aid granted ex officio, therefore implementation of the plan in this group of expenses during the financial year is independent of the activities of the financial services of individual courts.

## Portugal

**(2015):** The public budget implemented regarding legal aid is different from the annual approved budget allocated to legal aid because the annual approved budget was in deficit regarding the needs of the year, therefore it was necessary to strengthen an endowment by the Ministry of Finance

## Romania

**(2016):** Despite the reply NA in respect of the category 12.2, the indicated totals are correct. In fact, the budget of this item is included in the budget concerning "other than criminal law cases". There is no separate budget classification for the moment with regard to litigious and non-litigious matters. Expenditure on legal aid covers costs incurred for beneficiaries' justice. Thus, they do not have the character of regularity and depend on different factors (number of cases, such legal assistance: in civil, criminal, international judicial cooperation in civil and criminal matters, the service provided, the number of persons the court accepts the application for legal aid and the amount granted, etc.).

## Slovakia

**(2018):** The increase in implemented budget of the Legal Aid Center is related to the implementation of amendment of Act No. 7/2005 Coll. on bankruptcy and restructuring (personal bankruptcy), wage and salary indexation and the related increase in insurance levies, and the implementation of the National Project Strengthening and Completion of Legal Assistance and Prevention of Escalation of Legal Problems.

**(2017):** The budget of the Legal Aid Centre for the year 2017 has been increased of a sum 5 million € to implement the amendment to the Act on bankruptcy with regard to the personal bankruptcy of the natural persons

## Slovenia

**(General Comment):** The data on budget, spent on criminal and other than criminal cases is available at the level of the case management system, however the sum will differ from final budgetary data reported above due to accounting rules.

Detailed budgetary data on cases brought to court or not is currently not available, due to the data structure of the case management system. In single "legal aid" cases, the request can be granted for multiple forms (costs) of legal aid (general comment to Q12), some of them fitting in the category "cases, brought to court" while others not (i.e. in one case, legal aid can be granted for verification of documents and representation before courts), however the amount spent for legal aid is currently not recorded by form of legal aid, therefore the sums for cases brought to court or not cannot be calculated.

**(2018):** The difference between adopted and implemented budget is due to hiring additional court staff to reduce the backlogs in this area (legal aid).

**(2015):** According to art. 26 of the Free Legal Aid Act, legal aid may (in addition to expenses, related to cases, brought to court) also be granted for:

- legal advice;
- the formulation, verification and certification of documents on legal relations, facts and statements;
- legal advice and representation in cases of out-of-court settlement;
- legal advice and representation involving constitutional action;
- legal advice and representation before international courts;
- legal advice and representation involving the filing of a petition for the assessment of constitutionality and
- in form of exemption from payment of the costs of the extrajudicial proceedings.

No distinction is possible for the budget allocated to legal aid for:

- cases brought to court and cases not brought to court or
- civil or criminal matters.

## **Sweden**

**(2017):** See comments to question 12.

**(2016):** The increase in the budget for legal aid is because in 2016 they include legal aid in cases involving aliens and aliens cases.

## **Question 16**

### **Austria**

**(General Comment):** In principle every person who retains a defence lawyer or another representative has to bear the costs him or herself even if the lawyer was appointed ex officio. By virtue of the Code of Criminal Procedure, the court has to decide on total or partial legal aid on the request of the defendant if the defendant cannot bear the total costs for the defence lawyer without impairment of his/her own or his/her family's maintenance which enables him/her to a simple lifestyle and if it is necessary in the interest of justice in particular in the interest of an adequate defence. Where in any case the defendant needs a defence lawyer, the court has to decide on legal aid ex officio even if the defendant does not request for it but further requirements to provide legal aid are given.

**(2017):** As far as civil cases are concerned, according to § 64 of the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) legal aid may cover a provisional exemption from court fees, fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer.

In criminal cases:

According to sec 391 par 1 CCP the enforcement of the court's decision on costs has to take into account the ability of the convicted person to bear the costs for the daily life for him/herself and the family as well as the obligation of compensation in regard of the offence. The court may, if the costs cannot be enforced because of an impecunious defendant, declare the costs unrecoverable. If the court assumes that in the future the costs will be recoverable but for the time being they are not, the economic capacity of the person concerned has to be re-examined after a certain period. The statute for limitation to recover the costs is five years after the final decision in the proceeding. If the court decides that the convicted person has to bear the costs of the proceeding and further on he or she is not able to pay the costs the authorities, responsible to recover costs, may prolong the payment deadline, allow to pay instalments, or to abate the costs.

In principle every person who retains a defence lawyer or another representative has to bear the costs him or herself even if the lawyer was appointed ex officio (sec 393 par 1 of CCP). According to sec 61 para 2 CCP the court has to decide on total or partial legal aid on the request of the defendant if the defendant cannot bear the total costs for the defence lawyer without impairment of his/her own or his/her family's maintenance which enables him/her to a simple lifestyle and if it is necessary in the interest of justice in particular in the interest of an adequate defence. In any case legal aid has to be granted

during the whole procedure if and as long as the defendant is held in pre trial detention; • during the entire procedure on the confinement in an institution for mentally abnormal offenders; • during the trial on the confinement in an institution for addicted offenders in need of curing and on the confinement in an institution for dangerous subsequent offender; • during the trial in front of a jury or of a court of lay assessors; • during the trial in front of a single judge if the sentence which may be imposed is more than three years of deprivation of liberty; • during the appeal procedure against a verdict of a court of jury or a court of lay assessors, in case the European Court for Human Rights has determined a violation of the European Convention on Human Rights or an additional Protocol to it for conducting the request for the reopening of the procedure and for the trial in public;

• if the defendant is blind, deaf, mute or otherwise handicapped or is not able to conduct the defense by him/herself because he/she can do not understand the language at court,

• for the appeal procedure,

• if the factual and legal position is difficult.

Where in any case the defendant needs a defense lawyer, the court has to decide on legal aid ex officio even if the defendant does not request for it but further requirements to provide legal aid are given.

With regard to the decision on legal aid the court has to examine the defendant's economic capacity to bear the costs for a defense lawyer. The economic capacity is determined by the maintenance which enables the defendant and his/her family to a simple lifestyle, and can be identified at the bases of the minimum living wage which may not be garnished given by sec 5 of the act on garnishment of wages and the appropriate maintenance which is higher than the minimum living wage. In particular the income and other assets on the one hand and the number of persons who are entitled to maintenance on the other hand determine the threshold for the court decision on the obligation on costs reimbursement.

## Belgium

**(2017):** In Belgium there are three types of "legal aid": first-line legal aid, second-line legal aid and legal assistance.

First-line legal aid consists of practical information, legal information, a first legal opinion or referral to a specialised body (Article 508/1 of the Judicial Code).

Second-line legal aid: legal aid granted to a natural person in the form of a detailed legal opinion or legal assistance in or out of court proceedings or assistance in a trial, including legal representation.

Legal assistance consists in exempting, in whole or in part, those who do not have the necessary income to afford the costs of a procedure, from paying the related costs, which will therefore be covered by the State budget (Article 664 of the Judicial Code). Legal assistance may be obtained in civil or criminal matters and in any proceedings (judicial, administrative or arbitral).

**(2016):** In Belgium there are three types of "legal aid": front-line legal aid, second-line legal aid and legal assistance.

Front-line legal aid consists of practical information, legal information, a first legal opinion or referral to a specialized body (section 508/1 of the Judicial Code).

Second-line legal aid: legal aid granted to a natural person in the form of a detailed legal opinion or legal assistance in the context or not of a procedure or assistance in the context of a trial including representation. Legal assistance consists in providing, in whole or in part, those who do not have the necessary income to meet the costs of a procedure, to pay the related costs which will therefore be borne by the budget of the State (Article 664 of the Judicial Code). Legal aid may be obtained in civil or criminal matters and in any proceeding (judicial, administrative or arbitral).

## Bulgaria

**(General Comment):** Legal aid is granted only to natural persons, in criminal, civil and administrative matters before courts of all instances. Legal aid authorities are the Ministry of Justice which conducts the State policy in the sphere of legal aid; the National Legal Aid Bureau /NLAB/ which provides general and methodological guidance of the activity concerning the granting of legal aid by issuing mandatory instructions on the application of the Act and the statutory instruments of secondary legislation; the Bar Councils which organize and administer legal aid within the respective geographical jurisdiction; the authority directing the procedural steps, the court or the relevant police or customs authority which decide whether to grant legal aid or not in civil or administrative cases. The NLAB grants or refuses granting legal aid for a consultation with a view to reaching a settlement prior to bringing legal proceedings or to bringing a case before a court and/or preparation of documents for a trial. The types of legal aid are: pre-litigation advice with a view to reaching a settlement prior to bringing legal proceedings or to bringing a case before a court; preparation of documents for bringing a case before a court; representation in court by legal counsel; representation upon detention under Article 72 of the Ministry of Interior Act and under Article 16a of the Customs Act. The legal aid system covers cases in which the assistance of a lawyer, a stand-by defence counsel or representation is mandatory as provided for by the Criminal Procedure Code, the Civil Procedure Code and the Administrative Procedure Code. Legal aid system covers also cases in which the applicant is unable to pay for a lawyer, wishes to benefit of a legal assistance, and the interests of the justice require such legal assistance.

**(2014):** In 2014, changes were made in the Regulations of the organization and activities of the National Legal Aid Bureau. Since May 2015, within the NLAB are permanently operating the National Primary Legal Aid Hotline and the Regional Consultation Centers for vulnerable social groups.

**(2012):** On the occasion of the 2012 evaluation, it has been stressed that in the last two years legislative changes in the Legal Aid Act have been carried out in several directions: increasing the powers of the authorities of the legal aid system and exercising control over granting legal aid; introduction of the figure of the stand-by defence counsel with the purpose of expediting court proceedings in criminal matters; changes in the order and circumstances for entering and striking from the National Legal Aid Register – the disciplinary measures towards lawyers have increased, being a ground for refusal for entering the Register and for striking from it; introducing legislative requirements (order, circumstances and terms) for reporting legal aid; the scope of persons who have right to legal aid has been expanded (e.g. persons and families who satisfy the eligibility requirements for receipt of monthly social assistance benefit; persons placed in specialized institutions for provision of social services or using a resident-type social service or a Mother and Baby Unit social service; a child at risk within the meaning of the Child Protection Act; victims of domestic or sexual violence or of trafficking in human beings; seekers of international protection etc.).

## **Croatia**

**(2014):** The new Free Legal Aid Act entered into force on the 1st of January 2014. The aim pursued by this reform was to unburden the existing judicial and administrative system. The procedure of exercising the right to primary legal aid (general legal information, legal advice, drawing up submissions in procedures before public and international bodies, representation in proceedings in public bodies, legal aid in amicable, out-of-court dispute resolution) is substantially simplified. Involvement of civil society groups, legal clinics and government bodies in the system of primary legal aid and legal counseling increased the territorial availability of expert legal aid. As to the approval of secondary legal aid in court proceedings and exoneration from paying court costs and court fees (secondary legal aid), the focus of the reform has been placed on increasing the property threshold for approving legal aid. As well, the average monthly income per member of the household of the applicant of the secondary legal aid has been increased.

## **Denmark**

**(General Comment):** Criminal cases:

Defendants are in all cases appointed a defence attorney. Victims of certain criminal offences (e.g. sexual offences, homicide and acts of violence) have access to representation in court by a support attorney. Basic legal advice is available to all persons in criminal cases. Further legal advice is only available subject to certain economic criteria.

## **Hungary**

**(General Comment):** According to the Legal Aid Act LXXX of 2003, the Legal Aid Service may grant legal aid in judicial and extrajudicial cases. The county justice services, as offices of first instance and in charge of receiving the applications for legal aid, do not merely assess the eligibility for aid but, in simple cases, provide legal assistance directly as well – without prior screening of the clients’ financial capabilities. However, legal aid (legal advice, drafting a document) is primarily provided by legal aid providers (attorneys, notaries public, non-governmental organizations etc.) who are recorded into the Register of legal aid providers who have contractual relation with the Legal Aid Service. The latter provides professional legal assistance for socially disadvantaged people. The law defines the situations in which legal aid can be granted and those in which no legal aid may be provided.

## Ireland

**(2017):** Under Irish law, there is a distinguishment between “legal aid” which refers specifically to “representation in court” and “legal advice”. This question is being answered on the basis that the words “legal aid” refers to “legal aid and legal advice” and “Representation in Court” means “Legal Aid”.

## Italy

**(General Comment):** Legal advice does not exist as such in Italy.

## Malta

**(2017):** Despite the fact that our current legal aid system does not provide for clients to use the service specifically for legal advice without the requirement of representation in court, in actual practice clients using the services of the Agency are still voluntarily provided with legal advice when solicited.

**(2014):** In 2014, Malta implemented a major reform in the provision of Legal Aid, by establishing it as an Agency in its own right, with its own budget and management structure (Legal Notice 414 of 2014 (subsidiary legislation 497.11)). Prior to this, legal aid was another function falling within the remit of the office of the Attorney general. Currently, the Agency is in its initial stage to establish its organisation and procedures and in the coming weeks the Minister for Justice will be signing another Legal Notice. Thereafter, discussions will ensue with the Minister and the Legal Aid Advocate to find best practices for the Agency to function better and elevate it to a professional level compared with other European countries within the limits of government funds.

## Poland

**(2016):** Regulations of the act on free legal aid and legal advice were implemented starting 1 January 2016 with some exceptions which were implemented starting 31 August 2015.

## Question 17

### Austria

**(General Comment):** With regard to civil cases and according to the Austrian Civil Procedure Order, legal aid may cover a provisional exemption from court fees, fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer. With regard to criminal cases, according to the Code of Criminal procedure, the enforcement of the court’s decision on costs has to take into account the ability of the convicted person to bear the costs for the daily life for him/herself and the family as well as the obligation of compensation in regard of the offence. The court may, if the costs cannot be enforced because of an impecunious defendant, declare the costs unrecoverable. If the court assumes that in the future the costs will be recoverable but for the time being they are not, the economic capacity of the person concerned has to be re-examined after a certain period. The statute for limitation to recover the costs is five years after the final decision in the proceeding. Nevertheless, the authorities, responsible to recover costs, may prolong the payment deadline; allow to pay installments, or to abate the costs. As far as administrative cases are concerned, according to § 8a of the Proceedings of Administrative Courts Act and the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) legal aid may cover a provisional exemption from court fees, fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer.

**(2017):** As far as civil cases are concerned, according to § 64 of the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) legal aid may cover a provisional exemption from court fees.

In criminal cases the defendant has to pay court fees generally only in case of conviction (sec 389 par 1 CCP).

**(2016):** As far as civil cases are concerned, according to § 64 of the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) legal aid may cover a provisional exemption from court fees, fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer.

In criminal cases:

According to sec 391 par 1 CCP the enforcement of the court's decision on costs has to take into account the ability of the convicted person to bear the costs for the daily life for him/herself and the family as well as the obligation of compensation in regard of the offence. The court may, if the costs cannot be enforced because of an impecunious defendant, declare the costs unrecoverable. If the court assumes that in the future the costs will be recoverable but for the time being they are not, the economic capacity of the person concerned has to be re-examined after a certain period. The statute for limitation to recover the costs is five years after the final decision in the proceeding. If the court decides that the convicted person has to bear the costs of the proceeding and further on he or she is not able to pay the costs the authorities, responsible to recover costs, may prolong the payment deadline, allow to pay instalments, or to abate the costs.

In principle every person who retains a defence lawyer or another representative has to bear the costs him or herself even if the lawyer was appointed ex officio (sec 393 par 1 of CCP). According to sec 61 para 2 CCP the court has to decide on total or partial legal aid on the request of the defendant if the defendant cannot bear the total costs for the defence lawyer without impairment of his/her own or his/her family's maintenance which enables him/her to a simple lifestyle and if it is necessary in the interest of justice in particular in the interest of an adequate defence. In any case legal aid has to be granted during the whole procedure if and as long as the defendant is held in pre trial detention; • during the entire procedure on the confinement in an institution for mentally abnormal offenders; • during the trial on the confinement in an institution for addicted offenders in need of curing and on the confinement in an institution for dangerous subsequent offender;

• during the trial in front of a jury or of a court of lay assessors;

• during the trial in front of a single judge if the sentence which may be imposed is more than three years of deprivation of liberty;

• during the appeal procedure against a verdict of a court of jury or a court of lay assessors, in case the European Court of Human Rights has determined a violation of the European Convention on Human Rights or an additional Protocol to it for conducting the request for the reopening of the procedure and for the trial in public;

• if the defendant is blind, deaf, mute or otherwise handicapped or is not able to conduct the defense by him/herself because he/she can do not understand the language at court,

• for the appeal procedure,

• if the factual and legal position is difficult.

Where in any case the defendant needs a defense lawyer, the court has to decide on legal aid ex officio even if the defendant does not request for it but further requirements to provide legal aid are given.

With regard to the decision on legal aid the court has to examine the defendant's economic capacity to bear the costs for a defense lawyer. The economic capacity is determined by the maintenance which enables the defendant and his/her family to a simple lifestyle, and can be identified at the bases of the minimum living wage which may not be garnished given by sec 5 of the act on garnishment of wages and the appropriate maintenance which is higher than the minimum living wage. In particular

**(2015):** As far as civil cases are concerned, according to § 64 of the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) legal aid may cover a provisional exemption from court fees, fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer.

In criminal cases:

According to sec 391 par 1 CCP the enforcement of the court's decision on costs has to take into account the ability of the convicted person to bear the costs for the daily life for him/herself and the family as well as the obligation of compensation in regard of the offence. The court may, if the costs cannot be enforced because of an impecunious defendant, declare the costs unrecoverable. If the court assumes that in the future the costs will be recoverable but for the time being they are not, the economic capacity of the person concerned has to be re-examined after a certain period. The statute for limitation to recover the costs is five years after the final decision in the proceeding. If the court decides that the convicted person has to bear the costs of the proceeding and further on he or she is not able to pay the costs the authorities, responsible to recover costs, may prolong the payment deadline, allow to pay instalments, or to abate the costs.

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According to sec 61 para 2 CCP the court has to decide on total or partial legal aid on the request of the defendant if the defendant cannot bear the total costs for the defence lawyer without impairment of his/her own or his/her family's maintenance which enables him/her to a simple lifestyle and if it is necessary in the interest of justice in particular in the interest of an adequate defence. In any case legal aid has to be granted

- during the whole procedure if and as long as the defendant is held in pre trial detention;
- during the entire procedure on the confinement in an institution for mentally abnormal offenders;
- during the trial on the confinement in an institution for addicted offenders in need of curing and on the confinement in a institution for dangerous subsequent offender;
- during the trial in front of a jury or of a court of lay assessors;
- during the trial in front of a single judge if the sentence which may be imposed is more than three years of deprivation of liberty;
- during the appeal procedure against a verdict of a court of jury or a court of lay assessors, in case the European Court of Human Rights has determined a violation of the European Convention on Human Rights or an additional Protocol to it for conducting the request for the reopening of the procedure and for the trial in public;
- if the defendant is blind, deaf, mute or otherwise handicapped or is not able to conduct the defense by him/herself because he/she can do not understand the language at court,
- for the appeal procedure,
- if the factual and legal position is difficult.

Where in any case the defendant needs a defense lawyer, the court has to decide on legal aid ex officio even if the defendant does not request for it but further requirements to provide legal aid are given.

With regard to the decision on legal aid the court has to examine the defendant's economic capacity to bear the costs for a defense lawyer. The economic capacity is determined by the maintenance which enables the defendant and his/her family to a

## Belgium

**(General Comment):** Legal aid consists in exempting, in whole or in part, those who do not have the means of subsistence necessary to meet the costs of proceedings, even extrajudicial ones, from paying miscellaneous fees, registration, registry and forwarding costs and the other costs involved. It also ensures that the Ministry of Public and Ministerial Officers is free of charge to the persons concerned, under the conditions set out below. It also allows interested parties to benefit from the free assistance of a technical adviser during judicial expertises.

**(2018):** Legal aid consists in exempting, in total or in part, those who do not have the means of subsistence necessary to meet the costs of proceedings, even the extrajudicial ones, the costs of the various duties of registration, registry and expedition and the other costs that it entails. It also ensures that the Ministry of Public and Ministerial Officers is free of charge for the interested parties, under the conditions set out below. It also allows interested parties to benefit from the free assistance of a technical adviser during judicial expertises.

**(2017):** Legal assistance in Belgium implies the coverage or exemption of legal costs. On the other hand, second-line legal aid (assistance and representation by a lawyer) does not concern legal costs but only "lawyer's fees".

According to article 664 of the Judicial Code, "legal assistance consists in exempting, in whole or in part, those who do not have the necessary income to afford the costs of a procedure, even extra-judicial, from paying the costs concerning miscellaneous rights, registration, registry and forwarding and the other expenses that it involves. It also ensures that the Ministry of Public and Ministerial Officers is free of charge in respect of the beneficiaries under the conditions set out below. Besides, it allows interested parties to benefit from the free of charge assistance of a technical adviser during judicial expertises.

**(2016):** Legal assistance in Belgium provides for the coverage or exemption of legal costs. On the other hand, second-line legal aid (assistance and representation by a lawyer) does not concern legal costs but only "lawyer fees". Article 664 of the Judiciary Code provides that "legal assistance consists in dispensing in whole or in part, those who do not have the income necessary to meet the costs of proceedings, even extra-judicial, to pay the fees, registration fees, registry fees and shipping and other expenses incurred by it. It also ensures free access to the Ministry of Public and Ministerial Officers under the conditions specified below. It also allows interested parties to benefit from the free assistance of a technical advisor during judicial appraisals. "

**(2012):** Legal aid refers to the concept of legal assistance, that is to say the benefit of free proceedings.

## **Bulgaria**

**(General Comment):** Legal aid does not include the coverage of or the exemption from court fees but according to the Code of Civil Procedure fees and costs of the proceeding shall not be deposited by any natural persons who have been found by the court to lack sufficient means to pay the said fees and costs.

**(2015):** Legal aid does not include the coverage of or the exemption from court fees but according to the Code of Civil Procedure fees and costs of the proceeding shall not be deposited by any natural persons who have been found by the court to lack sufficient means to pay the said fees and costs.

## **Croatia**

**(General Comment):** The approval of the exemption from payment of court proceeding costs includes the exemption from payment of court fees, namely the exemption from payment of an advance for the costs of witnesses, expert witnesses, inspections, announcements and other costs prescribed in accordance with the applicable rules of procedure. When necessary for the conduct of the proceedings, the advance for the costs of the court proceedings shall be covered from the funds of the concerned court, and in accordance with the applicable rules of procedure, the obligation for payment of the advance lies with the beneficiary of legal aid. Any funds paid from the court funds form part of the costs of the proceedings, and the court shall decide on the reimbursement of such costs from the adversary of the party who is the beneficiary of the legal aid, pursuant to the provisions of the applicable rules of procedure on the reimbursement of costs. The court shall recover any costs paid out of the court budget, in accordance with the official duty, from the party which is required to refund them in accordance with the applicable rules of procedure. If the party opposing the beneficiary of the legal aid is ordered to refund the costs of the proceedings, and it is established that he or she is not capable of paying such costs, the court may subsequently order for the costs to be paid in full or partially by the beneficiary of the legal aid from the money awarded to him or her, if the amount of the awarded sum affects the material situation of the beneficiary insofar as it justifies the refund. This does not touch on the rights of the beneficiary to request, in that case, the repayment from his or her adversary for what he or she has paid.

**(2018):** The legal aid includes the exemption from payment of court fees in all civil and administrative court proceedings.

**(2017):** The legal aid includes the exemption from court fees in all civil and administrative court proceedings.

**(2016):** The legal aid includes the exemption from court fees in all civil and administrative court proceedings.

## **Czech Republic**

**(General Comment):** There is a possibility for participants in the proceedings to ask for waiver of court fees ordered by the court. Such release should be justified by the participant's personal situation in order to avoid arbitrary or apparently unsuccessful application of law.

**(2017):** There is a possibility for participant in the proceedings to ask for waiver of court fees ordered by the court, such release should be justified by the participant's personal situation and may not serve as arbitrary or apparently unsuccessful application or protection of law.

**(2016):** There is a possibility for participant in the proceedings to ask for waiver of court fees ordered by the court, such release should be justified by the participant's personal situation and may not serve as arbitrary or apparently unsuccessful application or protection of law.



## Denmark

**(General Comment):** If a party is granted legal aid (fri proces) in a case before the court, the party is inter alia exempt from paying court fees. Legal aid can also be provided in the form of free legal advice (retshjælp).

## Estonia

**(General Comment):** Legal aid does not include coverage of or exemption from court fees but there is another procedure for it in civil and administrative cases – procedural assistance. A person can request procedural assistance for bearing procedural expenses. As a result of it, court may release a person, in part or in full, from payment of the State fee or enable to pay it in installments. This procedure is not related to public budget, because the person is released from these fees and these are not compensated to the State or to the court.

**(2018):** Partial or full exemption from the court fees (depending on the financial situation of the person).

**(2017):** Partial or full exemption from the court fees (depending on the financial situation of the person).

**(2016):** Partial or full exemption from the court fees (depending on the financial situation of the person).

## Finland

**(General Comment):** The court fees, other handling fees, document fees and other similar charges are waived for a recipient of legal aid.

**(2017):** Legal aid includes exemption from court fees. It is however worth noticing that legal aid does not protect against inter-parties costs if the case is lost.

## France

**(General Comment):** According to articles 40 and 40-1 of the Law on Legal Aid of 10 July 1991, the recipient of legal aid has the right to legal assistance provided by a lawyer and all public or government officials (namely bailiffs and notaries). S/he is also exempted from payment of advance or deposit of all charges relating to the proceedings, procedures or actions for which it was granted (expertise, social investigation, family mediation ...), except from the hearing right (13 €) for certain procedures. Beneficiaries of full legal aid are exempt from this hearing right when it comes to minors subject to criminal prosecution, adults prosecuted through immediate summons, foreigners under administrative detention, or appeal against an expulsion of a foreigner (administrative procedure).

**(2018):** Article 24 of the above-mentioned Act provides that "the expenses that would be borne by the beneficiary of legal aid if he did not have such aid shall be borne by the State".

**(2016):** Legal aid consists in exempting the beneficiary from payment, advance or deposit of all costs relating to the proceedings, procedures or acts for which it has been granted (expertise, social inquiry, family mediation, etc.). According to article 40 of Law No. 91-647 of 10 July 1991 on Legal Aid, "legal aid concerns all costs relating to proceedings, procedures or acts for which it has been granted, with the exception of the right to plead. The beneficiary of the aid shall be exempt from payment, advance or deposit of such costs. The costs incurred by the investigation measures are advanced by the State".

## Germany

**(General Comment):** Pursuant to section 122 of the Code of Civil Procedure, the granting of legal aid has the effect that the Treasury can only assert court costs if the court had ordered payment (in installments) on account of the financial situation of the person requesting legal aid. Moreover, the recipient of legal aid is not obligated to pay any potential advance on costs.

## Greece

**(General Comment):** Exoneration from paying court fees in civil and commercial cases covers specifically stamp fees, writ fees and their super additions, witnesses' fees, expert fees or appointed advocates fees, notary or court bailiffs' fees and the obligation of guarantee for such fees.

Exoneration in administrative cases includes specifically (court) stamp fees and deposit.

**(2017):** As far as civil and commercial cases are concerned, the exemption includes stamp fees, writ fees and their super additions, witnesses' fees, expert fees or appointed advocates fees. In administrative cases, legal aid includes specifically (Court) stamp fees and deposit.

## Hungary

**(General Comment):** In civil proceedings there are three types of cost benefits: exemption from costs which includes exemption from court charges, exemption from advance payment and costs to be borne during the proceedings and the opportunity to request for a court-appointed lawyer;

exemption from court charges through which the party is exempted from the obligation to pay court charges but is not entitled to receive further benefits going together with exemption from costs;

right to levy registration implying exemption from paying charges in advance; and in such a case the party obliged by court will have to pay the charges after the proceedings are over.

In criminal proceedings, if it is probable that, due to his/her income or financial situation, the accused will not be able to pay the costs of the proceedings and he/she certifies this, the court or the prosecutor decides on the authorization of personal exemption of costs. The latter includes:

appointment of a defence attorney;

exemption from court charges related to the provision of copies of documents;

exemption from fees and certified out-of-pocket costs of the court-appointed lawyer.

## Ireland

**(General Comment):** Court fees are not charged in criminal cases. Other than criminal cases: Civil legal aid will pay the person's own costs subject to the possibility of recovering them either from the other party or from any money or property recovered or preserved on behalf of the legally aided person.

It is noteworthy that Ireland has a mixed model of service provision whereby civil legal aid is provided mainly by solicitors who are civil servants supplemented by referrals to solicitors working in private practice. Solicitors in private practice are mainly used in domestic violence cases, private family law applications concerning children, and asylum appeals. The system is administered by an independent public body, the Legal Aid Board.

**(2017):** Court fees are not charged in criminal cases. There are no court fees in family law cases which make up over 80% of legal aid for other than criminal cases. Note that this is the case whether or not the parties are legally aided. In non-family law (civil) cases, the Legal Aid Board will cover court fees ("stamp duty") when they arise to be paid, but this is on the basis that it may recover its costs either from the other party or the legally aided person, if the case is successful.

**(2015):** Court fees are not charged in criminal cases.

Other than criminal cases: Civil legal aid will pay the person's own costs subject to the possibility of recovering them either from the other party or from any money or property recovered or preserved on behalf of the legally aided person.

## Italy

**(General Comment):** According to the general rule, people granted with legal aid are not required to pay court fees.

## Latvia

**(General Comment):** In the Republic of Latvia there is another mechanism – a legal framework that provides for exemptions from payment of court costs granted on the basis of the law by the judge in civil proceedings (Section 43 of the Civil Procedure Law) or by the person directing the proceedings in criminal matters (Criminal Procedure Law). Since 1 January, 2016 for all recipients of the state ensured legal aid in civil cases there is automatically base of exemptions from the payment of court costs. In criminal and administrative cases a legal framework provides for exemptions from the payment of court costs both on the basis of law automatically and the judge or the person directing the proceedings deciding on the person exemption from the payment of court costs.

**(2017):** Since 1 January, 2016 for all recipients of the state ensured legal aid in civil cases there is automatically base of exemptions from the payment of court costs. In criminal and administrative cases a legal framework provides for exemptions from the payment of court costs both on the basis of law automatically and the judge or the person directing the proceedings deciding on the person exemption from the payment of court costs.

**(2016):** Since 1 January, 2016 for all recipients of the state ensured legal aid in civil cases there is automatically base of exemptions from the payment of court costs. In criminal and administrative cases a legal framework provides for exemptions from the payment of court costs both on the basis of law automatically and the judge or the person directing the proceedings deciding on the person exemption from the payment of court costs.

### **Lithuania**

**(General Comment):** According to the Law on State-Guaranteed Legal Aid, persons eligible for secondary legal aid in civil and administrative proceedings as well as for civil actions brought in criminal cases, shall be exempt from the court fees, other litigation costs and the costs of the proceedings.

### **Luxembourg**

**(2017):** There are no court fees in Luxembourg.

**(2016):** There is no exemption from legal fees.

**(2015):** There are no court fees.

**(2012):** Legal aid covers all costs pertaining to proceedings, procedures or actions for which it is granted, namely: stamp and registration duties; court fees; lawyers' fees; bailiffs' fees; notaries' fees; expenses for technical staff; witness fees; translators and interpreters' fees; costs of custom certificates; travelling expenses; expenses related to registration, mortgage and pledge, etc.

### **Malta**

**(General Comment):** All court related fees are borne by the Government.

**(2018):** Litigants benefitting from Legal Aid are exempt from court fees.

**(2017):** Litigants benefitting from Legal Aid are exempt from court fees. All court related fees are borne by the Government, except in certain specific cases that are presently being debated in light of the services offered by the Agency.

**(2016):** Litigants benefitting from Legal Aid are exempt from Court Fees.

### **Netherlands**

**(General Comment):** The court fees are lower for litigants with low incomes. However this is not a part of the legal aid budget. Only a part of the court fee has to be paid when legal aid is provided.

## Poland

**(General Comment):** It is possible to be exonerated from court fees by a court decision in cases that require courts' action within execution or enforcement proceedings.

In civil proceedings, a natural person may be exempted from court costs if he makes a declaration showing that he is unable to pay them without prejudice to the maintenance necessary for himself and the family. The application for exemption from court costs should be accompanied by a declaration including detailed data on the family status, property, income and sources of income of the person applying for the exemption from costs. The statement is made according to the established formula. The court may collect a promise from a person seeking an exemption from court fees (Article 102 of the Act on court costs in civil cases). The court may grant exemption from court costs for a legal person or organizational unit that is not a legal person, which the law grants legal capacity, if it showed that there are insufficient funds to pay it.

In criminal proceedings, the court may dismiss the accused or the auxiliary prosecutor in whole or in part from payment of court costs to the State Treasury if there are grounds to consider that it would be too burdensome for them to pay due to family, property and income, as well as when it is justified (Article 624 § 1 of the Code of Criminal Procedure).

**(2017):** Anyone who is unable to pay court fees without prejudice to the maintenance of himself and his family is entitled to exemption from such fees.

The application and the material situation must be sustained.

**(2016):** Anyone who is unable to pay court fees without prejudice to the maintenance of himself and his family is entitled to exemption from such fees.

The application and the material situation must be sustained.

## Portugal

**(General Comment):** The Portuguese law provides for the total or partial exemption from court fees and other expenses related to the case.

Namely, legal aid, includes: - Total or partial exemption from court fees and other charges relating to the proceedings; - Deferment of payment of court fees and other charges relating to the proceedings; - Appointment and payment of the legal representative's fees, or alternatively, payment of fees to the legal representative chosen by the applicant.

## Romania

**(General Comment):** According to Article 6 letter d) of the Government Emergency Ordinance 51/2008, legal aid can also be granted as waivers, discounts, time schedules or delays at the payment of the stamp duties stipulated by law, inclusively of those owed in the enforcement phase.

## Slovakia

**(General Comment):** According to the Code of the Civil litigious procedure the person who is granted legal aid may file a motion for exoneration of court fees on the basis of its social and economical circumstances.

**(2017):** According to the Code of the Civil litigious Procedure (in force since 1. July 2016) the person who is granted legal aid is not exempted from court fees automatically. Any litigant may file a motion for exoneration of court fees on the basis of its social and economical circumstances.

## Slovenia

**(General Comment):** Since 2008, the exemption from court fees, which was previously regulated by the Free Legal Aid Act, is regulated by the Court Fees Act (see answer to Q8). The exemption is decided upon by the court at which the main proceeding takes place. The financial criteria is the same as for legal aid, however, the rejection for lack of the merits of the case is not possible. In case the applicant has already been granted free legal aid for this case (i.e. for representation in court), the application can be granted without the new procedure of reviewing the material criteria.

**(2018):** The exemption from court fees is possible outside the free legal aid system. See general comment.

## Spain

**(General Comment):** Till 2013, legal aid was covering fees related to the activity of lodging appeals. The Act on Legal Aid has been modified and since 2013, a person who has been granted legal aid would have an overall exemption of paying court fees.

## Sweden

**(General Comment):** According to section 19 of the Legal Aid Act, a person who is granted legal aid does not have to pay court fees such as fee for application or proclamation.

**(2016):** According to section 19 of the Legal Aid Act, a person who is granted legal aid does not have to pay court fees such as fee for application or proclamation.

## Question 18

### Austria

**(General Comment):** If legal aid is granted in the main proceeding, the same also applies to the enforcement proceeding. According to the Austrian Civil Procedure Order, the requirements for granting legal aid have only to be re-examined, if the enforcement proceeding will be opened one year after the main proceeding has been closed.

**(2018):** Legal aid according to § 64 of the Austrian Civil Procedure Order (Zivilprozessordnung, ZPO) extends to enforcement proceedings.

### Belgium

**(General Comment):** According to article 665, 2° of the Belgian Judicial Code, legal aid is applicable to acts relating to the execution of judgments and decrees.

### Croatia

**(General Comment):** The situation changed few times in the last years. While till 2014, the exemption from payment of court fees could be granted in all judicial proceedings, including enforcement procedures and security procedures, due to changes in the Legal Aid Act in 2014, there was no more this possibility to finally again reinstall it again in 2016 Free Legal Aid Act (Official Gazette 143/13) and allow to grant legal aid for the fees related to the enforcement of judicial decisions.

**(2018):** Legal aid may be granted for exemption of payment of fees related to the enforcement of judicial decisions.

**(2017):** In enforcement proceedings legal aid is granted when it comes to enforcing a claim arising from a civil or administrative court procedure for which legal aid may be granted under the provisions of Free Legal Aid Act (Official Gazette 143/13).

**(2016):** In enforcement proceedings legal aid is granted when it comes to enforcing a claim arising from a civil or administrative court procedure for which legal aid may be granted under the provisions of Free Legal Aid Act (Official Gazette 143/13).

### Cyprus

**(General Comment):** There is no provision in the law for this.

### Czech Republic

**(General Comment):** Legal aid could be granted at every stage of the proceedings – it could be granted even only for enforcement of judicial decision.

**(2017):** Legal aid can be granted in any stage of the proceeding.

**(2016):** Legal aid can be granted in any stage of the proceeding.

## Denmark

**(General Comment):** The bailiff's court can grant legal aid if the person appearing before the court is deemed to need a lawyer's assistance (Danish Administration of Justice Act, article 500(2)).

## Estonia

**(General Comment):** Legal aid cannot be granted for fees related to the enforcement of judicial decisions (except for representing a person in enforcement proceedings), but procedural assistance can be granted to release a person from all or a part of the expenses related to enforcement proceedings.

**(2018):** Partial or full coverage of the costs related to the enforcement of judicial decisions (incl. fees of an enforcement agent) depending on the financial situation of the claimant. The advance payment of enforcement costs shall not be demanded by the bailiff from the claimant who is a natural person and who has received legal aid for the payment of procedural costs (incl court fees) as well as in case of collection of compensation for damage caused by a criminal offence as well as in case of collection of maintenance support.

**(2017):** Partial or full coverage of the costs related to the enforcement of judicial decisions (incl. fees of an enforcement agent) depending on the financial situation of the claimant. The advance payment of enforcement costs shall not be demanded by the bailiff from the claimant who is a natural person and who has received legal aid for the payment of procedural costs (incl court fees) as well as in case of collection of compensation for damage caused by a criminal offence as well as in case of collection of maintenance support.

**(2016):** Partial or full coverage of the costs related to the enforcement of judicial decisions (incl. fees of an enforcement agent) depending on the financial situation of the claimant. The advance payment of enforcement costs shall not be demanded by the bailiff from the claimant who is a natural person and who has received legal aid for the payment of procedural costs (incl court fees) as well as in case of collection of compensation for damage caused by a criminal offence as well as in case of collection of maintenance support.

## Finland

**(General Comment):** The fees related to the enforcement of a judgment or a court order and any costs that need to be paid in advance are waived for a recipient of legal aid. All necessary costs of enforcement are covered from the state funds, if they cannot be collected from the opposing party.

**(2017):** Legal aid covers exemption from execution fees resulting from court's decision.

## France

**(General Comment):** Bailiffs may be appointed to enforce any legal decision for a beneficiary of legal aid, either as a continuation of the proceedings or separately. Moreover, according to article 10 of the Law of 10 July 1991 on Legal Aid, legal aid may be granted on the occasion of the enforcement, on French territory, of a court decision or any other enforceable title, including if they emanate from another Member State of the European Union except for Denmark.

**(2018):** Article 11 of the aforementioned Act provides that legal aid "shall automatically apply to proceedings, acts or measures for the enforcement of court decisions obtained with its benefit, unless enforcement is suspended for more than a year for a cause other than the exercise of a remedy or a stay order. "

## Germany

**(General Comment):** In civil matters, legal aid in compulsory enforcement is granted for the entire enforcement proceeding and not for individual enforcement measures.

**(2016):** Legal aid in compulsory enforcement is granted for the entire enforcement proceedings and not for individual enforcement measures.

## Greece

**(General Comment):** Exoneration from paying court fees in civil and commercial cases covers court bailiffs' fees.

**(2018):** Exoneration from paying court fees in civil and commercial cases covers court bailiffs' fees.

**(2017):** Legal aid also includes the bailiff's remuneration.

## Hungary

**(General Comment):** If legal aid is authorized, it extends to all stages of the proceedings, including the enforcement phase. However, it concerns only the fee of the legal aid provider. Besides, legal representation cannot be granted in such cases, but only extrajudicial assistance (legal advice, drafting of documents).

## Ireland

**(General Comment):** Civil legal aid does not generally include fees in respect of enforcement by an enforcement agent (this is distinct from enforcement of proceedings in a court which may be covered).

## Italy

**(General Comment):** Legal aid also covers expenses related to the enforcement of judicial decisions.

## Latvia

**(General Comment):** In the Republic of Latvia there is another mechanism – a legal framework that provides for exemptions from payment of enforcement of the judgment expenditures on the basis of the law (Section 567 of the Civil Procedure Law). Moreover, in accordance with Section 11 of the Cabinet of Ministers Regulations No 454 of 26 June 2012 “Regulations on the Remuneration Rates of Sworn Bailiffs”, a sworn bailiff has the right to reduce the remuneration fees.

**(2017):** Answer for Q18 is “No”, but in the Republic of Latvia there is another mechanism how persons receive support at the enforcement of judicial decisions stage – a legal framework that provides for exemptions from the payment of enforcement of the judgment expenditures on the basis of law and in addition sworn bailiffs right to reduce the remuneration fees in another cases.

**(2016):** Answer for Q18 is “No”, but In the Republic of Latvia there is another mechanism how persons receive support at the enforcement of judicial decisions stage – a legal framework that provides for exemptions from the payment to sworn bailiffs of enforcement of the judgment expenditures on the basis of law and in addition sworn bailiffs right to reduce the remuneration fees in another cases.

## Lithuania

**(General Comment):** Secondary legal aid covers costs of the execution process. The State-guaranteed legal aid shall not cover costs incurred by the debtor in the execution process.

## Luxembourg

**(2018):** An enforcement agent may be required to have a judicial decision executed.

**(2017):** An enforcement agent can be mandatory to get a judicial decision executed.

## Malta

**(General Comment):** The legal aid lawyer will see to the merits of the case till it is totally finalized.

**(2018):** Eligible candidates can enforce foreign judgements in Malta through legal aid as long as the procedure is carried out through court representation.

**(2017):** Eligible candidates can enforce foreign judgements in Malta through Legal Aid as long as the procedure is carried out through court representation.

**(2016):** Eligible candidates can enforce foreign judgements in Malta through legal aid as long as the procedure is carried out through court representation.

## Netherlands

**(General Comment):** It is noteworthy that the court fees are lower in respect of litigants with lower incomes.

**(2018):** Article 12, criminal law on prosecution (wetboek van strafvordering)

**(2017):** Article 12, criminal law on prosecution (wetboek van strafvordering)

## Poland

**(General Comment):** Legal aid covers costs related to the enforcement agents' fees and actions.

**(2018):** The exemption from court costs granted to the party by the court in the exploratory proceeding or from which the party uses the power of the act extends also to enforcement proceedings (Article 771 of the Code of Civil Procedure). In addition, applications: for exemption from court costs and for the appointment of an attorney - an attorney or legal counsel ex officio may also be submitted during enforcement proceedings.

**(2017):** The cost are connected to the enforcement agent fees and actions.

**(2016):** The cost are connected to the enforcement agent fees and actions.

## Portugal

**(General Comment):** The Portuguese law foresees the total or partial exemption from court fees and other expenses related to the case, such as fees for the enforcement of judicial decisions.

## Romania

**(General Comment):** In the light of the explanation provided in respect of question 17, for the enforcement phase, legal aid may be granted as facilities at the payment of judicial duties. Moreover, according to Article 6 letter c) of the Government Emergency Ordinance 51/2008, it can also be the payment of the bailiff's fee.

**(2017):** According to the definition at question 17, for the enforcement phase, legal aid may be granted as facilities at the payment of judicial duties, but, according to Article 6 letter c) of GEO no. 51/2008, it can also be the payment of the bailiff's fee.

**(2016):** According to the definition at question 17, for the enforcement phase, legal aid may be granted as facilities at the payment of judicial duties, but, according to Article 6 letter c) of GEO no. 51/2008, it can also be the payment of the bailiff's fee.



## Slovenia

**(General Comment):** In the proceeding of enforcement of judicial decisions the exemption from court fees (according to the Court Fees Act) and legal aid in the form of legal advice, legal representation and the exemption from payment of the procedural costs (the Free Legal Aid Act) is possible.

**(2014):** 2014: In the previous cycle, the answer was No and in this cycle changed to Yes, because the question was interpreted as regarding the court fees, exemption of which is regulated under the Court Fees Act and not under the legal aid as regulated by Free Legal Aid Act (fees related to the enforcement of judicial decisions are still not paid by the party, but the legal ground for the exemption from payment is not legal aid).

## Spain

**(General Comment):** The proceeding for the enforcement of judicial decisions is not subject to taxes or judicial fees. In any case, the concepts and costs covered by legal aid in the enforcement would be the same as in the trial.

## Sweden

**(General Comment):** According to section 19 of the Legal Aid Act, an individual who is granted legal aid does not have to pay fees to the Swedish Enforcement Authority.

**(2016):** According to section 19 of the Legal Aid Act, an individual who is granted legal aid does not have to pay fees to the Swedish Enforcement Authority.

## Question 19

### Austria

**(General Comment):** In civil matters, the Austrian Civil Procedure Order provides for that legal aid may cover not only the (provisional) exemption from court fees but also the exemption from fees for witnesses, experts, interpreters and guardians, costs of the necessary announcements and the cash expenditure of guardians or lawyers, representation by a court official or – if necessary – a lawyer. If the personal presence of the parties at a hearing is ordered by the court, their necessary travel expenses are also replaced. In criminal matters, there are no costs to bear for the parties, until the court has taken a final decision, which also encompasses a decision on the costs. In case of an acquittal, the State has to bear all the costs. The Public Prosecutor does not have to bear any costs in any case. The Code of Criminal Procedure pinpoints only one exception to this rule, if a person, different from the Public Prosecutor, i.e. "Privatankläger" holds the accusation and loses the case because of an acquittal. In this case, the so called Privatankläger (private prosecutor) has to bear the costs. In case of a false accusation, the person who knowingly accused the (acquitted) perpetrator would have to bear the costs of the trial.

**(2018):** See above Point 016-1.

### Belgium

**(General Comment):** Legal aid is applicable:

- 1° to all acts related to claims to be brought or pending before a judge of the judicial or administrative order or before arbitrators;
- 2° to acts related to the execution of judgments and decisions;
- 3° to proceedings on request;
- 4° to procedural acts that fall within the jurisdiction of a member of the judiciary or require the intervention of a public or ministerial officer.
- 5° to mediation procedures, extrajudicial or judicial, conducted by an approved mediator.
- 6° to all extrajudicial proceedings imposed by law or by the judge;
- 7° for the enforcement of authentic instruments in another Member State of the European Union under Article 11 of Council Directive 2003/8/EC of the 27th of January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules related to legal aid for such disputes, under the conditions defined by that Directive
- 8° to the assistance of a technical adviser during judicial expert appraisals.

**(2018):** Legal aid is applicable: 1° to all acts relating to claims to be brought or pending before a judge of the judicial or administrative order or before arbitrators;  
2° to the acts relating to the execution of judgments and decisions;  
3° to the proceedings on request;  
4° to the procedural acts that fall within the jurisdiction of a member of the judiciary or require the intervention of a public or ministerial officer;  
5° to the mediation procedures, extrajudicial or judicial, conducted by an approved mediator;  
6° to all extrajudicial proceedings imposed by law or by the judge;  
7° for the enforcement of authentic instruments in another Member State of the European Union under Article 11 of Council Directive 2003/8/EC of 27 January 2003 aimed at improving access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes, under the conditions defined by that Directive;  
8° to the assistance of a technical adviser during judicial expert appraisals.

**(2017):** Legal assistance is applicable:  
(1) to all acts relating to claims to be brought or pending before a judge (civil, penal or administrative) or before arbitrators;  
(2) to acts relating to the enforcement of judgments and court decisions;  
(3) to proceedings on request;  
(4) to procedural acts that fall within the jurisdiction of a member of the civil and penal order or require the intervention of a public or ministerial officer;  
(5) voluntary or judicial mediation procedures conducted by a mediator approved by the commission referred to in section 1727;  
(6) to all extrajudicial proceedings imposed by law or by the judge;  
(7) to the enforcement of authentic acts in another Member State of the European Union under Article 11 of the Council Directive 2003/8/EC of 27 January 2003 aimed at improving access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes, under the conditions defined by that Directive.  
(8) to the assistance of a technical adviser during judicial expert appraisals.  
Articles 691 to 692bis of the Judicial Code set out a series of costs advanced by the State (transport and subsistence costs of judges and public or ministerial officials, witness taxes, interpreters' costs, disbursements of bailiffs, notaries, etc.) for the benefit of the person receiving legal assistance.

**(2016):** Legal assistance is applicable to:  
1 ° all acts relating to applications to be made or pending before a judge of the judicial or administrative order or before arbitrators;  
2 ° acts relating to the execution of judgments and decisions;  
3 ° proceedings on request;  
4 ° proceedings that fall within the jurisdiction of a member of the Judicial Order or require the intervention of a public or ministerial officer;  
5 ° mediation procedures, whether voluntary or judicial, conducted by a mediator approved by the commission referred to in article 1727;  
6 ° [to all extrajudicial procedures imposed by law or by the judge;  
7 ° for the enforcement of authentic instruments in another Member State of the European Union within the framework of Article 11 of Council Directive 2003/8 / EC of 27 January 2003 on improving access to justice in cross-border cases by establishing common minimum rules on legal aid granted in such cases, under the conditions laid down in that directive.]  
8 ° to the assistance of a technical advisor during judicial appraisals.  
Articles 691 to 692bis of the Judicial Code set forth a series of costs advanced by the State (transportation and subsistence expenses of magistrates and public or ministerial officers, taxes of witnesses, interpreters' fees, disbursements of bailiffs, notaries etc ...); to the discharge of the person benefiting from legal aid.

## Bulgaria

**(General Comment):** The travel expenses of an official defence counsel are covered by the budget for legal aid administering.

**(2017):** The travel expenses of an official defense counsel are covered by the budget for legal aid administering.

## Croatia

**(General Comment):** In civil cases, legal aid may be approved for the exemption from payment of litigation costs. The latter applies to the exemptions from depositing in advance the costs of witnesses, interpreters, expert witnesses, investigations and judicial advertisement. The exemption from payment of litigation costs depends on the material conditions and the type of procedure.

**(2018):** Legal aid may be granted in the form of exemption from payment of court proceeding costs (costs of witnesses, expert witnesses, court-sworn translators, costs of site visits and court advertisements).

**(2017):** The legal aid can be granted in civil and administrative court proceedings (other than criminal cases) for exemption from payment of court proceedings. The exemption from payment of court proceedings includes the exemption from payment of an advance for the costs of witnesses, expert witnesses, investigation and judicial announcements.

**(2016):** The legal aid can be granted in civil and administrative court proceedings (other than criminal cases) for exemption from payment of court proceedings. The exemption from payment of court proceedings includes the exemption from payment of an advance for the costs of witnesses, expert witnesses, investigation, judicial announcements.

## Czech Republic

**(General Comment):** If legal aid is granted, it covers all costs, including lawyer's fees, fees of judicial experts, etc.

## Denmark

**(General Comment):** With regard to other than criminal cases, legal aid can be granted for all necessary costs associated with the proceedings. The court decides which expenses are covered by legal aid. E.g. expenses that with good reason have been held in connection with a trial.

Under special circumstances fees for technical advisors or experts are covered in criminal cases.

## Finland

**(General Comment):** The fees and compensations arising from the interpretation and translation services required in the consideration of the matter are waived for a recipient of legal aid. Compensation for a witness called by a party receiving legal aid are paid from the state funds. Other costs arising from presenting evidence by a party receiving legal aid are paid from the state funds if the evidence was necessary for deciding the case. If a party receiving legal aid, other than the defendant in a criminal case, has been summoned to the court in person, the compensation for the costs of appearing before the court are paid from the state funds.

**(2017):** Legal aid can include, for example, fees from interpretation services and costs from adducing evidence.

## France

**(General Comment):** Articles 40 and 40-1 of the Act of the 10th of July 1991 on legal aid provide that the beneficiary of legal aid is entitled to the assistance of a lawyer and any public or ministerial officials (bailiffs, solicitors, and notaries in particular). He is also exempt from the payment of advance or deposit of all costs relating to the proceedings, procedures or acts for which it has been granted (expertise, social inquiry, family mediation, etc.), with the exception of a hearing right of €13.

**(2018):** Legal aid covers all legal costs related to a case (in the case of a total AJ); notaries, bailiffs, experts may thus be paid.

**(2016):** Legal aid may be granted for notary, bailiff and expert fees in the frame of legal proceedings. It may also be granted for the assistance of a lawyer during mediation or settlement.

### **Germany**

**(General Comment):** If granted, legal aid covers all of the costs of the legal dispute. The approval of legal aid includes the costs for the taking of evidence (e.g. witnesses, experts), as well as travel expenses of the recipient to attend a court hearing if personal attendance at the hearing is necessary. Expenditure for the preparation of the proceedings (e.g. expert witnesses, interpreters) may be refundable as necessary expenditure of the appointed solicitor.

**(2016):** If granted, legal aid covers all of the costs of the legal dispute. In particular, this includes the cost of a court-ordered taking of evidence, as well as the costs for compensating witnesses or obtaining expert reports.

### **Greece**

**(General Comment):** Regarding "criminal cases", the ex officio appointment of a lawyer is provided. Furthermore, if an expert's opinion is considered by the court to be necessary then the relevant costs are covered by the State.

With regard to administrative courts, there is not any such legislative provision, while in civil and commercial cases legal aid is granted for expert fees.

**(2017):** Regarding "criminal cases", the ex officio appointment of a lawyer is provided. Furthermore, if an expert's opinion is considered by the court to be necessary then the relevant costs are covered by the State. As far as "civil and commercial cases" are concerned, legal aid also includes notaries, bailiff's and services of judicial documents cost.

With regard to Administrative courts, there is no specific legislative provision, except Articles 199 and 200 of the code of civil procedure.

### **Ireland**

**(General Comment):** In criminal cases, legal aid can cover the cost of expert witnesses (medical and technical), interpreters, translation service providers, travel costs, disbursements i.e. photocopying costs, prison visits.

In civil cases, fees of other professionals may be covered where it is necessary having regard to the circumstances of the case.

**(2017):** In criminal cases, legal aid can cover the cost of expert witnesses (medical and technical), interpreters, translation service providers, travel costs, disbursements i.e. photocopying costs, prison visits.

In other than criminal cases, a legally aided person may apply through their solicitor for the fees of expert witnesses and other experts to be covered.

### **Italy**

**(General Comment):** Legal aid can also be granted for costs related to private detectives, interpreters and expert witnesses.

### **Latvia**

**(General Comment):** In the Republic of Latvia there is another mechanism - a legal framework that provides for exemptions from payment of court costs granted on the basis of the law by the judge in civil proceedings (Section 43 of the Civil Procedure Law). Besides, the Criminal Procedure Law stipulates which costs, for example, conducting of inspections, shall be assumed by the State. The mentioned regulation is applying to court proceedings and exemptions rules in their respect (for example concerning the expertise costs etc).

In addition, according to the State Ensured Legal Aid Law, in cross-border cases a person has the right to receive the following: 1) services of an interpreter; 2) translation of documents requested by the court or the competent authority and submitted by the recipient of legal aid, which are necessary for adjudication of the matter; 3) payment of expenses related to the attendance at court sittings, if the presence of the person in court is provided for by the law or if the court requests so, deciding that the relevant person cannot be heard in another way (the Legal Aid Administration makes a decision).

In accordance with the Cabinet of Ministers Regulation No 1493 of 22 December 2009 "Regulations Regarding the Amount of State-ensured Legal Aid, the Amount of Payment, Reimbursable Expenses and the Procedures for Payment Thereof", if legal aid is provided outside the place of practice of the provider of legal aid, his or her travelling (transport) expenses and hotel (accommodation) expenses shall be covered from the State budget. It is relevant for all cases – civil, administrative and criminal. In asylum cases and cases related to foreigners who are obligated to be returned, the responsible institution – the Office of Citizenship and Migration Affairs or the Legal Aid Administration – shall ensure the communication of the applicant for legal aid with the provider of legal aid, which covers costs of the interpretation services.

In questions 16-18 it is indicated that the state provides representation in court and legal advice, but in Latvia it is provided and paid also for preparation of procedural documents in all types of cases and in criminal cases for representation in the pre-trial criminal proceedings.

**(2017):** We can indicate that additional persons are exempted, for example, from expertise, interpreters and travel expenses (in cross border disputes). If the legal aid is provided outside the place of practice of the provider of legal aid, his or her travelling (transport) expenses and hotel (accommodation) expenses also shall be covered from the State budget. In questions 16-18 it is indicated that the state provides representation in court and legal advice, but in Latvia it is provided and paid also for preparation of procedural documents in all types of cases and in criminal cases for representation in the pre-trial proceedings.

**(2016):** indicates that additional persons are exempted, for example, from expertise, interpreters and travel expenses. In accordance with the Cabinet of Ministers Regulation No 1493 of 22 December 2009 "Regulations Regarding the Amount of State-ensured Legal Aid, the Amount of Payment, Reimbursable Expenses and the Procedures for Payment Thereof" the State shall pay to the provider of legal aid also for drawing up procedural documents in all kind of legal aid cases and for representation in pre-trial criminal proceedings.

## Lithuania

**(General Comment):** The costs of secondary legal aid from which the applicant shall be exempted are: litigation costs incurred in civil and administrative proceedings, the costs related to the hearing of a civil action brought in a criminal matter, the costs related to defence and representation in court (including the appeal and cassation proceedings, irrespective of the initiator), as well as the costs of the execution process, the costs related to the drafting of procedural documents and collection of evidence, interpretation, representation in the event of preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision (Article 14, part 2 of the Law on Legal Aid).

The costs of State-guaranteed legal aid shall also cover the costs of interpretation of communications between the lawyer and the applicant where, in the cases provided for in treaties of the Republic of Lithuania, it is impossible to ensure that a person providing State-guaranteed legal aid communicates with the applicant in the language which the latter understands (Article 14, part 10 of the Law on Legal Aid).

Where the physical presence of an applicant is required by the law or by the court, the travel costs to be borne by the applicant shall be borne by the State-guaranteed legal aid services from the State budget funds allocated for that purpose (Article 20, part 2 of the Law on Legal Aid).

## Netherlands

**(General Comment):** Legal aid can also be granted for the following costs: travel costs, interpreter and translation costs, administrative costs, medical expert costs in injury cases for which a special regulation exists.

**(2018):** Legal aid can also be granted for the following costs: travel costs, interpreter and translation costs, administrative costs, special regulation for medical expert costs in injury cases.

**(2010):** In the ambit of the 2010 exercise, it has been indicated that the defense may ask for advice or second opinion from experts. The costs of these operations are borne by the State. However, these costs do not make part of the legal aid.

## Poland

**(General Comment):** In civil proceedings, exemption from court costs may relate to fees and expenses. Expenses include in particular: travel costs of a party who is exempt from court costs related to a personal appearance ordered by a court; reimbursement of travel and accommodation costs as well as lost earnings or witness income; remuneration and reimbursement of costs incurred by experts, translators and probation officers established for a party in a given case; lump-sum costs of taking evidence from the opinion-giving opinion of a team of court specialists; remuneration due to other persons or institutions and reimbursement of costs incurred by them; costs of carrying out other evidence; the costs of transporting animals and goods, keeping them or storing them; advertising costs; costs of detention and custody; lump sums due to probation officers for conducting environmental interviews in cases of: annulment of marriage, for divorce and separation, as well as for participation in parents' contacts with children determined by the court; the cost of issuing a certificate by a forensic doctor; the cost of mediation conducted as a result of referral by the court.

In criminal proceedings, unless the Code of Criminal Procedure stipulates otherwise, all expenses are temporarily lectured by the State Treasury.

If a party to a notary's activity is not able to incur the remuneration required by a notary public for its own and for the family, it may apply to the district court competent for its place of residence to release in full or in part from this remuneration. This provision shall apply accordingly to a legal person that proves that he has insufficient funds to incur the remuneration demanded by a notary public.

The court, after determining that there is a need to perform a notarial act, takes into account the application and appoints a notary to perform the requested notarial activity (Article 6 of the Act of 14 February 1991 on Notary Public Rights).

**(2017):** Expert fees and travel cost reimbursement.

**(2016):** Expert fees and travel cost reimbursement.

## Portugal

**(General Comment):** The Portuguese law provides for the total or partial exemption from court fees and other expenses related to the case.

**(2018):** Legal aid may also include fees of technical advisors or experts, costs of other legal professionals (notaries) and travel costs. In addition, all applications, certificates and any other documents requested for legal protection purposes are exempt from taxes, fees and charges.

## Romania

**(General Comment):** According to Article 6 letter b) of the Government Emergency Ordinance 51/2008, public aid may also cover costs of the expert, translator or interpreter services during the trial, with the consent of the court or of the jurisdictional authority, if this payment is the obligation of the one requiring judicial public aid, according to law.

**(2017):** According to the Article 6 letter b) GEO no. 51/2008, public aid may be also the payment of the expert, translator or interpreter used during the trial, with the consent of the court or of the jurisdictional authority, if this payment is the obligation of the one requiring judicial public aid, according to the law.

**(2016):** According to the Article 6 letter b) GEO no. 51/2008, public aid may be also the payment of the expert, translator or interpreter used during the trial, with the consent of the court or of the jurisdictional authority, if this payment is the obligation of the one requiring judicial public aid, according to the law.

## Slovakia

**(General Comment):** Under the section 5c of the Act on Providing Legal Aid to persons in material need No. 327/2005: Legal aid shall also include: -appointment of an interpreter  
-translation of documents necessary for decision on merits  
-inevitable travel costs of foreign applicant

**(2017):** Under the section 5c of the Act on Providing Legal Aid to persons in material need (No. 327/2005): Legal aid shall also include: -appointment of an interpreter  
-translation of documents necessary for decision on merits  
-inevitable travel costs of foreign applicant

## Slovenia

**(General Comment):** The Free Legal Aid Act (FLAA) prescribes that legal aid shall mean the right of the eligible person to the entire or partial provision of funds necessary to cover the costs of legal assistance and the right to exemption of payment of the costs of the judicial proceeding. Further on the law defines that legal aid may be approved for legal advice, legal representation and other legal services, for all forms of judicial protection before all courts of general jurisdiction and specialised courts based in the Republic of Slovenia, before the Constitutional Court of the Republic of Slovenia, and before all authorities, institutions or persons in the Republic of Slovenia authorised for out-of-court settlement, as well as in the form of exemption from payment of the costs of the judicial proceeding.

The law specifically lists the costs that can be covered by the approved legal aid: for legal advice; for the formulation, verification and certification of documents on legal relations, facts and statements; for legal advice and representation in cases of out-of-court settlement; for legal advice and representation before courts in the first and second instances; for legal advice and representation involving extraordinary appeals; for legal advice and representation involving constitutional action; for legal advice and representation before international courts; for legal advice and representation involving the filing of a petition for the assessment of constitutionality; in the form of exemption from payment of the costs of the judicial or extrajudicial proceeding.

Legal aid may also be granted in the form of an exemption from payment of the costs of proceedings before courts, particularly in the form of an exemption from payment of: costs of experts, witnesses, interpreters, servicing orders and translations, costs of external operations of the court or other authority in the Republic of Slovenia, and other justified costs; security deposits for the costs or of the costs, of the implementation of the proceeding (advance payments); costs of public documents and receipts required for the proceeding before a court; other costs of the proceeding. The legal aid system does not cover the costs of the proceeding and actual expenditure of and remuneration for the person representing the opposing party.

## Spain

**(General Comment):** According to Legal Aid Act: Legal assistance to the arrested, prisoner or accused who had not appointed a lawyer, for any police action; Free insertion of announcements, during the process, in official newspapers; Free expert assistance; Free collection (or reduction of 80% of fees depending on cases) of copies, testimonies, instruments and notarial acts; Reduction of 80% of fees for notes, certifications, annotations, in the Property and Commercial Registries.

## Sweden

**(General Comment):** In criminal cases, legal aid can be granted for travel expenses and subsistence in respect of the accused person. The latter can also be granted legal aid for expenses for witnesses who are not called by the prosecutor. In other than criminal cases, an individual granted with legal aid can have expenses covered for traveling and subsistence, evidence in court, investigation costs to a certain amount (10 000 SEK, approximately 1000 EUR) and for costs for a mediator appointed by the court.

**(2016):** In criminal cases, legal aid can be granted for travel expenses and subsistence in respect of the accused person. The latter can also be granted legal aid for expenses for witnesses who are not called by the prosecutor. In other than criminal cases, an individual granted with legal aid can have expenses covered for traveling and subsistence, evidence in court, investigation costs to a certain amount (10 000 SEK, approximately 1000 EUR) and for costs for a mediator appointed by the court.





# **Indicator 6: The ICT tools of courts and for court users**

**Table 6.1 (EC) Possibility of online training in 2018 (Q131-2)**

States	Online training courses available for judges, prosecutors, non-judge and non-prosecutor staff		
	EC Code	Existence	Total
Austria	20	Yes	NA
Belgium	1	Yes	200
Bulgaria	2	Yes	324
Croatia	11	Yes	NA
Cyprus	13	Yes	NA
Czech Republic	3	Yes	1761
Denmark	4	Yes	398
Estonia	6	Yes	NA
Finland	26	Yes	NA
France	10	Yes	NA
Germany	5	Yes	NA
Greece	8	Yes	NA
Hungary	17	Yes	707
Ireland	7	No	NAP
Italy	12	Yes	NA
Latvia	14	Yes	104
Lithuania	15	Yes	NA
Luxembourg	16	Yes	NA
Malta	18	Yes	9
Netherlands	19	Yes	NA
Poland	21	Yes	880
Portugal	22	Yes	139
Romania	23	Yes	421
Slovakia	25	Yes	250
Slovenia	24	Yes	235
Spain	9	Yes	NA
Sweden	27	Yes	1122
<b>Yes</b>		26	26
<b>No /NAP</b>		1	1
<b>No reply</b>		0	0

Table 6.2 (EC) Technologies used for court management and administration in 2018 (Q63.1, Q63.2, Q63.7)

States	Case management systems						Tools of producing courts activity statistics				Computerised registries managed by courts		Measurement tools to assess prosecutors and judges	
	EC Code	Existence	Civil and/or commercial	Criminal	Administrative	Equipment rate	Civil and/or commercial	Criminal	Administrative	Equipment rate	Land registry	Business registry	Existence	Judges
Austria	20	Yes	100%	100%	100%	4,0	Fully integrated including BI	Fully integrated including BI	Fully integrated including BI	4,0	100%	100%	Yes	100%
Belgium	1	Yes	100%	100%	100%	4,0	Not integrated but connected	Not integrated but connected	Integrated	2,3	0% (NAP)	1-9%	Yes	0% (NAP)
Bulgaria	2	Yes	100%	100%	100%	4,0	Not connected at all	Not connected at all	Not connected at all	0,5	0% (NAP)	0% (NAP)	Yes	50-99%
Croatia	11	Yes	100%	100%	100%	4,0	Not integrated but connected	Not integrated but connected	Not connected at all	1,5	100%	100%	Yes	100%
Cyprus	13	No	-	-	-	0,0	-	-	-	0,0	0% (NAP)	0% (NAP)	No	-
Czech Republic	3	Yes	100%	100%	100%	4,0	Integrated	Integrated	Integrated	3,0	0% (NAP)	100%	Yes	10-49%
Denmark	4	Yes	100%	100%	100%	4,0	Fully integrated including BI	Not integrated but connected	Not connected at all	2,2	100%	NA	Yes	0% (NAP)
Estonia	6	Yes	100%	100%	100%	4,0	Integrated	Integrated	Integrated	3,0	100%	100%	Yes	100%
Finland	26	Yes	100%	100%	100%	4,0	Not integrated but connected	Not integrated but connected	Not integrated but connected	2,0	0% (NAP)	0% (NAP)	Yes	100%
France	10	Yes	100%	100%	100%	4,0	Not integrated but connected	Not integrated but connected	Not integrated but connected	2,0	NA	NA	No	-
Germany	5	Yes	100%	100%	100%	4,0	Not integrated but connected	Not integrated but connected	Not integrated but connected	2,0	100%	100%	Yes	50-99%
Greece	8	Yes	10-49%	10-49%	100%	2,7	Fully integrated including BI	Fully integrated including BI	Fully integrated including BI	4,0	0% (NAP)	0% (NAP)	Yes	50-99%
Hungary	17	Yes	100%	100%	100%	4,0	Integrated	Integrated	Integrated	3,0	0% (NAP)	100%	Yes	100%
Ireland	7	Yes	100%	100%	NA	2,8	Integrated	Integrated	Not connected at all	2,2	0% (NAP)	0% (NAP)	No	-
Italy	12	Yes	100%	100%	100%	4,0	Fully integrated including BI	Integrated	Not integrated but connected	3,0	0% (NAP)	0% (NAP)	Yes	100%
Latvia	14	Yes	100%	100%	100%	4,0	Fully integrated including BI	Fully integrated including BI	Fully integrated including BI	4,0	100%	100%	Yes	100%
Lithuania	15	Yes	100%	100%	100%	4,0	Fully integrated including BI	Fully integrated including BI	Fully integrated including BI	4,0	NA	NA	Yes	100%
Luxembourg	16	Yes	100%	100%	100%	4,0	Not integrated but connected	Not integrated but connected	Not connected at all	1,5	NA	NA	No	-
Malta	18	Yes	100%	50-99%	100%	3,7	Integrated	Integrated	Integrated	3,0	0% (NAP)	100%	Yes	100%
Netherlands	19	Yes	100%	100%	100%	4,0	Integrated	Integrated	Integrated	3,0	0% (NAP)	0% (NAP)	No	-
Poland	21	Yes	100%	100%	NA	2,8	Integrated	Integrated	Integrated	3,0	100%	100%	Yes	100%
Portugal	22	Yes	100%	100%	100%	4,0	Integrated	Integrated	Integrated	3,0	100%	100%	Yes	100%
Romania	23	Yes	100%	100%	100%	4,0	Not integrated but connected	Not integrated but connected	Not integrated but connected	2,0	100%	100%	Yes	100%
Slovakia	25	Yes	100%	100%	100%	4,0	Not connected at all	Not connected at all	Not connected at all	0,5	NA	100%	Yes	100%
Slovenia	24	Yes	100%	100%	100%	4,0	Fully integrated including BI	Not integrated but connected	Fully integrated including BI	3,3	100%	100%	Yes	100%
Spain	9	Yes	100%	100%	100%	4,0	Not integrated but connected	Not integrated but connected	Not integrated but connected	2,0	0% (NAP)	0% (NAP)	Yes	100%
Sweden	27	Yes	100%	100%	100%	4,0	Not connected at all	Not integrated but connected	Not connected at all	1,0	0% (NAP)	0% (NAP)	Yes	100%
<b>Nb of values</b>			26	26	26	27	26	26	26	27	27	27	27	22
<b>% of NA</b>			0%	0%	7%	0%	0%	0%	0%	0%	15%	15%	0%	0%
<b>% of NAP</b>			0%	0%	0%	0%	0%	0%	0%	0%	48%	33%	0%	7%

0,5 points if existing in general plus  
**100%** = 1,167 points per specific matter  
**50-99%** = 0,833 points per specific matter  
**10-49%** = 0,5 points per specific matter  
**1-9%** = 0,167 points per specific matter  
**0% (NAP)** = 0 points per specific matter  
**NA** = 0 points per specific matter

Fully integrated including BI  
 Integrated  
 Not integrated but connected  
 Not connected at all

0,5 points if existing in general plus  
 0,833 points per specific matter  
 0,5 points per specific matter  
 0 points per specific matter  
 0 points per specific matter  
 = 0% (NAP)  
 = Not Available

Reduces the workload of judges, prosecutors or court clerks		Monitoring at national level			Monitoring at local level		
Prosecutors	Non-judge/non-prosecutor staff	Judges	Prosecutors	Non-judge/non-prosecutor staff	Judges	Prosecutors	Non-judge/non-prosecutor staff
100%	100%	Yes	No	No	Yes	No	No
1-9%	1-9%	No	No	No	No	No	No
50-99%	NA	No	Yes	No	NA	NA	NA
100%	0% (NAP)	Yes	No	No	No	No	No
-	-	No	No	No	No	No	No
10-49%	0% (NAP)	No	No	Yes	No	No	No
10-49%	NA	No	No	Yes	NA	NA	NA
100%	100%	Yes	No	No	Yes	No	No
100%	100%	Yes	No	No	Yes	No	No
-	-	No	No	No	No	No	No
50-99%	50-99%	No	Yes	No	No	Yes	No
NA	NA	NA	NA	NA	NA	NA	NA
100%	0% (NAP)	Yes	No	No	No	No	No
-	-	No	No	No	No	No	No
100%	0% (NAP)	Yes	No	No	No	No	No
100%	100%	Yes	No	No	Yes	No	No
100%	0% (NAP)	Yes	No	No	No	No	No
-	-	No	No	No	No	No	No
NA	NA	NA	NA	NA	NA	NA	NA
-	-	No	No	No	No	No	No
100%	NA	Yes	No	No	NA	NA	NA
100%	100%	Yes	No	No	Yes	No	No
0% (NAP)	0% (NAP)	No	No	No	No	No	No
NA	10-49%	NA	NA	NA	No	No	Yes
100%	100%	Yes	No	No	Yes	No	No
100%	100%	Yes	No	No	Yes	No	No
100%	100%	Yes	No	No	Yes	No	No
22	22	27	27	27	27	27	27
11%	19%	11%	11%	11%	19%	19%	19%
4%	22%	0%	0%	0%	0%	0%	0%

Table 6.3.1 (EC) Technologies used for electronic submission of cases, transmission of summons and online monitoring of proceedings in 2018 (Q63.1, Q64.2, Q64.4)

States	Possibility to submit a case to courts by electronic means					Submission in paper remains mandatory	Specific legislative framework authorising the submission of a case	Integrated/connected with the CMS	Index	Possibility to transmit summons to a judicial meeting or a hearing by electronic means in all matters					Possibility to monitor the stages of an online judicial proceeding					
	EC Code	General	Civil and/or commercial	Criminal	Administrative					General	Summons produced by CMS	Simultaneous summons in paper form	Consent of the user to be notified by	Modalities	Index	Existence of CMS	Civil and/or commercial	Criminal	Administrative	Index
Austria	20	Yes	100%	100%	100%	0	3	3	4,0	Yes	2	0	3	3	2,7	Yes	accessible to parties	not accessible at all	not accessible at all	1,0
Belgium	1	Yes			50-99%	2	2	1	1,3	Yes	0	0	1	1	0,7	Yes	not accessible at all	not accessible at all	not accessible at all	0,0
Bulgaria	2	No	-	-	-	0	0	0	0,0	Yes	0	0	2	3	1,7	Yes	both	both	publication of decision online	3,7
Croatia	11	Yes	10-49%			0	1	1	1,0	No	0	0	0	0	0,0	Yes	both	both	both	4,0
Cyprus	13	No	-	-	-	0	0	0	0,0	No	0	0	0	0	0,0	No	-	-	-	
Czech Republic	3	Yes	100%	100%	100%	3	3	0	4,0	Yes	3	0	0	3	2,0	Yes	not accessible at all	not accessible at all	not accessible at all	0,0
Denmark	4	Yes	100%			2	3	1	1,7	Yes	1	0	1	1	1,0	Yes	accessible to parties	not accessible at all	not accessible at all	1,0
Estonia	6	Yes	100%	100%	100%	0	3	3	4,0	Yes	3	0	0	6	3,0	Yes	accessible to parties	accessible to parties	accessible to parties	3,0
Finland	26	Yes	100%	100%	100%	0	3	1	4,0	Yes	3	0	3	3	3,0	Yes	not accessible at all	not accessible at all	not accessible at all	0,0
France	10	Yes			50-99%	0	1	1	1,3	Yes	2	0	2	6	3,3	Yes	accessible to parties	accessible to parties	accessible to parties	3,0
Germany	5	Yes	100%	100%	100%	0	3	3	4,0	Yes	3	0	3	3	3,0	Yes	not accessible at all	not accessible at all	not accessible at all	0,0
Greece	8	Yes	50-99%	10-49%	100%	2	1	3	3,0	Yes	2	2	0	0	0,0	Yes	both	both	both	4,0
Hungary	17	Yes	100%	100%	100%	0	3	3	4,0	Yes	3	0	3	3	3,0	Yes	accessible to parties	accessible to parties	accessible to parties	3,0
Ireland	7	Yes	50-99%	100%	NA	0	1	1	2,5	Yes	0	3	0	3	0,0	Yes	both	not accessible at all	not accessible at all	1,3
Italy	12	Yes	100%		100%	0	2	2	2,8	Yes	2	0	1	2	1,7	Yes	accessible to parties	not accessible at all	accessible to parties	2,0
Latvia	14	Yes	100%	100%	100%	0	0	3	4,0	Yes	3	0	3	6	4,0	Yes	accessible to parties	accessible to parties	accessible to parties	3,0
Lithuania	15	Yes	100%		100%	1	3	2	2,8	Yes	2	0	2	2	2,0	Yes	both	publication of decision online	both	3,7
Luxembourg	16	No	-	-	-	0	0	0	0,0	No	0	0	0	0	0,0	Yes	not accessible at all	not accessible at all	not accessible at all	0,0
Malta	18	Yes	10-49%	NA	100%	0	2	2	2,2	Yes	2	0	2	2	2,0	Yes	accessible to parties	accessible to parties	accessible to parties	3,0
Netherlands	19	Yes	NA	NA	NA	0	0	0	0,5	No	0	0	0	0	0,0	Yes	-	-	-	
Poland	21	Yes	1-9%		100%	0	2	1	1,8	Yes	2	0	1	10	4,0	Yes	not accessible at all	not accessible at all	not accessible at all	0,0
Portugal	22	Yes	100%	100%	100%	0	3	3	4,0	Yes	3	0	0	3	2,0	Yes	accessible to parties	accessible to parties	accessible to parties	3,0
Romania	23	Yes	100%	NA	100%	1	3	0	2,8	Yes	3	0	3	6	4,0	Yes	both	both	both	4,0
Slovakia	25	Yes	100%	100%	100%	0	3	3	4,0	Yes	3	0	0	6	3,0	Yes	both	both	both	4,0
Slovenia	24	Yes	100%	1-9%	1-9%	0	0	3	2,0	Yes	1	0	1	2	1,3	Yes	accessible to parties	not accessible at all	not accessible at all	1,0
Spain	9	Yes	100%	100%	100%	0	3	3	4,0	Yes	3	0	0	9	4,0	Yes	accessible to parties	accessible to parties	accessible to parties	3,0
Sweden	27	Yes	10-49%	50-99%	1-9%	0	2	2	2,0	Yes	3	0	0	6	3,0	Yes	not accessible at all	not accessible at all	not accessible at all	0,0
<b>Nb of values</b>		27	27	27	27					27	27	27	27			27	27	27	27	
<b>% of NA</b>		0%	4%	11%	7%					0%	0%	0%	0%			0%	0%	0%	0%	
<b>% of NAP</b>		0%	7%	26%	7%					0%	0%	0%	0%			0%	0%	0%	0%	
<b>% of NR</b>		0%	0%	0%	0%					0%	0%	0%	0%			0%	0%	0%	0%	

0,5 points if existing in general plus

<b>100%</b>	= 1,167 points per specific matter
<b>50-99%</b>	= 0,833 points per specific matter
<b>10-49%</b>	= 0,5 points per specific matter
<b>1-9%</b>	= 0,167 points per specific matter
<b>0% (NAP)</b>	= 0 points per specific matter
<b>NA</b>	= 0 points per specific matter

Denmark, Romania: Q64.2 (Possibility to submit a case by electronic means) - Cases may be submitted to courts by email

Table 6.3.2 (EC) Communication with courts and videoconferencing between courts in 2018 (Q64.6, Q64.10, Q64.11)

States	Electronic communication between courts and lawyers						Videoconferencing between courts, professionals and/or users					Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))						
	between court and lawyers representing parties	between court and parties not represented by lawyer	Civil and/or commercial	Criminal	Administrative	Index	General	Civil and/or commercial	Criminal	Administrative	Index	General	Civil and/or commercial	Type of recording	Criminal	Type of recording	Administrative	Type of recording
Austria	Yes	Yes	100%	100%	100%	4,0	Yes	100%	100%	100%	4,0	Yes	1-9%	Both	50-99%	Both	-	Both
Belgium	Yes	Yes	10-49%	0% (NAP)	50-99%	2,2	Yes	1-9%	-	-	0,8	No	-	-	-	-	-	-
Bulgaria	Yes	Yes	50-99%	50-99%	0% (NAP)	2,5	Yes	1-9%	1-9%	1-9%	1,5	Yes	50-99%	Sound	50-99%	Sound	50-99%	Sound
Croatia	Yes	No	10-49%	0% (NAP)	0% (NAP)	1,0	Yes	10-49%	10-49%	1-9%	2,2	Yes	100%	Sound	100%	Sound	100%	Sound
Cyprus	No	No	-	-	-	0,0	Yes	NA	NA	-	0,5	No	-	-	-	-	-	-
Czech Republic	Yes	Yes	100%	100%	100%	4,0	Yes	1-9%	50-99%	-	1,8	Yes	1-9%	Sound	50-99%	Sound	1-9%	Sound
Denmark	Yes	Yes	100%	100%	50-99%	3,8	Yes	1-9%	10-49%	NA	1,5	Yes	1-9%	Both	10-49%	Both	NA	Both
Estonia	Yes	Yes	100%	100%	100%	4,0	Yes	100%	100%	100%	4,0	Yes	100%	Sound	100%	Sound	100%	Sound
Finland	Yes	Yes	100%	100%	100%	4,0	Yes	100%	100%	100%	4,0	Yes	100%	Sound	100%	Sound	100%	Sound
France	Yes	Yes	NA	0% (NAP)	50-99%	1,5	Yes	NA	NA	10-49%	1,2	No	-	-	-	-	-	-
Germany	Yes	Yes	100%	100%	100%	4,0	Yes	50-99%	50-99%	50-99%	3,5	Yes	1-9%	Both	1-9%	Both	1-9%	Both
Greece	Yes	No	50-99%	50-99%	10-49%	3,0	No	-	-	-	0,0	Yes	50-99%	Sound	1-9%	Sound	-	Sound
Hungary	Yes	Yes	100%	100%	100%	4,0	Yes	10-49%	100%	10-49%	3,0	Yes	1-9%	Both	100%	Both	1-9%	Both
Ireland	Yes	No	10-49%	NA	NA	1,0	Yes	50-99%	50-99%	NA	2,5	Yes	50-99%	Sound	100%	Sound	NA	Both
Italy	Yes	Yes	100%	50-99%	100%	3,8	Yes	-	10-49%	-	1,2	Yes	-	Both	10-49%	Both	-	Both
Latvia	Yes	Yes	100%	100%	100%	4,0	Yes	100%	100%	100%	4,0	Yes	100%	Sound	100%	Sound	100%	Sound
Lithuania	Yes	Yes	100%	NA	100%	2,8	Yes	100%	100%	100%	4,0	Yes	100%	Sound	100%	Sound	100%	Sound
Luxembourg	Yes	Yes	100%	100%	100%	4,0	Yes	NA	100%	NA	1,7	Yes	NA	None	100%	Both	NA	None
Malta	Yes	Yes	100%	NA	100%	2,8	Yes	100%	100%	100%	4,0	Yes	100%	Sound	100%	Sound	100%	Sound
Netherlands	Yes	Yes	-	-	100%	1,7	Yes	1-9%	1-9%	1-9%	1,5	Yes	NA	None	NA	None	NA	None
Poland	Yes	Yes	10-49%	NA	100%	2,3	Yes	100%	NA	-	1,7	Yes	50-99%	Both	NA	Both	NA	Both
Portugal	Yes	No	100%	100%	100%	3,8	Yes	100%	100%	100%	4,0	Yes	100%	Sound	100%	Sound	100%	Sound
Romania	Yes	Yes	100%	100%	100%	4,0	Yes	100%	100%	50-99%	3,8	Yes	100%	Sound	100%	Sound	100%	Sound
Slovakia	Yes	Yes	100%	50-99%	100%	3,8	Yes	100%	100%	100%	4,0	Yes	100%	Both	100%	Both	100%	Both
Slovenia	Yes	Yes	100%	1-9%	1-9%	2,3	Yes	100%	100%	100%	4,0	Yes	100%	Sound	100%	Sound	100%	Sound
Spain	Yes	Yes	100%	100%	100%	4,0	Yes	100%	100%	100%	4,0	Yes	100%	Both	100%	Both	100%	Both
Sweden	Yes	Yes	100%	100%	100%	4,0	Yes	100%	100%	100%	4,0	Yes	100%	Both	100%	Both	100%	Both
<b>Nb of values</b>	27	27	27	27			27	27	27	27		27	27	24	27	24	27	24
<b>% of NA</b>	0%	0%	4%	15%			0%	11%	11%	11%		0%	7%	7%	7%	4%	19%	7%
<b>% of NAP</b>	0%	0%	0%	11%			0%	4%	4%	19%		0%	4%	7%	0%	4%	11%	7%
<b>% of NR</b>	0%	0%	0%	0%			0%	0%	0%	0%		0%	0%	11%	0%	11%	0%	11%

0,5 points if existing in general plus

<b>100%</b>	= 1,167 points per specific matter
<b>50-99%</b>	= 1 points per specific matter
<b>10-49%</b>	= 0,667 points per specific matter
<b>1-9%</b>	= 0,333 points per specific matter
<b>0% (NAP)</b>	= 0 points per specific matter
<b>NA</b>	= 0 points per specific matter



**Table 6.4 Websites for judicial information and electronic submission and granting of legal aid in 2018 (Q28, Q64.3)**

States	Websites					Is it possible to request for granting legal aid by electronic means?					
	EC Code	legal texts	case-law of the higher court/s	other documents	Index	Existence	Equipment rate	Request in paper mandatory	Specific legislative framework	Granting LA is also electronic	Information available in CMS
Austria	20	Yes	Yes	Yes	3	Yes	100%	Yes	Yes	No	Yes
Belgium	1	Yes	Yes	Yes	3	Yes	1-9%	Yes	Yes	No	No
Bulgaria	2	Yes	Yes	Yes	3	No	-	No	No	No	No
Croatia	11	Yes	Yes	Yes	3	No	-	No	No	No	No
Cyprus	13	Yes	Yes	Yes	3	No	-	No	No	No	No
Czech Republic	3	Yes	Yes	Yes	3	Yes	10-49%	No	No	No	No
Denmark	4	Yes	Yes	Yes	3	Yes	1-9%	No	Yes	Yes	Yes
Estonia	6	Yes	Yes	Yes	3	Yes	100%	No	Yes	Yes	Yes
Finland	26	Yes	Yes	Yes	3	Yes	100%	No	Yes	Yes	Yes
France	10	Yes	Yes	Yes	3	No	-	No	No	No	No
Germany	5	Yes	Yes	Yes	3	Yes	100%	No	Yes	Yes	Yes
Greece	8	Yes	Yes	Yes	3	No	-	No	No	No	No
Hungary	17	Yes	Yes	Yes	3	Yes	100%	No	Yes	Yes	Yes
Ireland	7	Yes	Yes	Yes	3	No	-	No	No	No	No
Italy	12	Yes	Yes	Yes	3	No	-	No	No	No	No
Latvia	14	Yes	Yes	Yes	3	Yes	100%	No	No	Yes	Yes
Lithuania	15	Yes	Yes	Yes	3	Yes	NA	No	No	No	No
Luxembourg	16	Yes	Yes	Yes	3	No	-	No	No	No	No
Malta	18	Yes	Yes	Yes	3	No	-	No	No	No	No
Netherlands	19	Yes	Yes	Yes	3	Yes	100%	No	No	Yes	No
Poland	21	Yes	Yes	Yes	3	No	-	No	No	No	No
Portugal	22	Yes	Yes	Yes	3	Yes	NA	Yes	Yes	Yes	Yes
Romania	23	Yes	Yes	Yes	3	Yes	100%	No	Yes	No	Yes
Slovakia	25	Yes	Yes	Yes	3	Yes	100%	No	No	Yes	No
Slovenia	24	Yes	Yes	Yes	3	No	-	No	No	No	No
Spain	9	Yes	Yes	Yes	3	Yes	100%	No	Yes	No	No
Sweden	27	Yes	Yes	Yes	3	No	-	No	No	No	No
<b>Nb of values</b>		27	27	27	27	27	15	27	27	27	27
<b>% of NA</b>		0%	0%	0%	0%	0%	7%	0%	0%	0%	0%
<b>No answer</b>		0	0	0	0	0	0	0	0	0	0

**Table 6.5 Technologies used for communication between courts and enforcement agents in 2018 (Q64.7)**

States	EC Code	Electronic communication between enforcement agents and courts				
		Equipment rate	Modalities			Specific legislative framework
			Email	Specific computer application	Other	
Austria	20	100%	No	Yes	No	Yes
Belgium	1	10-49%	No	Yes	No	Yes
Bulgaria	2	NA	No	No	No	No
Croatia	11	1-9%	No	Yes	No	Yes
Cyprus	13		No	No	No	No
Czech Republic	3	100%	Yes	Yes	No	Yes
Denmark	4	100%	Yes	Yes	No	Yes
Estonia	6	100%	Yes	Yes	No	Yes
Finland	26	100%	Yes	Yes	No	Yes
France	10	50-99%	No	Yes	No	Yes
Germany	5	100%	No	Yes	No	Yes
Greece	8		No	No	No	No
Hungary	17	100%	No	Yes	No	Yes
Ireland	7		No	No	No	No
Italy	12		No	No	No	No
Latvia	14	100%	Yes	Yes	No	No
Lithuania	15	100%	No	Yes	No	Yes
Luxembourg	16	100%	Yes	No	No	No
Malta	18	50-99%	Yes	Yes	No	Yes
Netherlands	19	NA	Yes	No	No	No
Poland	21	50-99%	No	Yes	No	Yes
Portugal	22	100%	No	Yes	No	Yes
Romania	23	100%	Yes	No	No	Yes
Slovakia	25	100%	Yes	Yes	No	Yes
Slovenia	24	100%	No	Yes	No	Yes
Spain	9	100%	No	Yes	No	Yes
Sweden	27	100%	Yes	No	No	No
<b>Nb of values</b>		27	27	27	27	27
<b>% of NA</b>		7%	0%	0%	0%	0%
<b>% of NAP</b>		15%	0%	0%	0%	0%
<b>No answer</b>		0	0	0	0	0
<b>Yes</b>			11	18	0	18
<b>No</b>			16	9	27	9

<b>100%</b>	= 4 points if applicable to all matters / 1,33 points per specific matter
<b>50-99%</b>	= 3 points if applicable to all matters / 1 point per specific matter
<b>10-49%</b>	= 2 points if applicable to all matters / 0,66 point per specific matter
<b>1-9%</b>	= 1 point if applicable to all matters / 0,33 points per specific matter
	= 0% (NAP)
<b>NA</b>	= Not Available



**Table 6.6 Technologies used for communication between courts and notaries in 2018 (Q64.7)**

States	EC Code	Electronic communication between notaries and courts				
		Equipment rate	Modalities			Specific legislative framework
			Email	Specific computer application	Other	
Austria	20	100%	No	Yes	No	Yes
Belgium	1	1-9%	Yes	No	No	No
Bulgaria	2	NA	No	No	No	No
Croatia	11	1-9%	No	Yes	No	No
Cyprus	13		No	No	No	No
Czech Republic	3	100%	Yes	Yes	No	Yes
Denmark	4	100%	Yes	Yes	No	Yes
Estonia	6	100%	Yes	Yes	No	Yes
Finland	26		No	No	No	No
France	10	NA	No	No	No	No
Germany	5	100%	No	Yes	No	Yes
Greece	8		No	No	No	No
Hungary	17	100%	No	Yes	No	Yes
Ireland	7		No	No	No	No
Italy	12	100%	Yes	No	No	Yes
Latvia	14	100%	Yes	Yes	No	No
Lithuania	15	100%	No	Yes	No	Yes
Luxembourg	16	100%	Yes	Yes	No	No
Malta	18	50-99%	No	Yes	No	Yes
Netherlands	19	NA	No	No	No	No
Poland	21	50-99%	No	Yes	No	Yes
Portugal	22	100%	No	No	Yes	Yes
Romania	23	100%	Yes	No	No	Yes
Slovakia	25	100%	Yes	Yes	No	Yes
Slovenia	24	100%	No	Yes	No	Yes
Spain	9	10-49%	No	Yes	No	Yes
Sweden	27	100%	Yes	No	No	No
<b>Nb of values</b>		27	27	27	27	27
<b>% of NA</b>		11%	0%	0%	0%	0%
<b>% of NAP</b>		15%	0%	0%	0%	0%
<b>No answer</b>		0	0	0	0	0
<b>Yes</b>			10	15	1	15
<b>No</b>			17	12	26	12

<b>100%</b>	= 4 points if applicable to all matters / 1,33 points per specific matter
<b>50-99%</b>	= 3 points if applicable to all matters / 1 point per specific matter
<b>10-49%</b>	= 2 points if applicable to all matters / 0,66 point per specific matter
<b>1-9%</b>	= 1 point if applicable to all matters / 0,33 points per specific matter
	= 0% (NAP)
<b>NA</b>	= Not Available

**Table 6.7 Technologies used for communication between courts and judicial experts in 2018 (Q64.7)**

States	EC Code	Electronic communication between experts and courts				
		Equipment rate	Modalities			Specific legislative framework
			Email	Specific computer application	Other	
Austria	20	10-49%	No	Yes	No	Yes
Belgium	1	50-99%	No	Yes	No	Yes
Bulgaria	2	NA	No	No	No	No
Croatia	11	1-9%	No	Yes	No	No
Cyprus	13		No	No	No	No
Czech Republic	3	100%	Yes	Yes	No	Yes
Denmark	4	100%	Yes	Yes	No	Yes
Estonia	6	100%	Yes	Yes	No	Yes
Finland	26	NA	Yes	No	No	No
France	10	NA	No	Yes	No	Yes
Germany	5	100%	No	Yes	No	Yes
Greece	8		No	No	No	No
Hungary	17	100%	No	Yes	No	Yes
Ireland	7		No	No	No	No
Italy	12	100%	Yes	No	No	Yes
Latvia	14	100%	Yes	Yes	No	No
Lithuania	15	100%	No	Yes	No	Yes
Luxembourg	16	100%	Yes	No	No	No
Malta	18	NA	No	No	No	No
Netherlands	19	NA	No	No	No	No
Poland	21		No	No	No	No
Portugal	22	NA	No	No	No	No
Romania	23	100%	Yes	No	No	Yes
Slovakia	25	100%	Yes	Yes	No	Yes
Slovenia	24		No	No	No	No
Spain	9	10-49%	No	Yes	No	Yes
Sweden	27	100%	Yes	No	No	No
<b>Nb of values</b>		27	27	27	27	27
<b>% of NA</b>		22%	0%	0%	0%	0%
<b>% of NAP</b>		19%	0%	0%	0%	0%
<b>No answer</b>		0	0	0	0	0
<b>Yes</b>			10	13	0	13
<b>No</b>			17	14	27	14

= 4 points if applicable to all matters / 1,33 points per specific matter  
 = 3 points if applicable to all matters / 1 point per specific matter  
 = 2 points if applicable to all matters / 0,66 point per specific matter  
 = 1 point if applicable to all matters / 0,33 points per specific matter  
 = 0% (NAP)  
 = Not Available

**Table 6.8 Admissibility of electronic evidence in 2018 (Q64.12)**

States	EC Code	In civil and commercial matters				In criminal matter				In administrative matter			
		Admission	General law to admit electronic evidence	General and specialised law to admit electronic evidence	Specialised law to admit electronic evidence	Admission	General law to admit electronic evidence	General and specialised law to admit electronic evidence	Specialised law to admit electronic evidence	Admission	General law to admit electronic evidence	General and specialised law to admit electronic evidence	Specialised law to admit electronic evidence
Austria	20	Yes	Yes	No	No	Yes	Yes	No	No	Yes	Yes	No	No
Belgium	1	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	No	Yes
Bulgaria	2	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Croatia	11	Yes	No	Yes	No	Yes	Yes	No	No	No	No	Yes	No
Cyprus	13	Yes	Yes	No	No	No	Yes	No	No	No	Yes	No	No
Czech Republic	3	Yes	Yes	No	No	Yes	Yes	No	No	Yes	Yes	No	No
Denmark	4	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Estonia	6	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Finland	26	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
France	10	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Germany	5	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Greece	8	Yes	Yes	No	No	Yes	Yes	No	No	Yes	Yes	No	No
Hungary	17	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Ireland	7	Yes	No	Yes	No	Yes	No	Yes	No	No	No	Yes	No
Italy	12	Yes	No	Yes	No	Yes	Yes	No	No	Yes	No	Yes	No
Latvia	14	Yes	Yes	No	No	Yes	Yes	No	No	Yes	Yes	No	No
Lithuania	15	Yes	Yes	No	No	Yes	Yes	No	No	Yes	Yes	No	No
Luxembourg	16	No	No	No	No	Yes	No	Yes	No	No	No	No	No
Malta	18	Yes	Yes	No	No	Yes	Yes	No	No	Yes	Yes	No	No
Netherlands	19	No	No	No	No	No	No	No	No	No	No	No	No
Poland	21	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Portugal	22	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Romania	23	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Slovakia	25	Yes	No	Yes	No	Yes	No	Yes	No	No	Yes	No	No
Slovenia	24	Yes	Yes	No	No	Yes	Yes	No	No	Yes	Yes	No	No
Spain	9	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
Sweden	27	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
<b>Nb of values</b>		27	27	27	27	27	27	27	27	27	27	27	27
Yes		25	8	17	0	25	10	16	0	21	9	15	1
No		2	19	10	27	2	17	11	27	6	18	12	26
No answer		0	0	0	0	0	0	0	0	0	0	0	0

**Table 6.9 Other aspects of the ICT systems in courts in 2018 (Q65.4)**

States	EC Code	Measuring actual benefits resulting of the use of one or several components of your information system	Measured the impact on:				
			Business processes	Workload	Human resources	Costs	Other
Austria	20	Yes	No	No	Yes	Yes	No
Belgium	1	Yes	Yes	No	No	No	No
Bulgaria	2	No	No	No	No	No	No
Croatia	11	No	No	No	No	No	No
Cyprus	13	No	No	No	No	No	No
Czech Republic	3	Yes	No	Yes	No	No	No
Denmark	4	Yes	Yes	Yes	Yes	Yes	No
Estonia	6	Yes	Yes	Yes	Yes	Yes	No
Finland	26	No	No	No	No	No	No
France	10	Yes	Yes	Yes	No	Yes	No
Germany	5	No	No	No	No	No	No
Greece	8	No	No	No	No	No	No
Hungary	17	Yes	No	Yes	Yes	No	No
Ireland	7	Yes	No	No	No	No	No
Italy	12	Yes	Yes	Yes	No	Yes	No
Latvia	14	Yes	Yes	Yes	Yes	No	No
Lithuania	15	Yes	Yes	Yes	No	No	No
Luxembourg	16	No	No	No	No	No	No
Malta	18	Yes	Yes	Yes	No	Yes	Yes
Netherlands	19	No	No	No	No	No	No
Poland	21	No	No	No	No	No	No
Portugal	22	Yes	Yes	Yes	Yes	Yes	No
Romania	23	Yes	Yes	Yes	Yes	Yes	No
Slovakia	25	Yes	Yes	No	No	Yes	No
Slovenia	24	Yes	Yes	No	Yes	Yes	No
Spain	9	Yes	No	Yes	Yes	Yes	No
Sweden	27	Yes	Yes	Yes	No	Yes	Yes
<b>Nb of values</b>		27	27	27	27	27	27
Yes		18	13	13	9	12	2
No		9	14	14	18	15	25
No answer		0	0	0	0	0	0

**Table 6.10 Existence of online processing devices of specialised litigation in 2018 (Q64-9)**

States	EC Code	Existence of online processing devices of specialised litigation
Austria	20	Yes
Belgium	1	Yes
Bulgaria	2	No
Croatia	11	No
Cyprus	13	No
Czech Republic	3	Yes
Denmark	4	Yes
Estonia	6	Yes
Finland	26	Yes
France	10	Yes
Germany	5	Yes
Greece	8	No
Hungary	17	Yes
Ireland	7	Yes
Italy	12	No
Latvia	14	Yes
Lithuania	15	Yes
Luxembourg	16	No
Malta	18	Yes
Netherlands	19	No
Poland	21	Yes
Portugal	22	Yes
Romania	23	No
Slovakia	25	No
Slovenia	24	Yes
Spain	9	No
Sweden	27	No
<b>Nb of values</b>		27
Yes		16
No		11
No answer		0

# Indicator 6: The ICT tools of courts and for court users

## Comments provided by the national correspondents

### organised by country

*Question 28. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) where general public may have free of charge access to the following:*

*Question 131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff*

*Question 063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)*

*Question 063-1-1. If yes, please specify the following information:*

*Question 063-2. Computerised registries managed by courts*

*Question 063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)*

*Question 063-7-1. If yes, please specify the following information:*

*Question 064-3. Is it possible to request legal aid by electronic means?*

*Question 064-3-1. If yes, please specify the following information:*

*Question 064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)*

*Question 064-12. Is electronic evidence admissible?*

*Question 065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?*

*Question 065-4-1. If yes, have you measured the impact on (multiple answers possible):*

*Question 064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)*

### Austria

**Q28 (2018):** Tool for finding competent courts

List of public prosecution offices

List of courts

Information concerning Federal Act on the Re-Use of Public Sector Information

Database of official publications [Ediktsdatei] (publications of the Business Register, real property auctions, insolvency database, etc.)

Land Register

Commercial Register

List of experts and interpreters

List of mediators

List of insolvency administrators

[www.justiz-auktion.at](http://www.justiz-auktion.at) in accordance with the provisions of the Austrian Enforcement Code

Documents submission service

Form sheets/Online submissions ([www.eingaben.justiz.gv.at](http://www.eingaben.justiz.gv.at))

Access to Electronic Legal Communication

Access to <http://ec.europa.eu/odr> (online out-of-court settlement)

Public announcements of Justice

Findok is an internet site concerning financial documentation

**Q28 (2016):** Tool for finding competent courts

List of public prosecution offices

List of courts

Information concerning Federal Act on the Re-Use of Public Sector Information

Database of official publications [Ediktsdatei] (publications of the Business Register, real property auctions, insolvency database, etc.)

Land Register

Commercial Register

List of experts and interpreters

List of mediators

List of insolvency administrators

www.justiz-auktion.at in accordance with the provisions of the Austrian Enforcement Code

Documents submission service

Form sheets/Online submissions (www.eingaben.justiz.gv.at)

Access to Electronic Legal Communication

Access to <http://ec.europa.eu/odr> (online out-of-court settlement)

Public announcements of Justice

**Q063-7 (2018):** The data for the measurement tools is provided by the CMS, but there is no way get access to this data directly by using the CMS.**Q064-9 (2018):** Civil and/or Commercial: Payment order system, enforcement case system**Belgium****Q28 (2018):** Texts: [http://www.ejustice.just.fgov.be/cgi\\_loi/loi.pl](http://www.ejustice.just.fgov.be/cgi_loi/loi.pl); <https://justice.belgium.be/fr>;  
[https://justice.belgium.be/fr/moniteur\\_belge](https://justice.belgium.be/fr/moniteur_belge)Case law: <http://www.juridat.be>; [https://justice.belgium.be/fr/ordre\\_judiciaire/cours\\_et\\_tribunaux/cour\\_de\\_cassation](https://justice.belgium.be/fr/ordre_judiciaire/cours_et_tribunaux/cour_de_cassation)Other documents: <https://www.tribunaux-rechtbanken.be/fr>; <https://justice.belgium.be/fr>

Victim's statement (within the framework of the Act of 17 May 2006 on the external legal status of persons sentenced to deprivation of liberty and the rights recognised to the victim in the context of the modalities of enforcement of the sentence)

[https://justice.belgium.be/fr/index\\_a-z/documents/declaration\\_de\\_la\\_victime](https://justice.belgium.be/fr/index_a-z/documents/declaration_de_la_victime)

Victim's statement (within the framework of the Act of 5 May 2014 on internment).

[https://justice.belgium.be/fr/declaration\\_de\\_la\\_victime\\_internement](https://justice.belgium.be/fr/declaration_de_la_victime_internement)**Q131-2 (2018):** number of days.

Almost all training courses are mixed, i.e. open to all members of the judiciary, senior magistrates (judges and prosecutors) and/or judicial staff (prosecutors/courts).

**Q063-2 (2018):** The register of legal persons in company courts is not computerised.

There is an electronic Crossroads Bank for Enterprises (CBE) register at the FPS Economy. As part of the multi-annual project (CBE+), these two registers will be merged under the single management of the FPS Economy

**Q063-7 (2018):** A pilot project is being launched by the Public Prosecutor's Office for an instrument to measure workload at both central and local levels. The Aris instrument will be tested in pilot courts.**Q064-7 (2018):** Legal experts and translators/interpreters can use e-Deposit for electronic filing of documents or to go through the registration procedure.

Police service: e-pv

**Q064-12 (2018):** Neither the coordinated laws on the Council of State nor their judgements of execution, specifically regulate the value of electronic evidence before the Council of State, except, to a certain extent, for the Article 85a of the General Rules of Procedure and this in the specific context of the electronic procedure used in all cases where a party uses it for procedural acts. The choice of the electronic procedure is, in the context of the case concerned, final for a case manager who has done so as soon as a procedural document in this form is filed and that manager will only be able to validly perform the other procedural acts in the same way. The value of other electronic evidence is determined by the Council of State on the basis of ordinary law or general principles of law. Thus, the Conseil d'État applies articles 1319 et seq. of the Civil Code to determine the evidentiary value of certain acts**Q065-4-1 (2018):** An analysis is requested from the Administrative Simplification Agency**Q064-9 (2018):** Regsol: The digital platform Regsol, Central Solvency Register, enables creditors, authorised agents and interested parties to commence, access or follow up pending insolvency files administered by the commercial courts**Bulgaria****Q28 (2018):** legal texts: <http://dv.parliament.bg>; case law of the higher courts: <http://www.sac.government.bg>;  
<http://www.vks.bg>other documents: [www.compensation.bg](http://www.compensation.bg)**Q063-2 (2018):** The Land register and the Business register are operated/managed by the Registry Agency, not by courts (they are data consolidated at national level, service available online and with a statistical module)

**Q063-7 (2018):** By decision of the Supreme Judicial Council of Bulgaria (SJC) of 11.12.2014, as of 01.01.2015, Rules for measuring the workload of the prosecution offices and the individual workload of each prosecutor and investigator were adopted. By decision of the SJC of 16.12.2015, as of 01.04.2016, Rules for assessment of the workload of judges were adopted. The instruments do not refer to judicial officers, but only to judges, prosecutors and investigators within the prosecutor's offices and courts in the Republic of Bulgaria.

**Q064-12 (2018):** JUDICIAL SYSTEM ACT Chapter eighteen "a".CERTIFICATE STATEMENTS AND PROCEDURAL ACTIONS IN ELECTRONIC FORM

REGULATION No. 5 adopted by Supreme Judicial Council on the organization and procedure for keeping, storing and accessing electronic files and the manner of storing evidence and means of proof in cases, as well as the internal circulation and storage of other information processed by the judicial administration

REGULATION No. 6 adopted by Supreme Judicial Council for carrying out procedural actions and supporting statements in electronic form

## Croatia

**Q28 (2018):** On the website of the Ministry of Justice for victims and witnesses <https://pravosudje.gov.hr/o-ministarstvu/djelokrug-6366/iz-pravusnog-nog-sustava-6372/podrska-zrtvama-i-svjedocima/6156>, in the Documents section are forms: 1) brochure "Victims' Rights under the Law on Financial Compensation to Victims of Crime" and "Form of Request for Financial Compensation to Crime Victims" in Croatian and English, in accordance with the Law on Financial Compensation for Victims of Crime 2) booklet for victims and witnesses through criminal and misdemeanor proceedings "in Croatian and English, 3) leaflet of the Victims and Witnesses Support Section.

**Q28 (2016):** At the official website of the Ministry of Justice of the Republic of Croatia (<https://pravosudje.gov.hr/> - under the heading "Pristup informacijama", "Zakoni i propisi") up-to-date laws and regulations which are directly or indirectly related to the areas that fall under the authority of the Ministry of Justice are available: <https://pravosudje.gov.hr/pristup-informacijama-6341/zakoni-i-ostali-propisi/zakoni-i-propisi-6354/6354>

Also, the application forms for the issuance of criminal record data on individuals and legal persons are available <https://pravosudje.gov.hr/o-ministarstvu/djelokrug-6366/rad-sa-strankama/6369>

The information on the official website of the Ministry is regularly updated and available to the public concerned without restriction.

The same website (part related to the Independent Service for Victim and Witness Support - <https://pravosudje.gov.hr/podrska-zrtvama-i-svjedocima/6156>) contains detailed information related to victims and witnesses in criminal proceedings, the competent courts, as well as all the necessary information and contact details. As of 15 August 2013, the Brochure on the victims' rights pursuant to the crime victims' compensation act), as well as the Application form for financial compensation of the crime victims are available in English language.

**Q064-7 (2018):** With the introduction of e-communication and the expansion of the use of electronic means of identification and electronic signature, the percentage of electronic communication has increased.

## Cyprus

**Q28 (2018):** x

## Czech Republic

**Q28 (2018):** Forms for electronic payment order and for insolvency proceedings, practical guide for solving life situation, including topic like „I need to file a motion“, „I received the judicial summons“, „I want to make a complaint for the court proceedings“, „I want to make a complaint for the court decision“.

**Q131-2 (2018):** Training events are opened for registration both for judges and prosecutors.

Training events are opened for registration both for non-judge staff and non-prosecutor staff.

E-learning modules are available to judges and prosecutors in on-line e-learning platform. Judges and prosecutors can use these e-learning modules for self-study. The calculation of training days is done by on-line registration system of the Judicial Academy. The Czech Judicial Academy provides training events in several places and often runs several courses in a day, therefore the number of training days is high. Also number of e-learning modules that are now available to justice practitioners in the Judicial Academy on-line educational platform is relatively high, all e-learning modules are self-study courses.

**Q65-4 (2015):** There have been measured several types of benefits (time reducing, invests returns, etc.), but using of IT technology it is still developing (for instance e-document) and there a new projects, which aim to increase general benefits.

**Q065-4-1 (2018):** optimizing administrative processes

**Q064-9 (2018):** electronic payment order for claims up to 1000000 CZK.

## Denmark



**Q28 (2018):** On the site you can find forms for filling out in several fields. This includes administrative cases, bankruptcy, enforcement law, wills etc.

**Q28 (2016):** On the site you can find forms for filling out in several fields. This includes administrative cases, bankruptcy, enforcement law, wills etc.

**Q131-2 (2018):** Please note that we are unable to differ between appointed judges and deputy judges. Therefore, the category "Only for judges" captures both appointed judges and deputy judges. The e-learning courses are not offered by The Danish Court Administration, but another public institution in Denmark. However, they are available to all staff working within The Courts of Denmark. Prosecutors: As supplement to our own online training courses, we recommend our employees to explore e learning supplied by the government. These online courses count several thousands and they cover a variety of subjects, which are relevant for an employee in our system.

**Q63-7 (2014):** Equipment rate is not really defined in this context. We have defined it as "There is a set up i.e. to measure and calculate number of judges, weighted cases etc. And it is being used"

**Q064-3 (2018):** Only applies for Civil cases through Civilsystemet.

**Q064-12 (2018):** Mostly all types of evidence - electronic or not - are admissible in trials in the Danish courts.

**Q65-4 (2015):** eLandregistration have reduced processing time and reduced costs by automation. Video conferencing have reduced costs in the police by reducing number of transports from prison to court

**Q064-9 (2018):** Cases go through Civilsystemet.

## Estonia

**Q131-2 (2018):** Non-judge stuff (court lawyers) can also participate in judges' training courses.

**Q65-4 (2015):** We have audited the Courts Information System and Public E-File. The results are not published yet.

**Q065-4-1 (2018):** We have measured the impact of serving court documents electronically.

**Q064-9 (2018):** Payment order

## Finland

**Q28 (2018):** There are forms and information available for example for an adoption, appealing a judgment, applying for a restraining order, legal aid, recovery proceedings, divorce and applying for debt adjustment.

**Q63-1 (2015):** Q63.1. Ministry of Justice has a new project in which electronic services and e-filing are developed to prosecution offices and district courts, courts of appeal and Supreme Court. The inauguration of this system will be earliest in 2019. The system consists for example the portal to lawyers. The same kind of project is going on concerning the Administrative Courts. Time frame is a bit different: system is to be functioning 2020. Q63.2 The Courts don't manage the registers themselves, but they have several national registries in use. Services are available online. The land registry is managed by National Land Survey of Finland. The Business registry is managed by Finnish Patent and Registration Office. Other national registries that are used in courts are Population Register (Population Register Centre) and Vehicular and Driver Data Register (Finnish Transport Safety Agency).

**Q63-1 (2014):** Ministry of Justice has a new project in which electronic services and e-filing are developed to prosecution offices and district courts, courts of appeal and Supreme Court. The inauguration of this system will be earliest in 2018. The system consists for example the portal to lawyers.

**Q063-2 (2018):** The Land Registry is managed by the National Land Survey of Finland and the Finnish Trade Register is managed by the Finnish Patent and Registration Office. Both are centralized registries and courts have access to them.

**Q063-7 (2018):** The courts and the prosecutors offices use Business Objects XI software (BOXI) which is now updated to Business Objects Board software (BOB). In administrative courts, Power BI software which is integrated to case management system is being tested.

**Q64-9 (2014):** It is possible to file a case electronically as stated in 2013 exercise. Also e-mail is widely in use. However, the cases are not processed completely electronically, as the courts still use paper documents -> documents filed electronically will be printed out for the judge and the archives. The official judgment is a paper document signed by the judge.

**Q064-9 (2018):** Citizens and companies may file an application for a summons concerning an undisputed debt to the district court online by using the electronic services.

## France

**Q28 (2018):** For information: The site "legifrance.gouv.fr", a public service for the dissemination of law via the Internet, provides access to: - French law: the constitution, the codes in force, laws and regulations, collective agreements, constitutional case law, judicial case law, administrative case law, - European law and European case law (the European Court of Human Rights and the European Court of Justice),

- international law and international jurisprudence (that of the International Court of Justice, the International Criminal Court, the International Tribunal for the Law of the Sea). This site redirects the public to the sites dedicated to the high courts concerned.

Comments: 1 - The website <https://www.service-public.fr> has a "justice" tab which directs the public to information relating to judicial organisation (access to law and justice - actors in the justice system - French courts); judicial procedures (civil cases - criminal cases - contestation of a judgment); offences (violence - breach of integrity - discrimination - harassment - theft - vandalism - fraud - insult - defamation - incitement to hatred - infringements of new technologies); criminal sanctions (convictions and penalties - prison); compensation for damage (compensation for damage - seizures and recoveries); juvenile justice (minor victim - minor offender) and contains files on the following topics: disappearance and abduction of persons - divorce and legal separation - labour disputes in the private sector - labour disputes in the civil service - legal action against the administration - disputes with social security.

2 - The <https://www.justice.gouv.fr> site, the site of the Ministry of Justice, which itself includes sections relating in particular to the organisation of justice, rights and procedures and texts and reforms, refers to the litigant's portal which can be found on the website <https://www.justice.fr>. Because for a victim, the commission of a criminal offence can have multiple consequences, a detailed description of the site <https://www.justice.fr>

This includes: Related files: - To the family - To work - To offences - To everyday life

- To minors

- To legal actions Simulators for the calculation:

- Legal aid

- Maintenance payments

- Remuneration seizures

A "Access to justice" section for: - Finding a court - Dispute resolution through conciliation/mediation

- Access to the law to find the Departmental Council for Access to the Law (CDAD), the House of Justice and the Law (MJD) and the Law Access Point (PAD) nearest your home

A "Directories" section to have access to lawyers, conciliators, bailiffs and notaries under its jurisdiction.

The website <https://www.justice.fr> explains to litigants the procedures to be carried out in the following areas: family ; criminal ; company ; enforcement of a judgment ; civil status ; elections ; financial disputes ; employment ; health ; nationality / foreign ; housing / construction ; complaint / administrative remedy ; international / European procedures. Above all, the website <https://www.justice.fr> includes a tab "Accompany a victim" (updated on 23 May 2019) referring to internal links and links to external sites. With regard to internal links to the site, they refer to: the directory of associations providing assistance to victims, the victim assistance number 116006, toll-free number, 7 days a week from 9 a.m. to 7 p.m., which can be reached outside France by using the number not overcharged on + 33 (0)1 80 52 33 76 and the e-mail address of the Fédération France Victimes [victimes@france-victimes.fr](mailto:victimes@france-victimes.fr); under the heading "What to do in the event of discrimination?" "Under the

**Q28 (2016):** The site <http://www.justice.fr/> includes all the civil and penal themes to guide the user on questions of law and procedure. It offers online forms.

A special tab named "Accompanying a victim" provides information on victims' rights (in criminal procedure, in terms of compensation) and directs them to victim support associations and dedicated mechanisms (Victim Support Offices, 08VICTIMS). The site also directs to other web pages such as that of the « Fonds de garantie des victimes de terrorisme et autres infractions (FGTI) », the Regional Council of Ile-de-France, or the 116000 Enfants disparus. In the long term, the next versions of this site hosted by the Ministry of Justice should make it possible to carry out certain online procedures directly. Besides, the site <https://www.pre-plainte-en-ligne.gouv.fr/> offers the possibility to fill a form allowing to accelerate the filing of complaint which will be finalized through an appointment taken on line in the service of police or competent gendarmerie closest to the residence of the victim.

The GUIDE-VICTIMES.gouv.fr website aims to centralise all useful information, mainly for victims of terrorism, details all the steps to be taken depending on the victim's situation, and enables applications to be submitted and followed up (before the FGTI, for example). A digital "safe" system allows people to store all documents useful for online procedures.

**Q131-2 (2018):** Continuing training of 5 days is mandatory every year. Judges may supplement it with other training days, without any limitation other than that of continuity of service.

**Q63-7 (2014):** As regards the judiciary, the software "Outil de Gestion et de Répartition des Emplois de Fonctionnaires" (OUTILGREF) measures the workload of court clerks, and assesses the specific needs of the jurisdictions. This workload is calculated based on indicators which measure the average flow of new cases filed by a jurisdiction for a period of one year. Evaluations made through the OUTILGREF tool help monitor the localisation of court clerks vacancies in jurisdictions. This monitoring operation takes place once a year, and comparable operations exist for the completion of impact studies of draft legislation and regulation which may affect clerks. OUTILGREF is a tool shared by both the central administration and decentralised departments to analyse the activity of jurisdictions.

As regards the administrative courts, equipment rate of tools used to measure workload is evaluated to 10-49%.



**Q28 (2018):** For the Council of State: model forms for: a) General applications, b) withdrawal from writs c) for fixing a Court hearing (to the President of the Court and a separate one for the President of the chamber), d) submission of a Cash order, e) engrossment of a judgement.

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**Q65-4 (2015):** The Projects have not reached in such a maturation phase in order safe and measurable conclusions to be established.

**Q64-9 (2014):** ODR platform will be accessible by 9/1/2016 due to 70330/9.7.2015 Joint Ministerial Decision.

## Hungary

**Q28 (2018):** "Other documents" include: downloadable forms, general information about court procedures and courts. Court users can submit complaints 24 hours a day, every day of the week, without personal appearance using an electronic form via the e-client portal (<https://e-ugyintezes.birosag.hu/>). A so-called case duration calculator is also available, allowing the clients to submit their case to the court with the shortest case duration where the court of jurisdiction can be selected. A development enables court users logged in the system to receive SMS or e-mail alerts about essential events of their cases since 2014. Using the central website of the court as an example, the courts have developed their own websites, so in 2014 all 5 regional courts of appeal and all 20 regional courts have uniform online appearance. As regards communication, courts opened towards the social media, so the NOJ and several courts have a Facebook profile.

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**Q28 (2014):** In the frame of the 2014 exercise, it has been specified that "other documents" include: downloadable forms, general information about court procedures and courts. Besides, the attention was drawn on the possibility for court users to submit complaints 24 hours a day, every day of the week, without personal appearance using an electronic form via the e-client portal (<https://e-ugyintezes.birosag.hu/>). A so-called case duration calculator is also available, allowing the clients to submit their case to the court with the shortest case duration where the court of jurisdiction can be selected. Since 2014, court users logged in the system can receive by SMS or e-mail alerts about essential events of their cases.

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**Q131-2 (2018):** Other common training for judges or judicial staff: 152 days and 18 online courses

**Q063-2 (General Comment):** There is also an electronic register of civil societies (CIIR), register of people under guardianship, register of documents served via public notification

**Q65-4 (2015):** A new IT application allows court executives to gather information on the timely jurisdiction of the cases of the court. This helps the court executives to make up to date measures in types of cases if it is needed to support the effective jurisdiction of the court.

**Q065-4-1 (2018):** Our IT applications allow court executives to gather information on the timely jurisdiction of the cases of the court. This helps the court executives to take adequate measures in types of cases if it is needed to support the effective jurisdiction of the court. Timeframe reduction is a general consequence of electronic communication between the court and the parties in civil cases. The exact benefits of electronic communication is currently being investigated.

**Q64-9 (2014):** Small claims procedure (any claim under 3175 Euro) is completely carried out electronically, although not by the court but by the notaries.

**Q064-9 (2018):** order of payments issued by public notaries

## Ireland

**Q28 (2018):** legal texts [www.irishstatutebook.ie](http://www.irishstatutebook.ie)

case-law [www.courts.ie](http://www.courts.ie)

other docs [www.courts.ie](http://www.courts.ie)

**Q131-2 (2018):** In July 2019 the Judicial Council Bill was passed by the Government. The Act will provide for the establishment of a Judicial Council which will be composed of all members of the Judiciary and will provide for the first time, a statutory basis for the appropriate training for Judges. Under the legislation, the Council will be independent in the performance of its functions.

**Q063-1 (2018):** Supreme Court, Court of Appeal and the High Court Civil and Commercial decisions are published online. High Court Civil and Commercial proceedings are available online.

**Q063-2 (2018):** These Registers referred to 63.2 are not under the responsibility of Courts.

**Q65-4 (2015):** Benefits realisation analyses have been carried out in relation to Digital Audio Recording. The primary benefits have been in the area of reduced costs and reduced time taken to produce transcripts of court hearings.

**Q064-9 (2018):** Small claims under the value of €2,000 can be made online.

## Italy

**Q28 (2018):** Legal texts:

<http://www.normattiva.it/> [https://www.giustizia.it/giustizia/it/mg\\_1\\_2.page](https://www.giustizia.it/giustizia/it/mg_1_2.page)

<http://www.senato.it/2867>

<https://www.giustizia-amministrativa.it/>

Case-law of the higher court/s:

<http://www.italgiure.giustizia.it/sncass/>

<https://www.portaledelmassimario.ipzs.it/>

<https://www.giustizia-amministrativa.it/>

Other documents:

[https://www.giustizia.it/giustizia/it/mg\\_3.page](https://www.giustizia.it/giustizia/it/mg_3.page) (general information about the Italian judicial system)

<http://webstat.giustizia.it> (Department of Statistics within the Ministry of Justice)

<http://pst.giustizia.it>(Electronic Trial Portal)

<https://www.giustizia-amministrativa.it/> (Administrative Justice Portal)

**Q064-3 (2018):** Legal aid can be requested by electronic means only for Administrative Justice.

**Q65-4 (2015):** Benefits resulting from "Processo Civile Telematico": Time saving for professional and judges in sending and retrieving information and documents. Timeframe reduction for obtaining injunctions, especially in big courts (e.g. Milan, Rome and Naples). Annual savings of costs for notification (through bailiff or postal service) estimated in 55 million euros.

**Q065-4-1 (2018):** The timing for issuing civil injunctions (orders for payments) decreases considerably, ranging from 40 to 50 percent in the larger courts such as Rome, Milan and Naples

Saving of costs for communications and notifications from courts over 50 million euros per year

**Q64-9 (2014):** The system we had in place in 2013 has been suspended as it needs some adjustments. It's currently going through a deep reengineering in order to be in line with European recommendations and standards.

## Latvia

**Q28 (2018):** Selection of anonymized decisions

**Q28 (2016):** Other documents include downloadable form of the state compensation claim for victim of crime.

**Q063-1 (2018):** Court administration has implemented a world class business intelligence solution to work with court data.

**Q064-7 (2018):** Mentioned practitioners can contact and communicate with courts using electronically signed messages or via the [manas.tiesas.lv](http://manas.tiesas.lv) court e-service portal

**Q064-9 (2018):** Available at [manas.tiesas.lv](http://manas.tiesas.lv) are specialized electronic templates that can be filled and submitted to the court via the mentioned e-service portal.

## Lithuania

**Q131-2 (2018):** The National Courts Administration is responsible for organization of training courses for judges, as well as for preparation of draft programmes and presentation of them for adoption to the Judicial Council (after coordination with the Ministry of Justice). The National Courts Administration have also organised training courses for court staff. Data on training courses in days is not available.

In 2018, 64 training courses for judges took place in 34 training programs approved by the Judicial Council. 2 060 judges attended training. The number of participants for court staff - 1 140.

**Q063-1 (General Comment):** Lithuanian Courts Information System (LITEKO) is a unique centralized database for all matters. Also, the electronic service portal [e.teismas.lt](http://e.teismas.lt) provide access for parties to their cases, that are managed in electronic form.

**Q63-2 (2015):** Regarding the question 63.2, according to the national law, the courts in the Republic of Lithuania do not administrate any registers. Considering the question 63.3, the Lithuanian courts information system has a particular module and tools for gathering statistical data and preparing particular reports. For the additional or specific data to be collected, the programming scripts is used. After the implementation of modernization of the Lithuanian courts information system in 2016, it is expected to prepare statistical reports using the new tool. For the question 63.8, the National Courts Administration reports only about the evaluation of judges and courts activities.

**Q064-3 (2018):** The Legal Aid Information System (TEISIS) is currently being developed to increase the effectiveness of the legal aid administration process. TEISIS will allow individuals to apply for legal aid and receive it (when possible) online or, if necessary, schedule a face-to-face meeting with legal aid providers. TEISIS will also be used by legal aid authorities to retrieve relevant data concerning applicants' financial situation from different state information systems and registers.

**Q064-7 (2018):** Electronic communication between courts and professionals other than lawyers is possible and in some cases that are regulated by law is mandatory via the Lithuanian courts electronic services portal e.teismas.lt.

**Q65-4 (2015):** Using the data, stored in the Lithuanian courts information system, the statistics about court and judges activities are formed, this data is used for the allocation of cases, for the evaluation of judges and court workload in various sections, for instance, by case types, by the length of examination and etc., for the reallocation of resources.

**Q065-4-1 (2018):** E. g. number of cases resolved, the number of documents, the timeliness of the procedure etc.

**Q064-9 (2018):** The general processes, operating in the Lithuanian courts electronic services portal e.teismas.lt, are applied for the submission of documents and communication with courts in the mentioned proceedings (e.g. court order is processed automatically).

## Luxembourg

**Q28 (2018):** <http://www.luxembourg.public.lu/fr/actualites/2009/01/01-guichet-unique/index.html>

**Q28 (2016):** <http://www.luxembourg.public.lu/fr/actualites/2009/01/01-guichet-unique/index.html>

**Q63-7 (2014):** Luxembourg does not use tools to measure the workload of magistrates to monitor their activity, but merely for statistical purposes.

**Q064-3 (2018):** Legal assistance is granted by the bar associations. The relevant form is available on their website (<https://www.barreau.lu/>) in a clickable PDF-format, but can not be submitted electronically.

**Q064-7 (2018):** Notaries: specific application allowing a largely automatized access to the register of matrimonial registers and para-matrimonial partnerships

Police: specific application allowing an largely automatized input of data from electronic police reports ("e-pv") into the prosecution's CMS. Other applications are being developed.

deployment rate: same comment as before

## Malta

**Q28 (2016):** In case of 'Case-law of the higher courts', the court administration publishes all judgements of all civil courts at all instances, and these are readily available on the indicated website. In the case of the Criminal Courts, judgements delivered by the Courts of Appeal, as well as by the Court of Magistrates for cases meriting above 2 years of imprisonment, are published.

Apart from the Legal Services listed above, the portal also includes all the Court services such as statistics, online search facilities for civil case judgements, information about hall usage, all applications that can be downloaded, e-forms and other information intended to facilitate access to the Court service by the citizen and the professional.

**Q131-2 (2018):** The Judicial Studies Committee organises courses and continuous training exclusively for members of the judiciary. The methodology of training is through seminars (half day or full day) and training opportunities abroad. The above figure of 9 full days has been estimated on 6 courses that lasted 1 day, 1 course that lasted 2 days and 3 courses that lasted 3 hours each. No e-learning is currently available.

**Q65-4 (2015):** Using push technology for transcript and decrees has resulted in a reduction of direct queries by lawyers as well as a decrease in paper printing

**Q065-4-1 (2018):** The Information Management Unit (IMU) within MJCL carries out impact assessments of implemented technologies through focus groups, and analysis of data. Hence, the impact assessments take on a quantitative approach through the study of metrics, but also a qualitative approach through the feedback collected by end users. Furthermore the IMU also measures hits to the eCourts login and website, and this is a cost function as the more the end users are using the website, to for example, file claims online or pay court fees online, the less the need to rely on the human component to manage these functions at court.

**Q064-9 (2018):** Yes our system enables the use of E-Forms in the Small Claims Tribunal for claims under Euros5000, as well as in the Administrative Review Tribunal.

## Netherlands

**Q28 (General Comment):** <https://www.rijksoverheid.nl/wetten-en-regelingen> <https://www.wetten.nl>

**Q063-1 (2018):** For the reply on "Status of case online" the offered options are not applicable for Netherlands since only lawyers can access the case online and not the parties themselves if not represented by lawyer. There are many parties in court cases who are not represented by a lawyer.

**Q064-3 (2018):** Almost all requests can be done electronically, except mediation requests and some other small groups.

**Q064-7 (2018):** There certainly is a possibility for bailiffs to submit cases in electronic form. For other professional parties, this is not clear.

**Q65-4 (2015):** Various indices per individual court are published annually. A.o. the fraction of court cases which is handled within certain timeframe, indicators of quality services.

**Q065-4 (2018):** In 2018 an ambitious Court IT project ('Quality and Innovation') was discontinued after severe financial losses (220 million).

## Poland

**Q28 (General Comment):** Ministry of Justice site: <https://www.gov.pl/web/sprawiedliwosc>

**Q28 (2018):** [www.e-sad.gov.pl](http://www.e-sad.gov.pl) - The Court, known as the electronic court (the e-court), considers cases under electronic writ of payment proceedings (electronic order for payment proceedings) introduced to The Civil Procedure Code in the Act of 9th January 2009 on the Amendment to the Civil Procedure Code and other Acts. The jurisdiction of the e-court covers the whole territory of Poland regardless of the defendant's domicile or seat. It is competent to examine civil pecuniary claims. The cases are considered under electronic writ of payment proceedings irrespective of the total amount of the dispute, which means that some of them would otherwise fall within the competence of District Courts. The Court lacks competence over non-pecuniary claims and family law claims. It needs to be stressed that bringing a case before the e-court is just an alternative to the traditional proceedings.

**Q28 (2016):** [www.ms.gov.pl](http://www.ms.gov.pl) - Ministry of Justice site.

**Q131-2 (2018):** .

**Q064-9 (2018):** Electronic writ-of-payment proceedings. The plaintiff submits letters only via the ICT system. If the defendant makes a choice to file pleadings via the ICT system, further letters in the case shall be submitted only through this system. The court issues a payment order. In the case of a proper submission of an objection, the order for payment is forfeited in full, and the court transfers the case to the court according to general jurisdiction. Electronic writ-of-payment proceedings were implemented to Polish legal system on 1 January 2010.

## Portugal

**Q28 (2018):** "citius" include a number of downloadable forms and online registration. It's a web portal aimed to the dematerialization of Justice services.

**Q28 (2016):** "citius" include a number of downloadable forms and online registration. It's a web portal aimed to the dematerialization of Justice services.

**Q063-1 (2018):** It exists in all courts and subject matters (family, labour, maritime) citius/SITAF

**Q63-2 (2015):** 63.2 Card Registry and Business registry is managed by the Institute of Registry and Notary (Instituto dos Registos e Notariado), Ministry of Justice. 63.7 Since 2016, it is possible to measure the workload of courts at local level as well.

**Q063-2 (2018):** Land and Business Registry is managed by the Registry and Notariat Institut - Ministry of Justice (Instituto dos Registos e Notariado)

**Q064-3 (2018):** It is only possible to request legal aid by electronic means in criminal cases when the defendant is presented in court. In such cases lawyers are obtained automatically through a web service called SinOA.

**Q65-4 (2015):** There are some specific analysis to assess the impact of certain changes, but there has not been a comprehensive and continuous evaluation.

**Q065-4-1 (2018):** The change of business proceedings related to the service desk in the courts and the adoption of new communication channels for interaction with citizens had a significant impact in the workload and human resources management. At the same time, citizens spend less time in courts and promotes efficiency and effectiveness of the justice system.

**Q064-9 (2018):** civil undisputed claims

## Romania

**Q131-2 (2018):** The in-service training courses for non-judges/non-prosecutors staff, namely for clerks functioning in courts/prosecution offices are organised through the National School of Clerks and these data are presented in the table above, separately for clerks in courts (non-judge staff) and clerks in prosecution offices (non-prosecutor staff).

**Q063-1 (2018):** Regarding "Status of case online" decisions are available online thru [www.rolii.ro](http://www.rolii.ro). For some courts, a link and a password is provided to parties in order to access their case.

**Q63-7 (2015):** STATIS – tool for statistical measurements and analysis both local and national

**Q65-4 (2015):** Timeframe reductions, Increased management capabilities through monitoring tools

**Q64-9 (2014):** There are some courts piloting electronic access of the case-file (e-filing and e-serving of documents). With this functionality, electronic processing of small claims and undisputed debt recovery are also covered.

## Slovakia

**Q28 (2018):** <https://obcan.justice.sk/ezaloby> - electronic filing portal, includes electronic forms of procedural motions in civil and enforcement procedure

<https://www.justice.gov.sk/Formulare/Stranky/Uvod.aspx> - downloadable forms for payment order, maintenance claim, procedural forms in civil and insolvency proceedings

**Q28 (2016):** The internet site of the Ministry of Justice <http://www.justice.gov.sk/Formulare/Stranky/Uvod.aspx> (in Slovak only) include downloadable forms for payment orders, claim for maintenance, procedural forms in civil proceedings and insolvency proceedings.

From this site it is possible to access the electronic filing portal: <https://obcan.justice.sk/ezaloby>

**Q131-2 (2018):** According to Act No. 548/2003 Coll. on Judicial Academy, The Academy serves as a specialized training and educational institution for judges, prosecutors, judicial trainees, trainees in prosecutor's office, judicial officers, assistants of judges of Supreme Court of the Slovak Republic, and other judicial officers under the supervision of Ministry of Justice of the Slovak Republic. Judicial Academy organizes educational events mostly for all above mentioned representatives of target group, so there are very small amount of special events only for one specific group of representatives from whole target group. Exceptions are trainings which are aimed to specific problems or intentionally given for specific group of people from target group under the law, such as:

- trainings for "functionally" young judges or young prosecutors,
- initial preparatory training for judicial trainees and initial preparatory training for prosecutor trainees,
- pre-examination trainings,
- Special trainings for other judicial officers (judicial clerks, probation and mediation officers).

Trainings for functionally young judges or prosecutors are aimed to judges and prosecutor serving in their office for maximally four years. There are usually two-day trainings regularly organized every year.

The initial preparatory training for judicial trainees and for trainees in prosecutor's office, mentioned before, are organized following the scope of initial education of judges determined by the Judicial Council in consent with the Minister and the scope of initial education of prosecutors determined by the General Prosecutor. In 2018, there was organized only the initial preparatory training for trainees in prosecutor's office. Judicial academy organizes the special educational events called the pre-examination trainings, separately for higher judicial officers, judicial trainees, and assistants of judges of Supreme Court of the Slovak Republic or judicial counsellors in Constitutional Court and separately for trainees in prosecutor's office who fulfil the conditions for professional examination and are allowed to attend the professional judicial examination. It is usually organised twice a year, in spring and in autumn.

There are special trainings for the other judicial officers (judicial clerks or probation and mediation officers) organised under the supervision of Ministry of Justice of the Slovak Republic. The length of the training depends on the actual needs of that group of judicial officers. For the purposes of the data provided in the table above we considered higher judicial officers, judicial trainees, and assistants of judges of Supreme Court of the Slovak Republic, judicial counsellors in Constitutional Court, judicial clerks and probation and mediation officers as non-judge staff. For the same purposes we considered trainees in prosecutor's office as other non-prosecutor staff. In the section "Other common training" we stated the number of educational events in days where prevailed training in soft skills (communication skills, work with media or time management), trainings in interdisciplinary matters (psychology of interrogation or deposition, management of stressful situation in the cases of juveniles, etc.). We also considered language education as other common training.

The following criteria were used to split the days of training for each target group:

1. Focus of a specific educational event
2. Contents of the educational events for individual target groups
3. Which target group initiated (proposed) the organisation of the particular educational event

**Q063-1 (2018):** Connection of a CMS with a statistical tool – preparing phase

**Q063-2 (2018):** The courts manage the register of bankruptcies and insolvency register

**Q064-3 (2018):** It is possible to request the legal aid on the follow website: <http://www.centrumpravnejpomoci.sk/>. There is an English version of the instructions available. The request for legal aid can be send electronically via email.

**Q064-7 (2018):** Within the RESS project (Development of electronic justice services) there were built 2 services for the electronic communication between the courts, parties and other legal professionals: - electronic portal for filing the actions "eŽaloby" (<https://obcan.justice.sk/ezaloby>) - electronic case portal ESSP allowing the access to the electronic case file (<https://obcan.justice.sk/sudny-spis>).

**Q064-12 (2018):** Electronic evidence in the form of the electronic document can be filed via the electronic case filing portal "eŽaloby" (<https://obcan.justice.sk/ezaloby>). After the uploading of the action to the system it allows to add another documents to pending proceedings.

## Slovenia



**Q28 (2018):** <https://www.uradni-list.si/> (Official journal of the Republic of Slovenia)  
<http://www.pisrs.si> (Government run web portal on which legal texts in unofficial version can be obtained)  
<https://www.dz-rs.si> (General Assembly)  
<http://sodnapraksa.si/> (Higher courts and the Supreme court case law)  
<https://e-uprava.gov.si/> (Ministry for public administration run web portal, where information on administrative proceedings and links to the forms or e-forms, if such forms are provided by law or government regulations)  
[http://www.sodisce.si/sodni\\_postopki/obrazci/](http://www.sodisce.si/sodni_postopki/obrazci/) (Courts run web page, where forms in connection with court proceedings are available)  
<https://nasodiscu.si> (information about the Slovenian court system and court procedures, as well as other useful issues in a simple and user-friendly way)

**Q28 (2016):** <https://www.uradni-list.si/> (Official journal of the Republic of Slovenia)  
<http://www.pisrs.si> (Government run web portal on which legal texts in unofficial version can be obtained)  
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<https://e-uprava.gov.si/> (Ministry for public administration run web portal, where information on administrative proceedings and links to the forms or e-forms, if such forms are provided by law or government regulations)  
[http://www.sodisce.si/sodni\\_postopki/obrazci/](http://www.sodisce.si/sodni_postopki/obrazci/) (Courts run web page, where forms in connection with court proceedings are available)

**Q131-2 (2018):** In total, 328 events were organised with 7.750 persons participating, including events from criminal (28), civil (19), commercial (12), labour and social security (8) and administrative law (2) as well as management in judiciary (6), judge skills (8), functioning of the judiciary (9), use of IT (7), languages of minorities (4), specialised training for staff (2) and other trainings (7). Some trainings are organised as three-day courses on a specific topic (i.e. School for criminal law). For most of the events, judges/prosecutors and staff can participate, therefore the break-down by categories judges/prosecutors/and staff is not possible.

There were 2 e-learning modules available (specialised training for court staff - 469 participants in 2018 and family violence and violence against women - 16 participants in 2018).

Additionally, a total of 161 workshops for judge skills with use of supervision techniques have been organised in courts (not counted in the table).

**Q63-1 (2015):** Q 63.1

There is no unique centralised (universal) database - the case management systems for different types of cases are developed simultaneously – more or less independently from each other. The efforts to create a universal case management system are currently taking place.

All case management systems enable users to enter the notifications (calendar) and some of them enable automatic warnings for some events. The reports (list of critical cases) are periodically generated and sent to presidents of courts.

**Q63-1 (2014):** There is no unique centralised (universal) database - the case management systems for different types of cases are developed simultaneously – more or less independently from each other. Nevertheless, the goal is to have one universal case management system. All the case management systems enable users to enter the notifications (calendar) and some of them enable automatic warnings for some events. The reports (list of critical cases) are periodically generated and sent to presidents of courts.

**Q063-1 (2018):** Other: Civil enforcement on the basis of the authentic document is another informatised procedure where status of case is available on-line. Approx. 15% of all incoming cases is civil enforcement on the basis of the authentic document (see Q91).

**Q063-1-1 (General Comment):** There is no unique centralised (universal) database - the case management systems for different types of cases are developed simultaneously – more or less independently from each other. All case management systems enable users to enter the notifications (calendar) and some of them enable automatic warnings for some events. The reports (list of critical cases) are periodically generated and sent to presidents of courts.

The status of case is not generally available on-line, however activities regarding online availability are taking place. Status of case on-line is currently available in civil enforcement cases (included in civil category), land registry cases and business registry cases (data is publicly accessible through other government agency web page).

In enforcement cases (Civil category), and insolvency cases (Civil category) the monitoring of procedural acts is possible (including brief description and date). It is possible to access the whole content of a procedural act, if the writing had been digitalised or composed electronically. It is also possible to monitor statistical data for types of proceedings at individual courts (for example disposition time) on the web page of the judiciary.

Regarding statistical tool: Some statistical reports can be produced directly from CMS. The data from all informatized registers at all courts is gathered at the Data warehouse at the Supreme Court. There is a general BI tool available, allowing users to make customized reports as well as a customized statistical analysis tool (The President's dashboards). Both applications work based on the data from the data warehouse.

**Q63-2 (2015):** Q 63.2

Business registry: data is publicly accessible through AJPES (other government agency) web page.

**Q063-2 (General Comment):** Courts maintain the business registry. Some procedures can be initiated at the government webpage (<http://evem.gov.si/evem/drzavljani/zacetna.evem>), while other can only be done through notary. The data on business subjects and other legal persons is publicly accessible through the public agency web page (<http://www.ajpes.si/>).

**Q063-7-1 (General Comment):** Data on (individual) judges is available in CMS and can be used by court president, as well as on national level (i.e. analysis of the Supreme Court, the Judicial Council). Data on court personnel is generally reported on the court level (not specifically for departments), except for informatized procedures (i.e. civil enforcement, land registry), where detailed data is available. Generally, data on court staff is collected quarterly on the national level.

**Q064-7 (General Comment):** Enforcement agents: The possibility to electronically submit all kinds of documents is provided to enforcement agents (as well as all the other participants in the proceedings) via the courts' web portal eSodstvo (a digital certificate is required). The Supreme Court encourages enforcement agents to submit their documents electronically.

Notaries: The laws prescribe that certain types of documents must be submitted to court by notary and in electronic form only (i.e. in the land registry and court registry cases).

At this question there is no "other" category, however the "bankruptcy agents" are obliged to submit their reports - the list of tested claims and other writings in electronic form via the courts' web portal eSodstvo (a digital certificate is required).

**Q064-12 (General Comment):** The video can be played back on computer or TV in the court room (depending on the technical requirements and the equipment of the court room). Regarding the legal framework, no rule as to what "media" can or cannot be used as evidence, is in place, therefore a video surveillance recording can be shown as evidence, as long as it was not acquired unlawfully (e.g. suspects' human rights would be infringed by the recording). If the latter is the case, the recording is excluded from evidence material according to the Criminal Procedure Act. If, however, doubt in the authenticity of the legally acquired recording would arise, the court could refer to an expert for the expert opinion.

**Q65-4 (2015):** Every project has a business component, where the feasibility study is done to determine the impact of the implementing of new solutions. For example, it is estimated that 1.200.000 EUR was saved due to electronic serving of court writing, and additional 1.560.000 due to computerized and centralized processing of outgoing mail in 2014.

**Q065-4-1 (General Comment):** Every project has 4 components (business, technology, organisational and regulatory), where the feasibility study is done to determine the impact of implementation of new solutions. All of the components are evaluated during the project. For example, it is estimated that around 4.500.000 EUR were saved due to electronic serving of court writing and computerized and centralized processing of outgoing mail.

**Q64-9 (2014):** Court enforcement proposal on the basis of authentic document (COVL) – if contested turns into civil or commercial litigious case.

**Q064-9 (General Comment):** Civil enforcement on the basis of the authentic document is an informatized procedure where claims can be filed on-line, with specific legislative framework, without the need for simultaneous submission of cases in paper form, and integrated to CMS. There is no limit to the value of the disputed amount in these cases. In 2018, more than 137.000 claims were filed, 99,86% of them electronically.

**Q064-9 (2018):** Enforcement proposal on basis of authentic document (for more, see general comments).

## Spain

**Q28 (2016):** There are different webs with templates for different cases or requests. In the one indicated above there are templates for administrative requests related with the Administration of Justice (for example, cancelling of criminal record). In this other (<http://www.poderjudicial.es/cgpj/es/Servicios/Atencion-Ciudadana/Modelos-normalizados/El-juicio-verbal->) there are templates for wording a lawsuit.

**Q063-1 (General Comment):** In the area of the Ministry of Justice the system is Minerva. There are other (similar) systems in the Autonomous Regions with competences transferred.

**Q063-2 (2018):** In Spain the Land Registry and the Commercial Registry do not depend on the Courts. But there are electronic communications to ask information from these Registries and to send them judicial decisions.

**Q64-3 (2015):** 64.3, the Spanish National Bar offers the Electronic Legal Aid file through a special web page. This works as a website in which every citizen can request for granting legal aid just by filling in the form with the information required. In 2015 this possibility was 100% available.

**Q65-4 (2015):** As a consequence of the implementation of the ICT, the communications between courts and courts' users have been sped up, which results in a reduction of the time responses and in a swifter management of the case files. In addition to this, the system has enabled lawyers to save time in the task of submitting requests to courts, since they can send on line requests from their own offices to the courts any time of the year and even to consult the notifications of judicial resolutions by using the smartphone or the table.

## Sweden

**Q28 (2018):** Other documents include following application forms: small claims, civil lawsuit, legal aid, divorce, bankruptcy.  
<http://www.riksdagen.se/sv/dokument-lagar/> (legal texts)  
<https://lagrummet.se/> (case-law)  
<http://www.domstol.se/Ladda-ner--bestall/Blanketter/> (other documents)

**Q28 (2016):** It includes forms for application of divorce (in Swedish and English), application form for a civil lawsuit, application form for legal aid and application for bankruptcy.

**Q131-2 (2018):** 1) 334 days regarding courses for judges in training, 219 days regarding courses for permanent judges (48 of these only for judges, 171 primarily for judges but also open for legal court staff).

3) 171 days (as indicated above many courses are open for legal court staff who are not judges).

1) and 3) 8 (the same online training courses are offered to both judges and other legal court staff)

**Q063-2 (2018):** These registries are not managed by the courts.

**Q064-7 (2018):** No specific legal framework.

**Q064-12 (2018):** Under Swedish law, the principle of the admissibility of evidence applies. Among other things, this means that there are no set principles laid down in law with regard to the weight that different evidence carries. Instead, the court carries out an independent assessment of everything that has emerged and decides what may be considered as evidence in the case.

**Q065-4-1 (2018):** The utilisation rate of system solutions in the Swedish courts is also measured.

**Q064-9 (2018):** A pilot-project called ESKIL has recently been launched. As of now there are only two courts on district court level participating in this project. The project concerns a new electronic service that enables citizens to make a joint application for divorce online. This service is going to be available to the public on the website ([www.domstol.se](http://www.domstol.se)). Currently, no other electronic services or devices are available.

# Indicator 6: The ICT tools of courts and for court users

## Comments provided by the national correspondents

### organised by question no.

*Question 28. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) where general public may have free of charge access to the following:*

*Question 131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff*

*Question 063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)*

*Question 063-1-1. If yes, please specify the following information:*

*Question 063-2. Computerised registries managed by courts*

*Question 063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)*

*Question 063-7-1. If yes, please specify the following information:*

*Question 064-3. Is it possible to request legal aid by electronic means?*

*Question 064-3-1. If yes, please specify the following information:*

*Question 064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)*

*Question 064-12. Is electronic evidence admissible?*

*Question 065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?*

*Question 065-4-1. If yes, have you measured the impact on (multiple answers possible):*

*Question 064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)*

### Question 28

#### Austria

**(2018):** Tool for finding competent courts

List of public prosecution offices

List of courts

Information concerning Federal Act on the Re-Use of Public Sector Information

Database of official publications [Ediktsdatei] (publications of the Business Register, real property auctions, insolvency database, etc.)

Land Register

Commercial Register

List of experts and interpreters

List of mediators

List of insolvency administrators

www.justiz-auktion.at in accordance with the provisions of the Austrian Enforcement Code

Documents submission service

Form sheets/Online submissions (www.eingaben.justiz.gv.at)

Access to Electronic Legal Communication

Access to <http://ec.europa.eu/odr> (online out-of-court settlement)

Public announcements of Justice

Findok is an internet site concerning financial documentation

**(2016):** Tool for finding competent courts

List of public prosecution offices

List of courts

Information concerning Federal Act on the Re-Use of Public Sector Information

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Access to Electronic Legal Communication

Access to <http://ec.europa.eu/odr> (online out-of-court settlement)

Public announcements of Justice

## Belgium

**(2018):** Texts: [http://www.ejustice.just.fgov.be/cgi\\_loi/loi.pl](http://www.ejustice.just.fgov.be/cgi_loi/loi.pl); <https://justice.belgium.be/fr>;  
[https://justice.belgium.be/fr/moniteur\\_belge](https://justice.belgium.be/fr/moniteur_belge)

Case law: <http://www.juridat.be>; [https://justice.belgium.be/fr/ordre\\_judiciaire/cours\\_et\\_tribunaux/cour\\_de\\_cassation](https://justice.belgium.be/fr/ordre_judiciaire/cours_et_tribunaux/cour_de_cassation)

Other documents: <https://www.tribunaux-rechtbanken.be/fr>; <https://justice.belgium.be/fr>

Victim's statement (within the framework of the Act of 17 May 2006 on the external legal status of persons sentenced to deprivation of liberty and the rights recognised to the victim in the context of the modalities of enforcement of the sentence)

[https://justice.belgium.be/fr/index\\_a-z/documents/declaration\\_de\\_la\\_victime](https://justice.belgium.be/fr/index_a-z/documents/declaration_de_la_victime)

Victim's statement (within the framework of the Act of 5 May 2014 on internment).

[https://justice.belgium.be/fr/declaration\\_de\\_la\\_victime\\_internement](https://justice.belgium.be/fr/declaration_de_la_victime_internement)

## Bulgaria

**(2018):** legal texts: <http://dv.parliament.bg>; case law of the higher courts: <http://www.sac.government.bg>; <http://www.vks.bg>

other documents: [www.compensation.bg](http://www.compensation.bg)

## Croatia

**(2018):** On the website of the Ministry of Justice for victims and witnesses <https://pravosudje.gov.hr/o-ministarstvu/djelokrug-6366/iz-pravusnog-nog-sustava-6372/podrska-zrtvama-i-svjedocima/6156>, in the Documents section are forms: 1) brochure "Victims' Rights under the Law on Financial Compensation to Victims of Crime" and "Form of Request for Financial Compensation to Crime Victims" in Croatian and English, in accordance with the Law on Financial Compensation for Victims of Crime 2) booklet for victims and witnesses through criminal and misdemeanor proceedings "in Croatian and English, 3) leaflet of the Victims and Witnesses Support Section.

**(2016):** At the official website of the Ministry of Justice of the Republic of Croatia (<https://pravosudje.gov.hr/>) - under the heading "Pristup informacijama", "Zakoni i propisi") up-to-date laws and regulations which are directly or indirectly related to the areas that fall under the authority of the Ministry of Justice are available: <https://pravosudje.gov.hr/pristup-informacijama-6341/zakoni-i-ostali-propisi/zakoni-i-propisi-6354/6354>

Also, the application forms for the issuance of criminal record data on individuals and legal persons are available <https://pravosudje.gov.hr/o-ministarstvu/djelokrug-6366/rad-sa-strankama/6369>

The information on the official website of the Ministry is regularly updated and available to the public concerned without restriction.

The same website (part related to the Independent Service for Victim and Witness Support - <https://pravosudje.gov.hr/podrska-zrtvama-i-svjedocima/6156>) contains detailed information related to victims and witnesses in criminal proceedings, the competent courts, as well as all the necessary information and contact details. As of 15 August 2013, the Brochure on the victims' rights pursuant to the crime victims' compensation act), as well as the Application form for financial compensation of the crime victims are available in English language.

## **Cyprus**

**(2018): x**

## **Czech Republic**

**(2018):** Forms for electronic payment order and for insolvency proceedings, practical guide for solving life situation, including topic like „I need to file a motion“, „I received the judicial summons“, „I want to make a complaint for the court proceedings“, „I want to make a complaint for the court decision“.

## **Denmark**

**(2018):** On the site you can find forms for filling out in several fields. This includes administrative cases, bankruptcy, enforcement law, wills etc.

**(2016):** On the site you can find forms for filling out in several fields. This includes administrative cases, bankruptcy, enforcement law, wills etc.

## **Finland**

**(2018):** There are forms and information available for example for an adoption, appealing a judgment, applying for a restraining order, legal aid, recovery proceedings, divorce and applying for debt adjustment.

## **France**

**(2018):** For information: The site "legifrance.gouv.fr", a public service for the dissemination of law via the Internet, provides access to: - French law: the constitution, the codes in force, laws and regulations, collective agreements, constitutional case law, judicial case law, administrative case law, - European law and European case law (the European Court of Human Rights and the European Court of Justice),

- international law and international jurisprudence (that of the International Court of Justice, the International Criminal Court, the International Tribunal for the Law of the Sea). This site redirects the public to the sites dedicated to the high courts concerned.

Comments: 1 - The website <https://www.service-public.fr> has a "justice" tab which directs the public to information relating to judicial organisation (access to law and justice - actors in the justice system - French courts); judicial procedures (civil cases - criminal cases - contestation of a judgment); offences (violence - breach of integrity - discrimination - harassment - theft - vandalism - fraud - insult - defamation - incitement to hatred - infringements of new technologies); criminal sanctions (convictions and penalties - prison); compensation for damage (compensation for damage - seizures and recoveries); juvenile justice (minor victim - minor offender) and contains files on the following topics: disappearance and abduction of persons - divorce and legal separation - labour disputes in the private sector - labour disputes in the civil service - legal action against the administration - disputes with social security.

2 - The <https://www.justice.gouv.fr> site, the site of the Ministry of Justice, which itself includes sections relating in particular to the organisation of justice, rights and procedures and texts and reforms, refers to the litigant's portal which can be found on the website <https://www.justice.fr> Because for a victim, the commission of a criminal offence can have multiple consequences, a detailed description of the site <https://www.justice.fr>

This includes: Related files: - To the family - To work - To offences - To everyday life

- To minors

- To legal actions Simulators for the calculation:

- Legal aid

- Maintenance payments

- Remuneration seizures

A "Access to justice" section for: - Finding a court - Dispute resolution through conciliation/mediation

- Access to the law to find the Departmental Council for Access to the Law (CDAD), the House of Justice and the Law (MJD) and the Law Access Point (PAD) nearest your home

A "Directories" section to have access to lawyers, conciliators, bailiffs and notaries under its jurisdiction.

The website <https://www.justice.fr> explains to litigants the procedures to be carried out in the following areas: family ; criminal ; company ; enforcement of a judgment ; civil status ; elections ; financial disputes ; employment ; health ; nationality / foreign ; housing / construction ; complaint / administrative remedy ; international / European procedures. Above all, the website <https://www.justice.fr> includes a tab "Accompany a victim" (updated on 23 May 2019) referring to internal links and links to external sites. With regard to internal links to the site, they refer to: the directory of associations providing assistance to victims, the victim assistance number 116006, toll-free number, 7 days a week from 9 a.m. to 7 p.m., which can be reached outside France by using the number not overcharged on + 33 (0)1 80 52 33 76 and the e-mail address of the Fédération France Victimes [victimes@france-victimes.fr](mailto:victimes@france-victimes.fr); under the heading "What to do in the event of discrimination?" "Under the

**(2016):** The site <http://www.justice.fr/> includes all the civil and penal themes to guide the user on questions of law and procedure. It offers online forms.

A special tab named "Accompanying a victim" provides information on victims' rights (in criminal procedure, in terms of compensation) and directs them to victim support associations and dedicated mechanisms (Victim Support Offices, 08VICTIMS). The site also directs to other web pages such as that of the « Fonds de garantie des victimes de terrorisme et autres infractions (FGTI) », the Regional Council of Ile-de-France, or the 116000 Enfants disparus. In the long term, the next versions of this site hosted by the Ministry of Justice should make it possible to carry out certain online procedures directly. Besides, the site <https://www.pre-plainte-en-ligne.gouv.fr/> offers the possibility to fill a form allowing to accelerate the filing of complaint which will be finalized through an appointment taken on line in the service of police or competent gendarmerie closest to the residence of the victim.

The GUIDE-VICTIMES.gouv.fr website aims to centralise all useful information, mainly for victims of terrorism, details all the steps to be taken depending on the victim's situation, and enables applications to be submitted and followed up (before the FGTI, for example). A digital "safe" system allows people to store all documents useful for online procedures.

## Germany

**(2018):** The website [www.justiz.de](http://www.justiz.de) provides nationwide access to online services that provide free information, e.g. with regard to register entries, publication of insolvency notices, compulsory auction schedules, interpreters and translators and legal service providers.

Baden-Württemberg: Forms, e.g. legal aid application forms; information on proceedings is also provided online by the courts themselves

Bavaria:

Labour jurisdiction: information from the Labour Ministry; ordinary jurisdiction: Forms and information brochures (see the websites [www.justiz.Bavaria.de](http://www.justiz.Bavaria.de) and [www.freistaats.Bavaria/](http://www.freistaats.Bavaria/))

Berlin

(Application) forms used uniformly in all of Germany; online registration to access nationwide justice portals (register portal, compulsory enforcement portal...)

Hamburg:

Laws and statutory instruments, further information, e.g. <https://justiz.hamburg.de/>

Lower Saxony:

Forms and form completion assistance in the fields of labour law, advisory assistance, guardianship, family law, land register law, insolvency law, summary proceedings for recovery of debt, law governing estates, legal aid, criminal law, law governing compulsory enforcement, other; the online portal "Opferschutz Niedersachsen" (Victim Protection Lower Saxony) provides victims and relatives easy access to information and assistance regarding their rights as well as further information for professionals who work with victims.

North Rhine-Westphalia: Application forms, information brochures regarding various legal topics, more general information, glossary explaining legal terms, links, explanations of the organisational structure of the court system and the Ministry of Justice

Saxony:

Collection of Saxony's laws and statutory instruments (Revosax), websites of some courts, collection of decisions of the ordinary courts of Saxony (ESAMOSplus) Saxony-Anhalt:

No changes in comparison with previous years. Forms, general information on procedures and legal aspects, public relation publications, <http://www.landesrecht.Saxony-Anhalt.de>

**(2016):** legal texts:

regarding federal law: [www.gesetze-im-internet.de](http://www.gesetze-im-internet.de) regarding the law of the states ("Bundesländer"): <http://www.justiz.de/onlinedienste/bundesundlandesrecht/index.php>

Case-law of the higher court/s:

[www.rechtsprechung-im-internet.de](http://www.rechtsprechung-im-internet.de) [www.bundesverfassungsgericht.de](http://www.bundesverfassungsgericht.de)

[www.bundesgerichtshof.de](http://www.bundesgerichtshof.de)

[www.bundesverwaltungsgericht.de](http://www.bundesverwaltungsgericht.de)

[www.bundesfinanzhof.de](http://www.bundesfinanzhof.de)

[www.bundesarbeitsgericht.de](http://www.bundesarbeitsgericht.de)

[www.bundessozialgericht.de](http://www.bundessozialgericht.de)

[www.bundespapentgericht.de](http://www.bundespapentgericht.de)

<http://www.justiz.de/onlinedienste/rechtsprechung/index.php>

other documents:

[www.justiz.de/bundlaender/index.php](http://www.justiz.de/bundlaender/index.php)

## Greece

**(2018):** For the Council of State: model forms for: a) General applications, b) withdrawal from writs c) for fixing a Court hearing (to the President of the Court and a separate one for the President of the chamber), d) submission of a Cash order, e) engrossment of a judgement.

**(2016):** For the Council of State: model forms for: a) General applications, b) withdrawal from writs c) for fixing a Court hearing (to the President of the Court and a separate one for the President of the chamber), d) submission of a Cash order, e) engrossment of a judgement.

## Hungary



**(2018):** “Other documents” include: downloadable forms, general information about court procedures and courts. Court users can submit complaints 24 hours a day, every day of the week, without personal appearance using an electronic form via the e-client portal (<https://e-ugyintezes.birosag.hu/>). A so-called case duration calculator is also available, allowing the clients to submit their case to the court with the shortest case duration where the court of jurisdiction can be selected. A development enables court users logged in the system to receive SMS or e-mail alerts about essential events of their cases since 2014. Using the central website of the court as an example, the courts have developed their own websites, so in 2014 all 5 regional courts of appeal and all 20 regional courts have uniform online appearance. As regards communication, courts opened towards the social media, so the NOJ and several courts have a Facebook profile.

**(2016):** “Other documents” include: downloadable forms, general information about court procedures and courts. Court users can submit complaints 24 hours a day, every day of the week, without personal appearance using an electronic form via the e-client portal (<https://e-ugyintezes.birosag.hu/>). A so-called case duration calculator is also available, allowing the clients to submit their case to the court with the shortest case duration where the court of jurisdiction can be selected. A development enables court users logged in the system to receive SMS or e-mail alerts about essential events of their cases since 2014. Using the central website of the court as an example, the courts have developed their own websites, so in 2014 all 5 regional courts of appeal and all 20 regional courts have uniform online appearance. As regards communication, courts opened towards the social media, so the NOJ and several courts have a Facebook profile.

**(2014):** In the frame of the 2014 exercise, it has been specified that “other documents” include: downloadable forms, general information about court procedures and courts. Besides, the attention was drawn on the possibility for court users to submit complaints 24 hours a day, every day of the week, without personal appearance using an electronic form via the e-client portal (<https://e-ugyintezes.birosag.hu/>). A so-called case duration calculator is also available, allowing the clients to submit their case to the court with the shortest case duration where the court of jurisdiction can be selected. Since 2014, court users logged in the system can receive by SMS or e-mail alerts about essential events of their cases. Using the central website of courts as an example, courts have developed their own websites, so in 2014 all 5 regional courts of appeal and all 20 regional courts have uniform online appearance. As regards communication, courts opened towards the social media, so the NOJ and several courts have a Facebook profile.

## Ireland

**(2018):** legal texts [www.irishstatutebook.ie](http://www.irishstatutebook.ie)  
case-law [www.courts.ie](http://www.courts.ie)  
other docs [www.courts.ie](http://www.courts.ie)

## Italy

**(2018):** Legal texts:  
<http://www.normattiva.it/> [https://www.giustizia.it/giustizia/it/mg\\_1\\_2.page](https://www.giustizia.it/giustizia/it/mg_1_2.page)  
<http://www.senato.it/2867>  
<https://www.giustizia-amministrativa.it/>  
Case-law of the higher court/s:  
<http://www.italgiure.giustizia.it/sncass/>  
<https://www.portaledelmassimario.ipzs.it/>  
<https://www.giustizia-amministrativa.it/>  
Other documents:  
[https://www.giustizia.it/giustizia/it/mg\\_3.page](https://www.giustizia.it/giustizia/it/mg_3.page) (general information about the Italian judicial system)  
<http://webstat.giustizia.it> (Department of Statistics within the Ministry of Justice)  
<http://pst.giustizia.it> (Electronic Trial Portal)  
<https://www.giustizia-amministrativa.it/> (Administrative Justice Portal)

## Latvia

**(2018):** Selection of anonymized decisions

**(2016):** Other documents include downloadable form of the state compensation claim for victim of crime.

## Luxembourg

(2018): <http://www.luxembourg.public.lu/fr/actualites/2009/01/01-guichet-unique/index.html>

(2016): <http://www.luxembourg.public.lu/fr/actualites/2009/01/01-guichet-unique/index.html>

## Malta

(2016): In case of 'Case-law of the higher courts', the court administration publishes all judgements of all civil courts at all instances, and these are readily available on the indicated website. In the case of the Criminal Courts, judgements delivered by the Courts of Appeal, as well as by the Court of Magistrates for cases meriting above 2 years of imprisonment, are published.

Apart from the Legal Services listed above, the portal also includes all the Court services such as statistics, online search facilities for civil case judgements, information about hall usage, all applications that can be downloaded, e-forms and other information intended to facilitate access to the Court service by the citizen and the professional.

## Netherlands

(General Comment): <https://www.rijksoverheid.nl/wetten-en-regelingen> <https://www.wetten.nl>

## Poland

(General Comment): Ministry of Justice site: <https://www.gov.pl/web/sprawiedliwosc>

(2018): [www.e-sad.gov.pl](http://www.e-sad.gov.pl) - The Court, known as the electronic court (the e-court), considers cases under electronic writ of payment proceedings (electronic order for payment proceedings) introduced to The Civil Procedure Code in the Act of 9th January 2009 on the Amendment to the Civil Procedure Code and other Acts. The jurisdiction of the e-court covers the whole territory of Poland regardless of the defendant's domicile or seat. It is competent to examine civil pecuniary claims. The cases are considered under electronic writ of payment proceedings irrespective of the total amount of the dispute, which means that some of them would otherwise fall within the competence of District Courts. The Court lacks competence over non-pecuniary claims and family law claims. It needs to be stressed that bringing a case before the e-court is just an alternative to the traditional proceedings.

(2016): [www.ms.gov.pl](http://www.ms.gov.pl) - Ministry of Justice site.

## Portugal

(2018): "citius" include a number of downloadable forms and online registration. It's a web portal aimed to the dematerialization of Justice services.

(2016): "citius" include a number of downloadable forms and online registration. It's a web portal aimed to the dematerialization of Justice services.

## Slovakia

(2018): <https://obcan.justice.sk/ezaloby> - electronic filing portal, includes electronic forms of procedural motions in civil and enforcement procedure

<https://www.justice.gov.sk/Formulare/Stranky/Uvod.aspx> - downloadable forms for payment order, maintenance claim, procedural forms in civil and insolvency proceedings

(2016): The internet site of the Ministry of Justice <http://www.justice.gov.sk/Formulare/Stranky/Uvod.aspx> (in Slovak only) include downloadable forms for payment orders, claim for maintenance, procedural forms in civil proceedings and insolvency proceedings.

From this site it is possible to access the electronic filing portal: <https://obcan.justice.sk/ezaloby>

## Slovenia

**(2018):** <https://www.uradni-list.si/> (Official journal of the Republic of Slovenia)  
<http://www.pisrs.si> (Government run web portal on which legal texts in unofficial version can be obtained)  
<https://www.dz-rs.si> (General Assembly)  
<http://sodnapraksa.si/> (Higher courts and the Superem court case law)  
<https://e-uprava.gov.si/> (Ministry for public administration run web portal, where information on administrative proceedings and links to the forms or e-forms, if such forms are provided by law or government regulations)  
[http://www.sodisce.si/sodni\\_postopki/obrazci/](http://www.sodisce.si/sodni_postopki/obrazci/) (Courts run web page, where forms in connection with court proceedings are available)  
<https://nasodiscu.si> (information about the Slovenian court system and court procedures, as well as other useful issues in a simple and user-friendly way)

**(2016):** <https://www.uradni-list.si/> (Official journal of the Republic of Slovenia)  
<http://www.pisrs.si> (Government run web portal on which legal texts in unofficial version can be obtained)  
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[http://www.sodisce.si/sodni\\_postopki/obrazci/](http://www.sodisce.si/sodni_postopki/obrazci/) (Courts run web page, where forms in connection with court proceedings are available)

## Spain

**(2016):** There are different webs with templates for different cases or requests. In the one indicated above there are templates for administrative requests related with the Administration of Justice (for example, cancelling of criminal record). In this other (<http://www.poderjudicial.es/cgpj/es/Servicios/Atencion-Ciudadana/Modelos-normalizados/El-juicio-verbal->) there are templates for wording a lawsuit.

## Sweden

**(2018):** Other documents include following application forms: small claims, civil lawsuit, legal aid, divorce, bankruptcy.  
<http://www.riksdagen.se/sv/dokument-lagar/> (legal texts)  
<https://lagrummet.se/> (case-law)  
<http://www.domstol.se/Ladda-ner--bestall/Blanketter/> (other documents)

**(2016):** It includes forms for application of divorce (in Swedish and English), application form for a civil lawsuit, application form for legal aid and application for bankruptcy.

## Question 131-2

### Belgium

**(2018):** number of days.  
Almost all training courses are mixed, i.e. open to all members of the judiciary, senior magistrates (judges and prosecutors) and/or judicial staff (prosecutors/courts).

### Czech Republic

**(2018):** Training events are opened for registration both for judges and prosecutors.  
Training events are opened for registration both for non-judge staff and non-prosecutor staff.  
E-learning modules are available to judges and prosecutors in on-line e-learning platform. Judges and prosecutors can use these e-learning modules for self-study. The calculation of training days is done by on-line registration system of the Judicial Academy. The Czech Judicial Academy provides training events in several places and often runs several courses in a day, therefore the number of training days is high. Also number of e-learning modules that are now available to justice practitioners in the Judicial Academy on-line educational platform is relatively high, all e-learning modules are self-study courses.

## **Denmark**

**(2018):** Please note that we are unable to differ between appointed judges and deputy judges. Therefore, the category "Only for judges" captures both appointed judges and deputy judges. The e-learning courses are not offered by The Danish Court Administration, but another public institution in Denmark. However, they are available to all staff working within The Courts of Denmark. Prosecutors: As supplement to our own online training courses, we recommend our employees to explore e learning supplied by the government. These online courses count several thousands and they cover a variety of sub-jects, which are relevant for an employee in our system.

## **Estonia**

**(2018):** Non-judge stuff (court lawyers) can also participate in judges' training courses.

## **France**

**(2018):** Continuing training of 5 days is mandatory every year. Judges may supplement it with other training days, without any limitation other than that of continuity of service.

## **Hungary**

**(2018):** Other common training for judges or judicial staff: 152 days and 18 online courses

## **Ireland**

**(2018):** In July 2019 the Judicial Council Bill was passed by the Government. The Act will provide for the establishment of a Judicial Council which will be composed of all members of the Judiciary and will provide for the first time, a statutory basis for the appropriate training for Judges. Under the legislation, the Council will be independent in the performance of its functions.

## **Lithuania**

**(2018):** The National Courts Administration is responsible for organization of training courses for judges, as well as for preparation of draft programmes and presentation of them for adoption to the Judicial Council (after coordination with the Ministry of Justice). The National Courts Administration have also organised training courses for court staff. Data on training courses in days is not available.

In 2018, 64 training courses for judges took place in 34 training programs approved by the Judicial Council. 2 060 judges attended training. The number of participants for court staff - 1 140.

## **Malta**

**(2018):** The Judicial Studies Committee organises courses and continuous training exclusively for members of the judiciary. The methodology of training is through seminars (half day or full day) and training opportunities abroad. The above figure of 9 full days has been estimated on 6 courses that lasted 1 day, 1 course that lasted 2 days and 3 courses that lasted 3 hours each. No e-learning is currently available.

## **Poland**

**(2018):** .

## **Romania**

**(2018):** The in-service training courses for non-judges/non-prosecutors staff, namely for clerks functioning in courts/prosecution offices are organised through the National School of Clerks and these data are presented in the table above, separately for clerks in courts (non-judge staff) and clerks in prosecution offices (non-prosecutor staff).

## Slovakia

**(2018):** According to Act No. 548/2003 Coll. on Judicial Academy, The Academy serves as a specialized training and educational institution for judges, prosecutors, judicial trainees, trainees in prosecutor's office, judicial officers, assistants of judges of Supreme Court of the Slovak Republic, and other judicial officers under the supervision of Ministry of Justice of the Slovak Republic. Judicial Academy organizes educational events mostly for all above mentioned representatives of target group, so there are very small amount of special events only for one specific group of representatives from whole target group. Exceptions are trainings which are aimed to specific problems or intentionally given for specific group of people from target group under the law, such as:

- trainings for "functionally" young judges or young prosecutors,
- initial preparatory training for judicial trainees and initial preparatory training for prosecutor trainees,
- pre-examination trainings,
- Special trainings for other judicial officers (judicial clerks, probation and mediation officers).

Trainings for functionally young judges or prosecutors are aimed to judges and prosecutor serving in their office for maximally four years. There are usually two-day trainings regularly organized every year.

The initial preparatory training for judicial trainees and for trainees in prosecutor's office, mentioned before, are organized following the scope of initial education of judges determined by the Judicial Council in consent with the Minister and the scope of initial education of prosecutors determined by the General Prosecutor. In 2018, there was organized only the initial preparatory training for trainees in prosecutor's office. Judicial academy organizes the special educational events called the pre-examination trainings, separately for higher judicial officers, judicial trainees, and assistants of judges of Supreme Court of the Slovak Republic or judicial counsellors in Constitutional Court and separately for trainees in prosecutor's office who fulfil the conditions for professional examination and are allowed to attend the professional judicial examination. It is usually organised twice a year, in spring and in autumn.

There are special trainings for the other judicial officers (judicial clerks or probation and mediation officers) organised under the supervision of Ministry of Justice of the Slovak Republic. The length of the training depends on the actual needs of that group of judicial officers. For the purposes of the data provided in the table above we considered higher judicial officers, judicial trainees, and assistants of judges of Supreme Court of the Slovak Republic, judicial counsellors in Constitutional Court, judicial clerks and probation and mediation officers as non-judge staff. For the same purposes we considered trainees in prosecutor's office as other non-prosecutor staff. In the section "Other common training" we stated the number of educational events in days where prevailed training in soft skills (communication skills, work with media or time management), trainings in interdisciplinary matters (psychology of interrogation or deposition, management of stressful situation in the cases of juveniles, etc.). We also considered language education as other common training.

The following criteria were used to split the days of training for each target group:

1. Focus of a specific educational event
2. Contents of the educational events for individual target groups
3. Which target group initiated (proposed) the organisation of the particular educational event

## Slovenia

**(2018):** In total, 328 events were organised with 7.750 persons participating, including events from criminal (28), civil (19), commercial (12), labour and social security (8) and administrative law (2) as well as management in judiciary (6), judge skills (8), functioning of the judiciary (9), use of IT (7), languages of minorities (4), specialised training for staff (2) and other trainings (7). Some trainings are organised as three-day courses on a specific topic (i.e. School for criminal law). For most of the events, judges/prosecutors and staff can participate, therefore the break-down by categories judges/prosecutors/and staff is not possible.

There were 2 e-learning modules available (specialised training for court staff - 469 participants in 2018 and family violence and violence against women - 16 participants in 2018).

Additionally, a total of 161 workshops for judge skills with use of supervision techniques have been organised in courts (not counted in the table).

## Sweden

**(2018):** 1) 334 days regarding courses for judges in training, 219 days regarding courses for permanent judges (48 of these only for judges, 171 primarily for judges but also open for legal court staff).

3) 171 days (as indicated above many courses are open for legal court staff who are not judges).

1) and 3) 8 (the same online training courses are offered to both judges and other legal court staff)

## Question 63-1

## Finland

**(2015): Q63.1.** Ministry of Justice has a new project in which electronic services and e-filing are developed to prosecution offices and district courts, courts of appeal and Supreme Court. The inauguration of this system will be earliest in 2019. The system consists for example the portal to lawyers. The same kind of project is going on concerning the Administrative Courts. Time frame is a bit different: system is to be functioning 2020. Q63.2 The Courts don't manage the registers themselves, but they have several national registres in use. Services are available online. The land registry is managed by National Land Survey of Finland. The Business registry is managed by Finnish Patent and Registration Office. Other national registries that are used in courts are Population Register (Population Register Centre) and Vehicular and Driver Data Register (Finnish Transport Safety Agency).

**(2014):** Ministry of Justice has a new project in which electronic services and e-filing are developed to prosecution offices and district courts, courts of appeal and Supreme Court. The inauguration of this system will be earliest in 2018. The system consists for example the portal to lawyers.

## Slovenia

**(2015): Q 63.1**

There is no unique centralised (universal) database - the case management systems for different types of cases are developed simultaneously – more or less independently from each other. The efforts to create create an universal case management system are currently taking place.

All case managements systems enable users to enter the notifications (calendar) and some of them enable automatic warnings for some events. The reports (list of critical cases) are periodically generated and sent to presidents of courts.

**(2014):** There is no unique centralised (universal) database - the case management systems for different types of cases are developed simultaneously – more or less independently from each other. Nevertheless, the goal is to have one universal case management system. All the case managements systems enable users to enter the notifications (calendar) and some of them enable automatic warnings for some events. The reports (list of critical cases) are periodically generated and sent to presidents of courts.

## Question 063-1

### Ireland

**(2018):** Supreme Court, Court of Appeal and the High Court Civil and Commercial decisions are published online. High Court Civil and Commercial proceedings are available online.

### Latvia

**(2018):** Court administration has implemented a world class business intelligence solution to work with court data.

### Lithuania

**(General Comment):** Lithuanian Courts Information System (LITEKO) is a unique centralized database for all matters. Also, the electronic service portal e.teismas.lt provide access for parties to their cases, that are managed in electronic form.

### Netherlands

**(2018):** For the reply on “Status of case online” the offered options are not applicable for Netherlands since only lawyers can access the case online and not the parties themselves if not represented by lawyer. There are many parties in court cases who are not represented by a lawyer.

### Portugal

**(2018):** It exists in all courts and subject matters (family, labour, maritime) citius/SITAF

## Romania

**(2018):** Regarding "Status of case online" decisions are available online thru [www.rolii.ro](http://www.rolii.ro). For some courts, a link and a password is provided to parties in order to access their case.

## Slovakia

**(2018):** Connection of a CMS with a statistical tool – preparing phase

## Slovenia

**(2018): Other:** Civil enforcement on the basis of the authentic document is another informatised procedure where status of case is available on-line. Approx. 15% of all incoming cases is civil enforcement on the basis of the authentic document (see Q91).

## Spain

**(General Comment):** In the area of the Ministry of Justice the system is Minerva. There are other (similar) systems in the Autonomous Regions with competences transferred.

## Question 063-1-1

### Slovenia

**(General Comment):** There is no unique centralised (universal) database - the case management systems for different types of cases are developed simultaneously – more or less independently from each other. All case managements systems enable users to enter the notifications (calendar) and some of them enable automatic warnings for some events. The reports (list of critical cases) are periodically generated and sent to presidents of courts.

The status of case is not generally not available on-line, however activities regarding online availability are taking place. Status of case on-line is currently available in civil enforcement cases (included in civil category), land registry cases and business registry cases (data is publicly accessible through other government agency web page).

In enforcement cases (Civil category), and insolvency cases (Civil category) the monitoring of procedural acts is possible (including brief description and date). It is possible to access the whole content of a procedural act, if the writing had been digitalised or composed electronically. It is also possible to monitor statistical data for types of proceedings at individual courts (for example disposition time) on the web page of the judiciary.

Regarding statistical tool: Some statistical reports can be produced directly from CMS. The data from all informatized registers at all courts is gathered at the Data warehouse at the Supreme Court. There is a general BI tool available, allowing users to make customized reports as well as a customized statistical analysis tool ( The President's dashboards) . Both applications work based on the data from the data warehouse.

## Question 63-2

### Lithuania

**(2015):** Regarding the question 63.2, according to the national law, the courts in the Republic of Lithuania do not administrate any registers. Considering the question 63.3, the Lithuanian courts information system has a particular module and tools for gathering statistical data and preparing particular reports. For the additional or specific data to be collected, the programming scripts is used. After the implementation of modernization of the Lithuanian courts information system in 2016, it is expected to prepare statistical reports using the new tool. For the question 63.8, the National Courts Administration reports only about the evaluation of judges and courts activities.

### Portugal

**(2015):** 63.2 Card Registry and Business registry is managed by the Institute of Registry and Notary (Instituto dos Registos e Notariado), Ministry of Justice. 63.7 Since 2016, it is possible to measure the workload of courts at local level as well.

## **Slovenia**

**(2015): Q 63.2**

Business registry: data is publicly accessible through AJPES (other government agency) web page.

## **Question 063-2**

## **Belgium**

**(2018):** The register of legal persons in company courts is not computerised.

There is an electronic Crossroads Bank for Enterprises (CBE) register at the FPS Economy. As part of the multi-annual project (CBE+), these two registers will be merged under the single management of the FPS Economy

## **Bulgaria**

**(2018):** The Land register and the Business register are operated/managed by the Registry Agency, not by courts ( they are data consolidated at national level, service available online and with a statistical module)

## **Finland**

**(2018):** The Land Registry is managed by the National Land Survey of Finland and the Finnish Trade Register is managed by the Finnish Patent and Registration Office. Both are centralized registries and courts have access to them.

## **Germany**

**(2018):** e.g. edict database, insolvency database, list of experts, list of interpreters, list of mediators, data warehouse

## **Hungary**

**(General Comment):** There is also an electronic register of civil societies (CIIR), register of people under guardianship, register of documents served via public notification

## **Ireland**

**(2018):** These Registers referred to 63.2 are not under the responsibility of Courts.

## **Portugal**

**(2018):** Land and Business Registry is managed by the Registry and Notariat Institut - Ministry of Justice (Instituto dos Registos e Notariado)

## **Slovakia**

**(2018):** The courts manage the register of bankruptcies and insolvency register

## **Slovenia**

**(General Comment):** Courts maintain the bussines registry. Some procedures can be initiated at the government webpage (<http://evem.gov.si/evem/drzavljani/zacetna.evem>), while other can only be done through notary. The data on bussines subjects and other legal persons is publicly accessible through the public agency web page (<http://www.ajpes.si/>).

## **Spain**



**(2018):** In Spain the Land Registry and the Commercial Registry do not depend on the Courts. But there are electronic communications to ask information from these Registries and to send them judicial decisions.

#### **Sweden**

**(2018):** These registries are not managed by the courts.

#### **Question 63-7**

#### **Denmark**

**(2014):** Equipment rate is not really defined in this context. We have defined it as "There is a set up i.e. to measure and calculate number of judges, weighted cases etc. And it is being used"

#### **France**

**(2014):** As regards the judiciary, the software "Outil de Gestion et de Répartition des Emplois de Fonctionnaires" (OUTILGREF) measures the workload of court clerks, and assesses the specific needs of the jurisdictions. This workload is calculated based on indicators which measure the average flow of new cases filed by a jurisdiction for a period of one year. Evaluations made through the OUTILGREF tool help monitor the localisation of court clerks vacancies in jurisdictions. This monitoring operation takes place once a year, and comparable operations exist for the completion of impact studies of draft legislation and regulation which may affect clerks. OUTILGREF is a tool shared by both the central administration and decentralised departments to analyse the activity of jurisdictions.

As regards the administrative courts, equipment rate of tools used to measure workload is evaluated to 10-49%.

#### **Luxembourg**

**(2014):** Luxembourg does not use tools to measure the workload of magistrates to monitor their activity, but merely for statistical purposes.

#### **Romania**

**(2015):** STATIS – tool for statistical measurements and analysis both local and national

#### **Question 063-7**

#### **Austria**

**(2018):** The data for the measurement tools is provided by the CMS, but there is no way get access to this data directly by using the CMS.

#### **Belgium**

**(2018):** A pilot project is being launched by the Public Prosecutor's Office for an instrument to measure workload at both central and local levels. The Aris instrument will be tested in pilot courts.

#### **Bulgaria**

**(2018):** By decision of the Supreme Judicial Council of Bulgaria (SJC) of 11.12.2014, as of 01.01.2015, Rules for measuring the workload of the prosecution offices and the individual workload of each prosecutor and investigator were adopted. By decision of the SJC of 16.12.2015, as of 01.04.2016, Rules for assessment of the workload of judges were adopted. The instruments do not refer to judicial officers, but only to judges, prosecutors and investigators within the prosecutor's offices and courts in the Republic of Bulgaria.

#### **Finland**

**(2018):** The courts and the prosecutors offices use Business Objects XI software (BOXI) which is now updated to Business Objects Board software (BOB). In administrative courts, Power BI software which is integrated to case management system is being tested.

#### Question 063-7-1

##### Slovenia

**(General Comment):** Data on (individual) judges is available in CMS and can be used by court president, as well as on national level (i.e. analysis of the Supreme Court, the Judicial Council). Data on court personnel is generally reported on the court level (not specifically for departments), except for informatized procedures (i.e. civil enforcement, land registry), where detailed data is available. Generally, data on court staff is collected quarterly on the national level.

#### Question 64-3

##### Spain

**(2015):** 64.3, the Spanish National Bar offers the Electronic Legal Aid file through a special web page. This works as a website in which every citizen can request for granting legal aid just by filling in the form with the information required. In 2015 this possibility was 100% available.

#### Question 064-3

##### Denmark

**(2018):** Only applies for Civil cases through Civilsystemet.

##### Italy

**(2018):** Legal aid can be requested by electronic means only for Administrative Justice.

##### Lithuania

**(2018):** The Legal Aid Information System (TEISIS) is currently being developed to increase the effectiveness of the legal aid administration process. TEISIS will allow individuals to apply for legal aid and receive it (when possible) online or, if necessary, schedule a face-to-face meeting with legal aid providers. TEISIS will also be used by legal aid authorities to retrieve relevant data concerning applicants' financial situation from different state information systems and registers.

##### Luxembourg

**(2018):** Legal assistance is granted by the bar associations. The relevant form is available on their website (<https://www.barreau.lu/>) in a clickable PDF-format, but can not be submitted electronically.

##### Netherlands

**(2018):** Almost all requests can be done electronically, except mediation requests and some other small groups.

##### Portugal

**(2018):** It is only possible to request legal aid by electronic means in criminal cases when the defendant is presented in court. In such cases lawyers are obtained automatically through a web service called SinOA.

##### Slovakia

**(2018):** It is possible to request the legal aid on the follow website: <http://www.centrumpravnejpomoci.sk/>. There is an English version of the instructions available. The request for legal aid can be send electronically via email.

## Question 064-7

### Belgium

**(2018):** Legal experts and translators/interpreters can use e-Deposit for electronic filing of documents or to go through the registration procedure.

Police service: e-pv

### Croatia

**(2018):** With the introduction of e-communication and the expansion of the use of electronic means of identification and electronic signature, the percentage of electronic communication has increased.

### France

**(2018):** With regard to the enforcement of criminal decisions, there are several means of electronic communication: - for structured data: CASSIOPEE (tool shared within the jurisdiction and by using an inter-application exchange with APPI) - for complete data : APPI (tool shared between courts and integration and probation services)

- for electronic communication: PLINE: secure messaging for sending high-volume documents

### Latvia

**(2018):** Mentioned practitioners can contact and communicate with courts using electronically signed messages or via the manas.tiesas.lv court e-service portal

### Lithuania

**(2018):** Electronic communication between courts and professionals other than lawyers is possible and in some cases that are regulated by law is mandatory via the Lithuanian courts electronic services portal e.teismas.lt.

### Luxembourg

**(2018):** Notaries: specific application allowing a largely automatized access to the register of matrimonial registers and para-matrimonial partnerships

Police: specific application allowing an largely automatized input of data from electronic police reports ("e-pv") into the prosecution's CMS. Other applications are being developed.

deployment rate: same comment as before

### Netherlands

**(2018):** There certainly is a possibility for bailiffs to submit cases in electronic form. For other professional parties, this is not clear.

### Slovakia

**(2018):** Within the RESS project (Development of electronic justice services) there were built 2 services for the electronic communication between the courts, parties and other legal professionals: - electronic portal for filing the actions "eŽaloby" (<https://obcan.justice.sk/ezaloby>) - electronic case portal ESSP allowing the access to the electronic case file (<https://obcan.justice.sk/sudny-spis>).

### Slovenia

**(General Comment):** Enforcement agents: The possibility to electronically submit all kinds of documents is provided to enforcement agents (as well as all the other participants in the proceedings) via the courts' web portal eSodstvo (a digital certificate is required). The Supreme Court encourages enforcement agents to submit their documents electronically.

Notaries: The laws prescribe that certain types of documents must be submitted to court by notary and in electronic form only (i.e. in the land registry and court registry cases).

At this question there is no "other" category, however the "bankruptcy agents" are obliged to submit their reports - the list of tested claims and other writings in electronic form via the courts' web portal eSodstvo (a digital certificate is required).

## Sweden

**(2018):** No specific legal framework.

## Question 064-12

## Belgium

**(2018):** Neither the coordinated laws on the Council of State nor their judgements of execution, specifically regulate the value of electronic evidence before the Council of State, except, to a certain extent, for the Article 85a of the General Rules of Procedure and this in the specific context of the electronic procedure used in all cases where a party uses it for procedural acts. The choice of the electronic procedure is, in the context of the case concerned, final for a case manager who has done so as soon as a procedural document in this form is filed and that manager will only be able to validly perform the other procedural acts in the same way. The value of other electronic evidence is determined by the Council of State on the basis of ordinary law or general principles of law. Thus, the Conseil d'État applies articles 1319 et seq. of the Civil Code to determine the evidentiary value of certain acts

## Bulgaria

**(2018):** JUDICIAL SYSTEM ACT Chapter eighteen "a".CERTIFICATE STATEMENTS AND PROCEDURAL ACTIONS IN ELECTRONIC FORM

REGULATION No. 5 adopted by Supreme Judicial Council on the organization and procedure for keeping, storing and accessing electronic files and the manner of storing evidence and means of proof in cases, as well as the internal circulation and storage of other information processed by the judicial administration

REGULATION No. 6 adopted by Supreme Judicial Council for carrying out procedural actions and supporting statements in electronic form

## Denmark

**(2018):** Mostly all types of evidence - electronic or not - are admissible in trials in the Danish courts.

## France

**(2018):** Article 1366 of the Civil Code provides that electronic writing has the same probative value as paper writing, provided that the person from whom it originates can be duly identified and that it is drawn up and stored under conditions designed to guarantee its integrity.

## Slovakia

**(2018):** Electronic evidence in the form of the electronic document can be filed via the electronic case filing portal "eŽaloby" (<https://obcan.justice.sk/ezaloby>). After the uploading of the action to the system it allows to add another documents to pending proceedings.

## Slovenia

**(General Comment):** The video can be played back on computer or TV in the court room (depending on the technical requirements and the equipment of the court room). Regarding the legal framework, no rule as to what “media” can or cannot be used as evidence, is in place, therefore a video surveillance recording can be shown as evidence, as long as it was not acquired unlawfully (e.g. suspects' human rights would be infringed by the recording). If the latter is the case, the recording is excluded from evidence material according to the Criminal Procedure Act. If, however, doubt in the authenticity of the legally acquired recording would arise, the court could refer to an expert for the expert opinion.

#### **Sweden**

**(2018):** Under Swedish law, the principle of the admissibility of evidence applies. Among other things, this means that there are no set principles laid down in law with regard to the weight that different evidence carries. Instead, the court carries out an independent assessment of everything that has emerged and decides what may be considered as evidence in the case.

#### **Question 65-4**

#### **Czech Republic**

**(2015):** There have been measured several types of benefits (time reducing, invests returns, etc.), but using of IT technology it is still developing (for instance e-document) and there a new projects, which aim to increase general benefits.

#### **Denmark**

**(2015):** eLandregistration have reduced processing time and reduced costs by automation. Video conferencing have reduced costs in the police by reducing number of transports from prison to court

#### **Estonia**

**(2015):** We have audited the Courts Information System and Public E-File. The results are not published yet.

#### **Greece**

**(2015):** The Projects have not reached in such a maturation phase in order safe and measurable conclusions to be established.

#### **Hungary**

**(2015):** A new IT application allows court executives to gather information on the timely jurisdiction of the cases of the court. This helps the court executives to make up to date measures in types of cases if it is needed to support the effective jurisdiction of the court.

#### **Ireland**

**(2015):** Benefits realisation analyses have been carried out in relation to Digital Audio Recording. The primary benefits have been in the area of reduced costs and reduced time taken to produce transcripts of court hearings.

#### **Italy**

**(2015):** Benefits resulting from "Processo Civile Telematico": Time saving for professional and judges in sending and retrieving information and documents. Timeframe reduction for obtaining injunctions, especially in big courts (e.g. Milan, Rome and Naples). Annual savings of costs for notification (through bailiff or postal service) estimated in 55 million euros.

#### **Lithuania**

**(2015):** Using the data, stored in the Lithuanian courts information system, the statistics about court and judges activities are formed, this data is used for the allocation of cases, for the evaluation of judges and court workload in various sections, for instance, by case types, by the length of examination and etc., for the reallocation of resources.

#### **Malta**

**(2015):** Using push technology for transcript and decrees has resulted in a reduction of direct queries by lawyers as well as a decrease in paper printing

#### **Netherlands**

**(2015):** Various indices per individual court are published annually. A.o. the fraction of court cases which is handled within certain timeframe, indicators of quality services.

#### **Portugal**

**(2015):** There are some specific analysis to assess the impact of certain changes, but there has not been a comprehensive and continuous evaluation.

#### **Romania**

**(2015):** Timeframe reductions, Increased management capabilities through monitoring tools

#### **Slovenia**

**(2015):** Every project has a business component, where the feasibility study is done to determine the impact of the implementing of new solutions). For example, it is estimated that 1.200.000 EUR was saved due to electronic serving of court writing, and additional 1.560.000 due to computerized and centralized processing of outgoing mail in 2014.

#### **Spain**

**(2015):** As a consequence of the implementation of the ICT, the communications between courts and courts' users have been sped up, which results in a reduction of the time responses and in a swifter management of the case files. In addition to this, the system has enabled lawyers to save time in the task of submitting requests to courts, since they can send on line requests from their own offices to the courts any time of the year and even to consult the notifications of judicial resolutions by using the smartphone or the table.

#### **Question 065-4**

#### **France**

**(2018):** response administrative justice

#### **Netherlands**

**(2018):** In 2018 an ambitious Court IT project ('Quality and Innovation') was discontinued after severe financial losses (220 million).

#### **Question 065-4-1**

#### **Belgium**

**(2018):** An analysis is requested from the Administrative Simplification Agency

#### **Czech Republic**

**(2018):** optimizing administrative processes

#### **Estonia**

**(2018):** We have measured the impact of serving court documents electronically.

#### **France**

**(2018):** Measurement of the dematerialisation rate of inputs                      Measuring postage costs  
The answer concerns administrative justice

#### **Hungary**

**(2018):** Our IT applications allow court executives to gather information on the timely jurisdiction of the cases of the court. This helps the court executives to take adequate measures in types of cases if it is needed to support the effective jurisdiction of the court. Timeframe reduction is a general consequence of electronic communication between the court and the parties in civil cases. The exact benefits of electronic communication is currently being investigated.

#### **Italy**

**(2018):** The timing for issuing civil injunctions (orders for payments) decreases considerably, ranging from 40 to 50 percent in the larger courts such as Rome, Milan and Naples  
Saving of costs for communications and notifications from courts over 50 million euros per year

#### **Lithuania**

**(2018):** E. g. number of cases resolved, the number of documents, the timeliness of the procedure etc.

#### **Malta**

**(2018):** The Information Management Unit (IMU) within MJCL carries out impact assessments of implemented technologies through focus groups, and analysis of data. Hence, the impact assessments take on a quantitative approach through the study of metrics, but also a qualitative approach through the feedback collected by end users. Furthermore the IMU also measures hits to the eCourts login and website, and this is a cost function as the more the end users are using the website, to for example, file claims online or pay court fees online, the less the need to rely on the human component to manage these functions at court.

#### **Portugal**

**(2018):** The change of business proceedings related to the service desk in the courts and the adoption of new communication channels for interaction with citizens had a significant impact in the workload and human resources management. At the same time, citizens spend less time in courts and promotes efficiency and effectiveness of the justice system.

#### **Slovenia**

**(General Comment):** Every project has 4 components (business, technology, organisational and regulatory), where the feasibility study is done to determine the impact of implementation of new solutions. All of the components are evaluated during the project. For example, it is estimated that around 4.500.000 EUR were saved due to electronic serving of court writing and computerized and centralized processing of outgoing mail.

#### **Sweden**

**(2018):** The utilisation rate of system solutions in the Swedish courts is also measured.

## Question 64-9

### Finland

**(2014):** It is possible to file a case electronically as stated in 2013 exercise. Also e-mail is widely in use. However, the cases are not processed completely electronically, as the courts still use paper documents -> documents filed electronically will be printed out for the judge and the archives. The official judgment is a paper document signed by the judge.

### Greece

**(2014):** ODR platform will be accessible by 9/1/2016 due to 70330/9.7.2015 Joint Ministerial Decision.

### Hungary

**(2014):** Small claims procedure (any claim under 3175 Euro) is completely carried out electronically, although not by the court but by the notaries.

### Italy

**(2014):** The system we had in place in 2013 has been suspended as it needs some adjustments. It's currently going through a deep reengineering in order to be in line with European recommendations and standards.

### Romania

**(2014):** There are some courts piloting electronic access of the case-file (e-filing and e-serving of documents). With this functionality, electronic processing of small claims and undisputed debt recovery are also covered.

### Slovenia

**(2014):** Court enforcement proposal on the base of authentic document (COVL) – if contested turns into civil or commercial litigious case.

## Question 064-9

### Austria

**(2018):** Civil and/or Commercial: Payment order system, enforcement case system

### Belgium

**(2018):** Regsol: The digital platform Regsol, Central Solvency Register, enables creditors, authorised agents and interested parties to commence, access or follow up pending insolvency files administered by the commercial courts

### Czech Republic

**(2018):** electronic payment order for claims up to 1000000 CZK.

### Denmark

**(2018):** Cases go through Civilsystemet.

### Estonia



**(2018):** Payment order

#### **Finland**

**(2018):** Citizens and companies may file an application for a summons concerning an undisputed debt to the district court online by using the electronic services.

#### **France**

**(2018):** Litigation of payment orders: IPWEB software allowing dematerialised exchanges with bailiffs. In addition, Act No. 2019-222 of 23 March 2019 on programming for 2018-2022 and judicial reform introduced a fully dematerialised procedure for disputes involving an amount below a certain amount (5,000 euros). This provision comes into force on January 1, 2022.

#### **Hungary**

**(2018):** order of payments issued by public notaries

#### **Ireland**

**(2018):** Small claims under the value of €2,000 can be made online.

#### **Latvia**

**(2018):** Available at manas.tiesas.lv are specialized electronic templates that can be filled and submitted to the court via the mentioned e-service portal.

#### **Lithuania**

**(2018):** The general processes, operating in the Lithuanian courts electronic services portal e.teismas.lt, are applied for the submission of documents and communication with courts in the mentioned proceedings (e.g. court order is processed automatically).

#### **Malta**

**(2018):** Yes our system enables the use of E-Forms in the Small Claims Tribunal for claims under Euros5000, as well as in the Administrative Review Tribunal.

#### **Poland**

**(2018):** Electronic writ-of-payment proceedings. The plaintiff submits letters only via the ICT system. If the defendant makes a choice to file pleadings via the ICT system, further letters in the case shall be submitted only through this system. The court issues a payment order. In the case of a proper submission of an objection, the order for payment is forfeited in full, and the court transfers the case to the court according to general jurisdiction. Electronic writ-of-payment proceedings were implemented to Polish legal system on 1 January 2010.

#### **Portugal**

**(2018):** civil undisputed claims

#### **Slovenia**

**(General Comment):** Civil enforcement on the basis of the authentic document is an informatised procedure where claims can be filed on-line, with specific legislative framework, without the need for simultaneous submission of cases in paper form, and integrated to CMS. There is no limit to the value of the disputed amount in these cases. In 2018, more than 137.000 claims were filed, 99,86% of them electronically.

**(2018):** Enforcement proposal on basis of authentic document (for more, see general comments).

## **Sweden**

**(2018):** A pilot-project called ESKIL has recently been launched. As of now there are only two courts on district court level participating in this project. The project concerns a new electronic service that enables citizens to make a joint application for divorce online. This service is going to be available to the public on the website ([www.domstol.se](http://www.domstol.se)). Currently, no other electronic services or devices are available.

# Indicator 7: Training of judges

**Table 7.1 (EC): Trainings for judges in 2018 (Q127)**

States	EC Code	Initial training	General in-service training	In-service training for specialised judicial functions	In-service training for management functions of the court	In-service training for the use of computer facilities in the court	Total number of compulsory trainings per country
Austria	20	Compulsory	Optional	Optional	Optional	Optional	1
Belgium	1	Compulsory	Optional	Compulsory and optional	Optional	Optional	2
Bulgaria	2	Compulsory	Optional	Compulsory and optional	Optional	Optional	2
Croatia	11	Compulsory	Optional	Optional	Optional	Optional	1
Cyprus	13	Compulsory	Optional	Optional	Optional	Optional	1
Czech Republic	3	Compulsory	Optional	Optional	Optional	Optional	1
Denmark	4	Compulsory	Optional	Optional	Optional	Optional	1
Estonia	6	Compulsory and optional	Optional	Optional	Optional	Optional	1
Finland	26	Optional	Optional	Optional	Optional	Optional	0
France	10	Compulsory	Compulsory	Compulsory	Compulsory	Optional	4
Germany	5	Compulsory	Compulsory	Optional	Optional	Optional	2
Greece	8	Compulsory	Optional	Optional	Optional	Optional	1
Hungary	17	Compulsory and optional	Compulsory and optional	Compulsory and optional	Compulsory and optional	Compulsory and optional	5
Ireland	7	Compulsory	Compulsory	Compulsory	No training offered	Compulsory	4
Italy	12	Compulsory	Optional	Optional	Optional	Optional	1
Latvia	14	Compulsory	Optional	Optional	Optional	Optional	1
Lithuania	15	Compulsory	Compulsory	Optional	Optional	Optional	2
Luxembourg	16	Compulsory	Optional	Optional	Optional	Optional	1
Malta	18	Optional	Optional	Optional	No training offered	No training offered	0
Netherlands	19	Compulsory	Compulsory	Compulsory and optional	Compulsory and optional	Compulsory and optional	5
Poland	21	Compulsory and optional	Compulsory and optional	Optional	Optional	Optional	2
Portugal	22	Compulsory	Compulsory and optional	Compulsory and optional	Compulsory	No training offered	4
Romania	23	Compulsory	Compulsory and optional	Optional	Optional	Optional	2
Slovakia	25	Compulsory	Optional	Optional	Optional	Optional	1
Slovenia	24	Compulsory	Optional	Optional	Compulsory and optional	Optional	2
Spain	9	Compulsory	Optional	Compulsory and optional	Compulsory and optional	Optional	3
Sweden	27	Optional	Optional	Optional	Optional	Optional	0

# Indicator 7: Training of judges

Question 127. Types of different trainings offered to judges:

## Austria

**Q127 (2015):** ad human rights:

In Austria the field of fundamental and human rights is trained in special seminars to raise the awareness of the judiciary for tolerance and the combat racism.

Since 2008 future judges and public prosecutors have to pass a special curriculum within their initial training. This "Curriculum of Fundamental Rights" was developed by the Association of Judges in cooperation with the Ludwig Boltzmann Institute of Human Rights/Vienna, the European Training- and Research Centre for Human Rights and Democracy Graz (ETC) and the Austrian Institute for Human Rights Salzburg (ÖIM). It is organised as a three day seminar; in addition to that apprentice judges and public prosecutors have the possibility to participate in a study visit to the ECHR. To ensure the support of victims future judges and prosecutors are obliged to pass a two weeks intership at a victim protection facility.

Austrian judges and prosecutors have the possibility to visit a range of seminars on this topic.

On European level the European Judicial Training Network (EJTN) is providing a wide range of seminars on the topic of fundamental rights for the target group judges and prosecutors.

ad training system:

The Austrian Federal Ministry of Justice is trying to find a good combination of legal training in all fields of jurisdiction (civil/criminal) on the one hand and workshops to enhance human skills on the other. During the last years priorities were set on the following issues:

- efficiency in proceedings
- soft skills of judges and prosecutors
- management functions/administration of justice
- increase of economic competence of judges and prosecutors
- improvement of job satisfaction especially for older people (aged over 45)

## Belgium

**Q127 (2018):** In order to be appointed to certain functions or specialised chambers (e. g. youth judge, amicable settlement chamber) a judge must have undergone a specialised training. From 1 January 2020, the mandatory training of judges will include a training in deontology.

**Q127 (2017):** In order to be appointed to certain functions or specialised chambers (e. g. youth judge, amicable settlement chamber) a judge must have undergone a specialised training. These training courses are also open on an optional basis to other judges (who do not wish to be appointed to these specific functions).

**Q127 (2016):** In order to be appointed to certain specialized functions or chambers (e.g. youth judge, friendly settlement chamber) a judge must have undergone specialized training.

## Bulgaria

**Q127 (2018):** In-service training for specialised judicial functions- compulsory upon decision of the respective college of the Supreme Judicial Council

**Q127 (2012):** In 2012, the NIJ held 1 roundtable and 2 seminars in cooperation with the Council of Europe on the ECHR for judges, prosecutors, investigators and lawyers with 108 participants altogether. The seminars were on the following topics: Round table on the European standards in relation to election, promotion and disciplinary proceedings in respect of the judiciary and review of the case law of the European Court of human rights with specific emphasis on the articles 6 and 10 (Sofia, 20 April 2012, 44 participants); The European convention on human rights (with specific emphasis on articles 6 and 8) (Sofia, 12-13 June 2012, 47 participants); Professional training of lawyers on national defense of the rights of Roma (Sofia, 19-20 June 2012, 17 participants (lawyers)).

A visit to the Council of Europe including the European Court of Human Rights was organized for Supreme Judges and Prosecutors from Bulgaria (Strasbourg, 14-15.05.2012, 23 participants).

Also a seminar on the topic "Charter of Fundamental Rights of the EU and EU accession to the ECHR" (Sofia, 30 May- 1 June 2012, 30 participants (judges and prosecutors)) was organized by NIJ in cooperation with IRZ(German Foundation for international legal cooperation).

**Q127 (2010):** In 2010, the NIJ held 4 seminars on the European Convention of Human Rights and its protocols for judges, prosecutors and investigators with 136 participants altogether: Right to liberty and security. Right to a fair trial. (Art.5 and Art.6 of the ECHR - penal aspects); Prohibition of discrimination. (Art.14 and Protocol n°12 of the ECHR); Right to a fair trial. (Art. 6 of the ECHR – civil aspects); Right to private and family life (Art.8 and Art.5 of Protocol n°7 of the ECHR).

## **Croatia**

**Q127 (2015):** I. Comments for interpreting the data mentioned in question 127

Lifelong professional development is a legally founded right and duty of judges and public prosecutors in Croatia, but there are no disciplinary actions or consequences for judges not attending judicial training.

In 2015, the Croatian Judicial Academy organised the following trainings that can be regarded as covering the in-service training for specialised judicial functions, management functions of the court and the use of computer facilities in courts:

- E-course: Accounting Skills for Judges in Insolvency Matters: 71 participants;
- The right of Access to Information in the Judiciary: 4 workshops for 61 participants;
- European Civil Justice as E-justice: 1 workshop for 16 participants;
- How can judges improve their work in the courtroom by using non-legal knowledge and skills: 1 training event for 48 participants.

II. Comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court

In 2015, the Croatian Judicial Academy organised a cycle of 6 workshops dedicated to the European Convention on Human Rights and the case law of the Court. They were entitled “The ECtHR and the Croatian Constitutional Court: Criminal Law Aspect – Decisions on Detention/Investigating Custody and the Case Law Search”. The workshops were attended by a total of 84 participants.

III. The characteristics of the Croatian training system for judges and public prosecutors and the main reforms that have been implemented over the last two years

In Croatia, the training of judges and public prosecutors has been entrusted to the Judicial Academy (JA). The JA is the central national judicial training institution in charge of the judicial training of trainees in judicial bodies, the initial training of future judges and public prosecutors (i.e. attendants of the State School for Judicial Officials which is an integral part of the Judicial Academy), continuous judicial training of judges and public prosecutors and the judicial training of judicial advisors. As of 1 September 2015, the Academy has been put in charge of the training of civil servants in the judiciary as well.

The Academy is seated in Zagreb and it provides judicial training at both the national and the regional level. In addition to the trainings in Zagreb, it organises training activities in its regional centres located at the county courts (second-instance courts) of Split, Rijeka, Osijek and Varaždin. The Academy is financed from the state budget. It is governed by the Steering Council and managed by the Director assisted by advisors (i.e. a judge and a public prosecutor seconded to the Judicial Academy). The annual programme of the JA is proposed by the Programme Council and adopted by the Steering Council.

**Q127 (2014):** Within the project IPA 2009 „Professional development of advisors in judicial bodies and future judge and state attorneys through the establishment of self-sustainable training system“ (implemented between May 2012 and February 2014) on-line education is introduced and a system of education is developed for lifelong education of judicial advisors in judicial bodies. This is a target group of the Academy for which a specific education program has not been systematically developed with topics adapted exclusively for advisors, but advisors mostly used to join education activities intended for judicial officials, respectively judges and state attorneys.

**Q127 (2013):** According to the current Courts Act and amendments to the State Attorney's Office Act from 2013, judges and state attorneys are obliged to the professional education, but the judges are no longer obliged to attend the workshops of the Judicial Academy. However, that participation in professional education should influence on the assessment of judges. On the contrary, the state attorneys are still obliged to the professional education within the Budget.

In 2013, the Judicial Academy organised 284 activities for the total number of 2844 participants. During 2013, workshops at the State School for Judicial Officials for the second generation of judicial advisors were implemented. Besides, the Judicial Academy target groups also attended workshops and seminars within projects and through international and bilateral cooperation.

In 2013 the Judicial Academy participated in the project of the European university institute from Florence (EUI) “European judicial cooperation in the fundamental rights practice of national courts – the unexplored potential of judicial dialogue methodology“. Within this project, 2 workshops were held in 2013 (one on non-discrimination and the other on the right to fair trial). 10 judges from Croatia participated. In 2013, 1 one-day workshop was organised for judges (7 attendees) on enforcement of the Anti-Discrimination Act.

**Q127 (2012):** In 2012 a two-day workshop was organized under the name “European systems of human rights protection“, for the total of 21 attendees (judges, state attorneys, advisors in judicial bodies). Within the project “Judgments of the European Court for human rights against the Republic of Croatia in criminal matters“ which the Academy carried out in cooperation with the Faculty of Law in Zagreb, the total of 8 one-day workshops were organized for 72 attendees.

Within the IPA project 2009 “Establishing a Comprehensive System for Anti-Discrimination Protection“, in 2012, the Academy organized 2 two-day workshops for judges (total of 45 judges) and one for state attorneys (16 attendees) on enforcement of Anti-Discrimination Act. The project was carried out by the Office for Human Rights and Rights of National Minorities of the Republic of Croatia in cooperation with the Office of the Ombudsman and the Institute for human rights Ludwig Boltzmann from Vienna.

**Q127 (2010):** In the frame of the 2010 exercise, the Courts Act and the State Attorney’s Office Act, in force at that moment, prescribed the duty of training for judges and prosecutors and attendance of workshops of the Judicial Academy. Accordingly, in 2010, the Minister of Justice issued the Ordinance on Access to Professional Education which stipulated that judicial officials are required to participate annually in at least two educational activities of the Judicial Academy. However, this Ordinance expired in 2011 and since then this obligation no longer exists.

As a result of a regional project IPA 2010 “Regional cooperation in combating cyber-crime in the countries of Southeast Europe“ (carried out by the Council of Europe), a Regional Centre was established within the Judicial Academy for education of judicial officials in combating cyber-crime. Three to four activities a year are planned annually within the Centre, and the organization of these activities should be financed via European Union projects and bilateral projects.

## Cyprus

**Q127 (2016):** from 2016 a two week training is provided to all newly appointed judges.

## Denmark

**Q127 (2018):** Training is optional except for the initial training that is compulsory for deputy judges. The Danish Court Administration offers on a yearly basis approx. 250 different sessions/seminars. In regards to In-service training on ethics this is incorporated in our initial training for deputy judges where it is relevant. In addition we offer different topics on our larger assemblies for appointed judges where ethics are a part of the specific topics.

**Q127 (2017):** Training is optional except for the initial training that is compulsory for deputy judges. The Danish Court Administration offers on a yearly basis approx. 250 different sessions/seminars.

**Q127 (2016):** Training is optional except for the initial training that is compulsory for deputy judges. The Danish Court Administration offers on a yearly basis approx. 250 different sessions/seminars.

**Q127 (2015):** Comments concerning:

Initial training: Deputy judges' training is compulsory

In-service training for specialised judicial functions: Denmark do not have any specialised judges

In-service training for the use of computer facilities: It is anticipated that almost all judges will attend some of these courses

All of the above answered questions only concern judges and not public prosecutors

## Estonia

**Q127 (2014):** The in-service trainings for management functions of the court and for the use of computer facilities in office are compulsory in 2014 whereas they were not in 2012. No such trainings were planned for 2012.

## Finland

**Q127 (General Comment):** Under the Courts Act, judges are responsible for maintaining and developing their knowledge of law, legal skills and professional ability. Judges shall be offered sufficient training and they shall have the opportunity to participate in this.

**Q127 (2017):** According to the new Courts Act which entered into force on 1.1.2017, every judge has both a right and an obligation to maintain his/her judicial knowledge and train him/herself. However, the legislation does not set any timeframes of how much training a judge has to have per year. The need will be estimated individually.

**Q127 (2016):** According to the new Courts Act which entered into force on 1.1.2017, every judge has both a right and an obligation to maintain his/her judicial knowledge and train him/herself. However, the legislation does not set any timeframes of how much training a judge has to have per year. The need will be estimated individually.

**Q127 (2015):** The renewed legislation concerning the Courts (Act on Courts) will be in force 1.1.2017. This Act has a new provision which states that every judge has both a right and a obligation to maintain their judicial knowledge and train themselves. However the legislation does not set any timeframes of how much training a judge has to have per year. The need will be estimated individually.

## France

**Q127 (2018):** Continuing training of 5 days is mandatory every year. Judges may supplement it with other training days, without any limitation other than that of continuity of service.

**Q127 (2013):** 2013: the initial and in-service training of the judges is provided by the National School of Magistrates. In recent years, the National School of Magistrates has been developing a training offer for some non-professional judges, in particular local judges and judge of commercial cases (commercial courts).

## Germany

**Q127 (2017):** Daten aus CEPEJ 2017 übernommen.

**Q127 (2014):** In the frame of the 2013 and 2014 exercises, it has been noticed that the variations of the replies in comparison with the previous evaluations were due to the differences between the Landers.

**Q127 (2013):** In the frame of the 2013 and 2014 exercises, it has been noticed that the variations of the replies in comparison with the previous evaluations were due to the differences between the Landers.

**Q127 (2012):** For the 2012 evaluation, only one Lander, Brandenburg, provided specific explanation related to training of judges. Namely, the Joint Legal Training Office of the Lander Berlin and Brandenburg is responsible for the further training of judges and public prosecutors in the Landers Berlin and Brandenburg. The basic training takes place separately, for Brandenburg at Brandenburg Higher Regional Court and for Berlin at Berlin Court of Appeal. It is only the Second State Examination in Law after completion of the basic training for which the Joint Legal Training Office of the Lander Berlin and Brandenburg is responsible.

**Q127 (2010):** For the 2010 evaluation, data related to training of judges did not include information from Mecklenburg-Western Pomerania and Thuringia. Regarding the information communicated by Bavaria, it diverged with regard to the respective individually-stated jurisdictions: Labour and Social courts: 2-month familiarization at the beginning of the second instance; Finance Courts: completion of familiarization period in accordance with Finance Officials Training Act.

## Greece

**Q127 (General Comment):** The in service training is not a compulsory procedure in general. Nevertheless, the National School of Judges may, taking into account the special needs of the judiciary, organize special training seminars compulsory for certain categories of the judiciary. For example in 2016, a training seminar was organized concerning mutual legal assistance in criminal matters that was a compulsory one for certain judges and prosecutors.

**Q127 (2012):** On the occasion of the 2012 exercise, it has been pointed out that in-service training for specialized judicial functions in the form of seminars, conferences, etc. is available and provided for but it is not obligatory, in order to ensure practically the smooth and efficient functioning of courts on the days of training.

## Hungary

**Q127 (2017):** The National Office for the Judiciary developed the institutional strategy of the Hungarian Academy of Justice (MIA) in 2013. Its implementation resulted in strengthening the coordinating role of the MIA through the expansion of local and regional training, and to enable the judges and the judicial staff to choose from a wider range of trainings, motivating them for participation in the training courses.

It is impossible to provide satisfactory training to the nearly 11,000 persons working in the judicial organisation exclusively in the central premises, so it is important to hold trainings in a coordinated way at local and regional levels of the court system with central coordination offered by the MIA. By fostering a centrally coordinated training system in 2017 more than 500 central trainings were organised and the number of participants was 25000.

**Q127 (2016):** The National Office for the Judiciary developed the institutional strategy of the Hungarian Academy of Justice (MIA) in 2013. Its implementation resulted in strengthening the coordinating role of the MIA through the expansion of local and regional training, and to enable the judges and the judicial staff to choose from a wider range of trainings, motivating them for participation in the training courses.

It is impossible to provide satisfactory training to the nearly 11,000 persons working in the judicial organisation exclusively in the central premises, so it is important to hold trainings in a coordinated way at local and regional levels of the court system with central coordination offered by the MIA. By fostering a centrally coordinated training system, in 2016 528 central trainings were organised and the number of participants was 25703.

**Q127 (2015):** In 2015 it was possible to strengthen the role of local and regional trainings, and to enable the judges and the judicial staff to choose from a wider range of trainings, motivating them for participation in the training courses.

It is impossible to provide satisfactory training to the nearly 11,000 persons working in the judicial organisation exclusively in Budapest, so it is important to hold trainings in a coordinated way at the local and regional levels as well while the Hungarian Academy of Justice (as part of the National Office for the Judiciary) offers central coordination. By opening the centrally coordinated training system towards the regional and local levels, 7,293 persons took part in trainings organized by the courts, an 12,748 persons took part in trainings organized by the Hungarian Academy of Justice.



**Q127 (2013):** In 2013, there were training courses held at the Hungarian Academy of Justice and ones organised at venues outside Budapest, in the areas of jurisdiction of the courts of appeal. In addition, the number of locally initiated consultations, training programmes and conferences also increased. Both the central and local training courses are characterised by the fact that they are also attended by representatives of other legal professional communities.

A significant challenge for 2013 was the preparation for the application of the new Codes. Therefore, in connection with major Acts, a series of comprehensive training courses was organised (in the form of central thematic training, regional classroom training and e-learning training).

In the year 2013, 191 training courses were held for the judiciary (103 in 2012) with 14.241 participants (5.671 in 2012).

**Q127 (2012):** In 2012, the President of the National Office for the Judiciary has decided to implement compulsory regular training for specialised judicial functions such as juvenile crimes, economic crimes, traffic crimes, drug abuse and trafficking cases. The trainings were organized in 2012 and carried out in 2013.

Regarding the European Convention on Human Rights and the case law of the Court the following trainings and courses were organized in 2012:

two day seminar for EU trainer judges related to various topics, among which Recent decisions of the ECHR, Cases and decisions rendered against Hungary by the ECHR.

three day seminar on the procedure before the ECHR.

It is noteworthy that the Act on the Organization and Management of Courts was amended in 2012 regarding the Hungarian Judicial Academy. The institution has been renamed to Hungarian Academy of Justice, and its responsibilities have been widened. Namely, it is partly responsible for the training of prosecutors and other contributors of justice (notaries, advocates).

## Latvia

**Q127 (2015):** In recent years in Annual Training program of judges are included less in a separate human rights themes, but more and more these human rights themes are seen with both the national and EU law issues (e.g. VAT application of topical issues etc). Human Rights topics as separate are included only in cases where the question at issue is extensive or also very topical and important in public area.

Training on human rights issues are on a regular basis and for various target audience - judges candidates, judges, who work with civil case, administrative judges, assistant of judges, the judges who work with the criminal case and other judges.

## Lithuania

**Q127 (2017):** Judges have a compulsory initial trainings, afterwards they have only a general obligation to raise their qualification once in 5 years or other special circumstances and all categories of trainings provided are offered to judges on optional basis.

**Q127 (2012):** In 2012, due to limited funds, the priority was given to training in professional fields, therefore no computer skills' training was offered.

## Luxembourg

**Q127 (2017):** Due to the small number of personnel concerned, only some in-house training is proposed on specific issues (e.g. new laws, new electronic procedures, etc.). However, a large portion of the judges participate in training sessions at foreign institutions, e.g. the ENM in Paris or the ERA in Trier.

**Q127 (2016):** Due to the small number of personnel concerned, only some in-house training is proposed on specific issues (e.g. new laws, new electronic procedures, etc.). However, a large portion of the judges participate in training sessions at foreign institutions, e.g. the ENM in Paris or the ERA in Trier.

**Q127 (2015):** Since many years, Luxembourg has agreements with the French and Belgian magistrates' training schools creating a framework for initial and continuous training. Luxemburg is also co-financing the European Law Academy in Trier (D) and is actively participating in the EJTN (European Judicial Training Network).

## Malta

**Q127 (2018):** The Judicial Studies Committee secures the training of the newly-appointed members of the judiciary through a mentorship scheme involving established members of the judiciary. This mentorship period can be as long as the persons concerned, necessitate. In addition, newly appointed members of the judiciary have had the opportunity to attend courses in judge craft through EJTN. Given the fact that judicial appointments are neither pre-announced nor given at a fixed schedule, organising a proper initial training course can prove to be very difficult. Hence the Judicial Studies Committee, through EJTN, are sending the newly-appointed magistrates to attend such training courses abroad.

**Q127 (2017):** Given the fact that judicial appointments are neither pre-announced nor given at a fixed schedule, organising a proper initial training course can prove to be very difficult. In 2016, newly appointed members to the judicial bench benefitted from judge-craft training delivered by the EJTN. However, the Magistrates and Judges appointed in 2017 and 2018 benefitted from optional (voluntary) mentoring by more experienced judges, during the first few weeks of their appointment.

**Q127 (2016):** Throughout 2016, the Judicial Studies Committee secured the training of the newly-appointed members of the judiciary in judge craft through EJTN. Given the fact that judicial appointments are neither pre-announced nor given at a fixed schedule, organising a proper initial training course can prove to be very difficult. Hence the Judicial Studies Committee, through EJTN, are sending the newly-appointed magistrates to attend such training courses abroad.

**Q127 (2010):** On the occasion of the 2010 evaluation, it has been specified that the Judicial Studies Committee was established in order to aid the Judiciary in the training. In 2010, it was being taken care of by a Retired Appeal Court Judge.

## Netherlands

**Q127 (2014):** According to 2014 data, there is a standard of 90 hours per 3 years. Compared with previous years, the flexibility is augmented.

**Q127 (2010):** In the ambit of the 2010 exercise, it has been explained that there is a standard of 30 hours in-service training a year per judge.

## Poland

**Q127 (General Comment):** According to the Article 2(1)(2) of the Act of 23 January 2009 of the National School of Judiciary and Public Prosecution the National School's tasks include among others training and enhancing the professional competence of judges and prosecutors, in order to complement their specialist knowledge and professional skills. The continuous training of judicial and prosecutorial staff is based mainly on the Annual Schedule, which ensures a constant performance of training tasks and a possibility to familiarize with the training offer by the trainees. The training offer of the National School in 2018 was wide and covered each of the above mentioned types of trainings. Moreover judges and public prosecutors were able to participate not only in the trainings organised by the National School but also other institutions (for example courts, public prosecutor's offices, the Ministry of Justice).

The judge is obliged to continuously raise their professional qualifications. The judge is obliged to participate, as far as possible annually, in the training and professional development organized by the National School of Judiciary and Public Prosecution or other forms of professional development, to supplement professional knowledge and skills. This means that judges are obliged to raise professional qualifications, but – with one exception referred to below – are not subject to mandatory training. The participation in training courses organized by National School of Judiciary and Public Prosecution is voluntary, and the judges are invited to participate in these courses as appropriate to their professional needs. The exception mentioned above is provided for states that after taking up the first position of a judge, a judge who did not previously take the position of the assessor, is trained in the methodology of the judge's work organized by National School of Judiciary and Public Prosecution. The President of the court directs the judge for training at the earliest time foreseen in the training schedule of National School of Judiciary and Public Prosecution for the given year. This obligation therefore applies to persons who become judges from other legal professions or conducted scientific research.

## Portugal

**Q127 (General Comment):** According to Law 45/2013, 3 July, magistrates have the right and the duty to participate in "in service training" (Article 74). In addition, these training activities are taken into consideration in the judges performance evaluation, for purposes of placement in courts with specialized or specific competence, as well as for career progression (Article 79). Accordingly, the general in-service training is compulsory.

**Q127 (2018):** According to the legal professional statute of judges (Law 21/85) in-service training is a right and a duty, and each judge shall attend at least two sessions every year.

As the Centre for Judicial Studies (CEJ) offers more than one hundred sessions a year only a very small part is mandatory. For this reason both boxes (Compulsory) and (optional) were filled in.

We note that every year the Centre for Judicial training (CEJ) announces the ongoing training activities that it develops the concerned year and to which judges can apply.

**Q127 (2017):** Relating to in-service training (continuous training), CEJ (Center of Judicial Studies) offers a wide range of topics covering different areas, including the aforementioned.

The affirmative response to both possibilities (Compulsory) and (Optional) for these specific points of training derives from the law governing the professional statute both for judges and prosecutors, which states that at least two sessions from the whole set of activities offered by CEJ, under the proposal of the High Council of the Judiciary and the High Council of the Prosecution Service, shall be attended by Judges and prosecutors.

When a particular set of sessions is condition of accessing to a particular position, such as to president of the court or to Public Prosecution coordinator, the attendance and the assessment of those sessions are mandatory.

**Q127 (2016):** The changes on the training proposed in 2014 and 2016 have to do with the fact that the training program is set every year according to the needs assessment.

## Romania

**Q127 (2018):** General in-service training is both a right and a duty of judges and prosecutors according to the provisions of art 35 of the Law no. 303/2004 and shall be accomplished at least once every 3 years (according to art 37 of the same law).

**Q127 (2017):** Insofar as for continuous training judges have to participate in / follow a continuous training, but they are free to select a specific training sessions according to their specialisation/interest in different law matters etc.

**Q127 (2016):** Insofar as for continuous training judges have to follow a continuous training, but they are free to select the specific training sessions.

**Q127 (2012):** In 2012, the National Institute of Magistracy has trained 74% of the total number of judges and prosecutors and has organised 110 seminars and 4 national conferences dedicated exclusively to the new codes. In addition, the training covered different fields of law, including European Union law, case law of the Court of Justice of the European Union and of the European Court of Human Rights, public procurement, competition law, cyber-crime, fighting corruption and fraud, fighting economic and financial crime etc.

## Slovakia

**Q127 (2018):** Judicial Academy of the Slovak Republic organizes educational events on the basis of Annual Academic Plan. This plan is formed according to the scope of education of judges determined by the Judicial Council in consent with the Minister and the scope of education of prosecutors determined by the General Prosecutor. The Annual Academic Plan is approved every year by the Board of the Academy.

Educational events are scheduled evenly for all representatives of whole target group.

Please, refer to the Annual Report of the Judicial Academy of the Slovak Republic for 2018 as well, available online <https://www.ja-sr.sk/system/files/VS+2018+web.pdf>.

**Q127 (2016):** For the detailed information on judicial training refer to the Annual report of the Judicial Academy [http://www.ja-sr.sk/files/VS\\_JA\\_2016.pdf](http://www.ja-sr.sk/files/VS_JA_2016.pdf)

**Q127 (2014):** The following training activities were organised by the JA in 2014 in the field of Human rights:

- Protection of personal rights - right to respect for private life; recovery of non-pecuniary damage, included jurisprudence of ECHR (19 May 2014, 48 participants);
- Article 2, 3 ECHR, protection of victims (project funded by European Commission), (4-5 September 2014, 21 Slovak participants and 19 international participants from V4 countries);
- Current jurisprudence in family cases in the Slovak Republic - included jurisprudence of ECHR, (22 September 2014, 42 participants);
- Victims of crimes, violence on women and children - included jurisprudence of ECHR, (14 November 2014, 36 participants);
- Right to a fair trial in Constitutional court jurisprudence in the light of jurisprudence of ECHR, (19 November 2014, 40 participants);

Training activities organised in English in cooperation with the JA partners in the field of Human rights:

- Seminar on Human Rights and Access to Justice in the EU, (28-29 April 2014, participants from EU and 1 Slovak participant);
- Study visit in ECHR organised by European Judicial Training Network, (8-9 July 2014, participants from EU and 3 Slovak participants);
- Right to Fair Trial, (16-17 June 2014, participants from V4 and 3 Slovak participants);

Training activities organised by individual judicial institutions lectured by the Slovak Agent before the ECtHR:

- Current jurisprudence of the ECtHR and its impact on national judicial decisions (criminal aspects) – Regional Court Bratislava (22 May 2014);
- Jurisprudence of the ECtHR in criminal matters touching the Slovak Republic – Regional Court Trnava (29 May 2014);
- Protection of human rights of children in preliminary phase of criminal procedure in the light of Constitutional court and European court of human rights – General prosecution office and Constitutional Court (27-28 October);
- Cochem system in family cases – Activity for judges dealing with family agenda (24 November 2014). The “Cochem system” is related to a German method of solving conflicts in parental cases.

## Slovenia

**Q127 (General Comment):** Training is carried out by the Judicial Training Centre (JTC), as a body of the Ministry of Justice (for more, see Q131).

Initial training for judges includes training before election for a judge, as well as seminars and other educational events for first-instance judges. Initial training courses or consultations for first-instance judges are organized in the form of workshops and are carried out by higher-court judges and as simulations of main hearings. General in-service-training includes various courses, lectures and conferences, e.g. ethics for judges, foreign language law terminology, attitude towards problematic parties, etc. International exchange and visits for judges are also provided. In-service training for management functions of the court are compulsory for all newly appointed presidents and directors of courts (and heads and directors of state prosecutor's offices) within one year of their appointment. In-service training for specialised judicial functions includes judicial schools for different legal fields (in the field of civil law, commercial law, labour and social law, criminal law) and seminars on specific questions (e.g. the appropriate way to carry out contacts with the child, accounting balances, cyber crime).

**Q127 (2017):** The Judicial Training Centre is a body of the Ministry of Justice. Its approved budget was 177.330 EUR and implemented budget was 157.991 EUR.

**Q127 (2016):** The Judicial Training Centre is a body of the Ministry of Justice. Its approved budget was 220.000 EUR and implemented budget 412.020 EUR.

**Q127 (2015):** The Judicial Training Centre is a body of the Ministry of Justice. According to the Courts Act the tasks of the Centre are:

- to implement the training of judicial trainees;
- to organize and supervise the execution of legal state exams, to organize and supervise the execution of other forms of exams required in the justice system;
- to organize and supervise the execution of different types of permanent in-service training of judges, judicial advisers and court personnel;
- to conduct the obligatory professional training for presidents and directors of courts;
- to publish professional literature.

The director of the Centre is a higher judge that is delegated to work at the Ministry of Justice in accordance with the provisions of the Judicial Service Act. He or she has a status of a full-time judge with all the rights derived therefrom.

The Courts Act states that the Expert Council is set up for providing expert assistance to the Centre in the implementation of its tasks.

The Council consists of the following 11 members:

- two representatives of the ministry competent for justice;
- one representative of the Supreme Court of the Republic of Slovenia;
- one representative of the Supreme State Prosecutor's Office of the Republic of Slovenia;
- one representative of the State Attorney's Office of the Republic of Slovenia;
- one representative of the Judicial Council of the Republic of Slovenia;
- one representative of the Slovenian Judges' Association;
- one representative of the Association of State Prosecutors of Slovenia;
- one representative of each law faculty in the Republic of Slovenia (3 altogether).

The work of the Expert Council is conducted by the Minister of Justice or by the state secretary under his authorisation. It is the Minister of Justice who adopts the programme of the Centre as well.

The Judicial Training Centre carries out education and professional training of public prosecutors. Individual education and professional training of public prosecutors could be organized under the Prosecutor General's Office. Department for education and professional supervision of the Supreme State Prosecutor is responsible for preparation and implementation appropriate forms of education according to the findings of the peer reviews on deficiencies and faults in the work of public prosecutors. Education, trainings as well as advanced trainings of public prosecutors are being organized in a similar way as legislation stipulates for judicial education.

Initial training for judges includes training before election for a judge, as well as seminars and other educational events for first-

**Q127 (2014):** 2014: The Judicial Training Centre spent 235.000,00 EUR in 2014."

## Spain

**Q127 (2015):** On a yearly basis a training curricula on very different subjects is offered as part of the continuous training that judges can voluntarily apply for. Most of the courses are about the law, but courses on other branches such as economics, ethics or use of the software tools, for instance, are also organized. The continuous training is organized by the Judicial School located in Barcelona but it is also decentralised in the Legal Centers managed by the Autonomous Communities. So judges can apply for courses organized by the Judicial School and by the Centers of Legal Studies of the Autonomous Communities.

**Sweden**

**Q127 (2015):** The Courts of Sweden Judicial Training Academy provides a wide range of courses available to judges. None of them are compulsory. A majority of approved judges are so called Associate Judges, which means that they have completed a six-year training programme, containing extensive mandatory training and fulltime work, both in district- and appeal courts.

# **Indicator 8: The existence and use of alternative dispute resolution methods**

**Table 8.1 Number of accredited or registered mediators for court related mediation (absolute values and per 100 000 inhabitants) in 2010 to 2018 (Q1, Q166)**

States	2010		2012		2013		2014		2015		2016		2017		2018	
	Absolute number	Per 100 000 inhab.	Absolute number	Per 100 000 inhab.	Absolute number	Per 100 000 inhab.	Absolute number	Per 100 000 inhab.	Absolute number	Per 100 000 inhab.	Absolute number	Per 100 000 inhab.	Absolute number	Per 100 000 inhab.	Absolute number	Per 100 000 inhab.
Austria	NA	NA	2 400	28,4	2 400	28,3	2 456	28,6	2 313	26,6	2 562	29,3	2 234	25,4	2 273	25,8
Belgium	1 099	10,1	1 134	10,2	1 157	10,4	1 352	12,1	1 457	12,9	1 454	12,8	1 744	15,3	2 122	18,6
Bulgaria	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	388	8,8	406	9,5	406	9,6	453	10,7	474	11,3	549	13,2	588	14,3	612	15,0
Cyprus	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Czech Republic	281	2,7	388	3,7	442	4,2	421	4,0	589	5,6	620	5,9	660	6,2	657	6,2
Denmark	NA	NA	127	2,3	124	2,2	151	2,7	147	2,6	143	2,5	135	2,3	143	2,5
Estonia	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NAP
Finland	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NAP
France	NA	NA	NA	NA	2 435	3,7	2 450	3,7	2 571	3,9	2 940	4,4	2 940	4,4	1 436	2,1
Germany	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NAP
Greece	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	1 665	15,4	1 809	16,8	1 665	15,5
Hungary	1 185	11,9	12	0,1	20	0,2	120	1,2	160	1,6	174	1,8	174	1,8	153	1,6
Ireland	25	0,5	35	0,8	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Italy	NA	NA	NA	NA	NA	NA	19 266	31,7	21 555	35,5	23 612	39,0	23 932	39,6	24 010	39,8
Latvia	NAP	NA	NAP	NA	NAP	NA	24	1,2	38	1,9	43	2,2	46	2,4	52	2,7
Lithuania	43	1,3	47	1,6	47	1,6	109	3,7	129	4,5	269	9,4	366	13,0	469	16,8
Luxembourg	NA	NA	110	21,0	130	23,6	135	24,0	110	19,5	173	29,3	144	23,9	144	23,5
Malta	50	12,0	69	16,3	69	16,1	61	13,9	61	13,5	66	14,3	69	14,5	67	14,1
Netherlands	768	4,6	820	4,9	927	5,5	1 187	7,0	1 409	8,3	1 466	8,6	1 511	8,8	1 002	5,8
Poland	2 470	6,5	NA	NA	-	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Portugal	255	2,4	255	2,4	250	2,4	196	1,9	221	2,1	514	5,0	617	6,0	NA	NA
Romania	661	3,1	4 136	19,4	10 847	54,4	6 833	30,7	11 701	59,2	5 080	25,9	4 739	24,3	4 585	23,6
Slovakia	491	9,0	633	11,7	846	15,6	1 068	19,7	1 248	23,0	1 450	26,7	1 664	30,6	913	16,8
Slovenia	344	16,8	347	16,9	341	16,5	311	15,1	292	14,1	281	13,6	272	13,2	276	13,3
Spain	NA	NA	NA	NA	-	NA	1 151	2,5	3 289	7,1	NA	NA	5 302	11,4	6 939	14,8
Sweden	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NA	NAP	NAP
<b>Average</b>	620	6,9	728	9,9	1 363	13,0	2 097	11,9	2 654	14,1	2 392	14,4	2 576	14,4	2 640	14,3
<b>Median</b>	388	6,5	347	9,5	406	9,6	437	8,9	532	9,8	585	13,0	660	13,2	785	14,9
<b>Minimum</b>	25	0,5	12	0,1	20	0,2	24	1,2	38	1,6	43	1,8	46	1,8	52	1,6
<b>Maximum</b>	2 470	16,8	4 136	28,4	10 847	54,4	19 266	31,7	21 555	59,2	23 612	39,0	23 932	39,6	24 010	39,8
<b>Nb of values</b>	27	27	27	27	27	27	27	27	26	27	27	27	27	27	27	27
<b>% of NA</b>	33%	52%	26%	44%	19%	44%	19%	33%	15%	33%	19%	33%	15%	30%	19%	19%
<b>% of NAP</b>	19%	0%	19%	0%	19%	0%	15%	0%	15%	0%	15%	0%	15%	0%	15%	15%

**Table 8.2: Availability of court-related mediation procedure in 2018 (Q163)**

States	EC Code	Court-related mediation procedure
Austria	20	Yes
Belgium	1	Yes
Bulgaria	2	Yes
Croatia	11	Yes
Cyprus	13	Yes
Czech Republic	3	Yes
Denmark	4	Yes
Estonia	6	Yes
Finland	26	Yes
France	10	Yes
Germany	5	Yes
Greece	8	Yes
Hungary	17	Yes
Ireland	7	Yes
Italy	12	Yes
Latvia	14	Yes
Lithuania	15	Yes
Luxembourg	16	Yes
Malta	18	Yes
Netherlands	19	Yes
Poland	21	Yes
Portugal	22	Yes
Romania	23	Yes
Slovakia	25	Yes
Slovenia	24	Yes
Spain	9	Yes
Sweden	27	Yes



**Table 8.3(EC) Number of court related mediation procedures (absolute values) in 2018 (Q167)**

States	Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)	1. Civil and commercial cases	2. Family cases	3. Administrative cases	4. Employment dismissal cases	5. Criminal cases	6. Consumer cases
Austria	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Belgium	NA	NA	NA	NA	NA	NA	NA
Bulgaria	NA	NA	NA	NA	NA	NAP	NA
Croatia	NA	NA	NA	NA	NA	NA	NA
Cyprus	NA	NA	NA	NA	NA	NA	NA
Czech Republic	NA	NA	NA	NA	NA	681	NA
Denmark	715	460	250	NA	NA	5	NA
Estonia	NA	NA	NA	NA	NA	NA	NA
Finland	1 671	505	1 034	NAP	132	NAP	NAP
France	NA	NA	2 724	780	NA	NA	NA
Germany	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Greece	NA	NA	NA	NAP	NA	NAP	NAP
Hungary	1 299	257	977	9	56	NAP	NA
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP
Italy	NA	76 569	NA	NAP	NA	NA	NA
Latvia	NA	NA	NA	NA	NA	NA	NA
Lithuania	483	223	258	NAP	2	NAP	0
Luxembourg	NA	NA	NA	NA	NA	68	NA
Malta	NA	NAP	2 059	NAP	NAP	NAP	NAP
Netherlands	3 686	NA	NA	NA	NA	NA	NA
Poland	26 272	13 297	6 933	6	2 178	3 858	NA
Portugal	NA	2 455	221	NA	NA	NA	NA
Romania	NA	NA	NA	NAP	NAP	NA	NA
Slovakia	NA	NA	NA	NAP	NA	NA	NA
Slovenia	2 818	2 451	NA	NAP	367	NAP	NA
Spain	NA	1 289	4 937	NAP	2 406	2 935	NA
Sweden	NAP	NAP	NAP	NAP	NAP	NAP	NAP
<b>Average</b>	5 278	10 834	2 155	265	857	1 509	0
<b>Median</b>	1 671	1 289	1 034	9	250	681	0
<b>Minimum</b>	483	223	221	6	2	5	0
<b>Maximum</b>	26 272	76 569	6 933	780	2 406	3 858	0
<b>Nb of values</b>	27	27	27	27	27	27	27
<b>% of NA</b>	63%	52%	56%	41%	56%	41%	70%
<b>% of NAP</b>	11%	15%	11%	48%	22%	41%	26%

**Table 8.4 Number of court related mediation procedures (per 100 000 inhabitants) in 2018 (Q1, Q167)**

States	Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)	1. Civil and commercial cases	2. Family cases	3. Administrative cases	4. Employment dismissal cases	5. Criminal cases	6. Consumer cases
Austria	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Belgium	NA	NA	NA	NA	NA	NA	NA
Bulgaria	NA	NA	NA	NA	NA	NAP	NA
Croatia	NA	NA	NA	NA	NA	NA	NA
Cyprus	NA	NA	NA	NA	NA	NA	NA
Czech Republic	NA	NA	NA	NA	NA	6,4	NA
Denmark	12,4	8,0	4,3	NA	NA	0,09	NA
Estonia	NA	NA	NA	NA	NA	NA	NA
Finland	30,3	9,2	18,8	NAP	2,4	NAP	NAP
France	NA	NA	4,1	1,2	NA	NA	NA
Germany	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Greece	NA	NA	NA	NAP	NA	NAP	NAP
Hungary	13,2	2,6	9,9	0,1	0,6	NAP	NA
Ireland	NA	NA	NA	NAP	NAP	NAP	NAP
Italy	NA	126,6	NA	NAP	NA	NA	NA
Latvia	NA	NA	NA	NA	NA	NA	NA
Lithuania	17,2	7,9	9,2	NAP	0,1	NAP	0,0
Luxembourg	NA	NA	NA	NA	NA	11,3	NA
Malta	NA	NAP	432,8	NAP	NAP	NAP	NAP
Netherlands	21,5	NA	NA	NA	NA	NA	NA
Poland	68,4	34,6	18,0	0,0	5,7	10,0	NA
Portugal	NA	23,9	2,1	NA	NA	NA	NA
Romania	NA	NA	NA	NAP	NAP	NA	NA
Slovakia	NA	NA	NA	NAP	NA	NA	NA
Slovenia	136,3	118,6	NA	NAP	17,8	NAP	NA
Spain	NA	2,8	10,6	NAP	5,2	6,3	NA
Sweden	NAP	NAP	NAP	NAP	NAP	NAP	NAP
<b>Average</b>	42,7	37,1	56,6	0,4	5,3	6,8	0,0
<b>Median</b>	21,5	9,2	9,9	0,1	3,8	6,4	0,0
<b>Minimum</b>	12,4	2,6	2,1	0,0	0,1	0,1	0,0
<b>Maximum</b>	136,3	126,6	432,8	1,2	17,8	11,3	0,0
<b>Nb of values</b>	27	27	27	27	27	27	27
<b>% of NA</b>	63%	52%	56%	41%	56%	41%	70%
<b>% of NAP</b>	11%	15%	11%	48%	22%	41%	26%

**Table 8.5: Providers of court-related mediation procedure in 2018 (Q164)**

States	EC Code	Civil and commercial cases				Family cases				Administrative cases				Labour cases including employment dismissals				Criminal cases				Consumer cases			
		Private mediator	Public authority	Judge	Public prosecutor	Private mediator	Public authority	Judge	Public prosecutor	Private mediator	Public authority	Judge	Public prosecutor	Private mediator	Public authority	Judge	Public prosecutor	Private mediator	Public authority	Judge	Public prosecutor	Private mediator	Public authority	Judge	Public prosecutor
Austria	20																								
Belgium	1																								
Bulgaria	2																								
Croatia	11																								
Cyprus	13																								
Czech Republic	3																								
Denmark	4																								
Estonia	6																								
Finland	26																								
France	10																								
Germany	5																								
Greece	8																								
Hungary	17																								
Ireland	7																								
Italy	12																								
Latvia	14																								
Lithuania	15																								
Luxembourg	16																								
Malta	18																								
Netherlands	19																								
Poland	21																								
Portugal	22																								
Romania	23																								
Slovakia	25																								
Slovenia	24																								
Spain	9																								
Sweden	27																								

**Table 8.6: Availability of legal aid for court-related mediation in 2018 (Q165)**

States	EC Code	Legal aid for court-related mediation procedure
Austria	20	No
Belgium	1	Yes
Bulgaria	2	No
Croatia	11	Yes
Cyprus	13	No
Czech Republic	3	Yes
Denmark	4	Yes
Estonia	6	Yes
Finland	26	Yes
France	10	Yes
Germany	5	No
Greece	8	Yes
Hungary	17	Yes
Ireland	7	Yes
Italy	12	Yes
Latvia	14	No
Lithuania	15	Yes
Luxembourg	16	Yes
Malta	18	Yes
Netherlands	19	Yes
Poland	21	Yes
Portugal	22	Yes
Romania	23	Yes
Slovakia	25	Yes
Slovenia	24	Yes
Spain	9	No
Sweden	27	Yes

**Table 8.7: Availability of ADR other than court related mediation in 2018 (Q168)**

States	EC Code	Mediation other than court-related mediation	Arbitration	Conciliation (if different from mediation)	Other ADR
Austria	20	Yes	Yes	No	No
Belgium	1	Yes	Yes	Yes	Yes
Bulgaria	2	Yes	Yes	Yes	Yes
Croatia	11	Yes	Yes	Yes	No
Cyprus	13	Yes	Yes	No	No
Czech Republic	3	Yes	Yes	No	No
Denmark	4	Yes	Yes	No	Yes
Estonia	6	Yes	Yes	Yes	No
Finland	26	Yes	Yes	Yes	Yes
France	10	Yes	Yes	Yes	Yes
Germany	5	Yes	Yes	Yes	Yes
Greece	8	Yes	Yes	Yes	No
Hungary	17	Yes	Yes	Yes	Yes
Ireland	7	Yes	Yes	Yes	Yes
Italy	12	Yes	Yes	Yes	Yes
Latvia	14	Yes	Yes	Yes	Yes
Lithuania	15	Yes	Yes	Yes	Yes
Luxembourg	16	Yes	Yes	Yes	No
Malta	18	Yes	Yes	Yes	No
Netherlands	19	Yes	Yes	No	Yes
Poland	21	Yes	Yes	Yes	No
Portugal	22	Yes	Yes	Yes	No
Romania	23	Yes	Yes	No	No
Slovakia	25	Yes	Yes	Yes	No
Slovenia	24	Yes	Yes	Yes	Yes
Spain	9	Yes	Yes	Yes	No
Sweden	27	Yes	Yes	Yes	No

# Indicator 8: The existence and use of alternative dispute resolution methods

## comments provided by the national correspondents organised by country

Question 163. Does the judicial system provide for court-related mediation procedures?

Question 166. Number of accredited or registered mediators for court-related mediation:

Question 168. Do the following alternative dispute resolution (ADR) methods exist in your country?

### Austria

**Q163 (General Comment):** Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a judge can propose that he/she mediates a case between an offender and a victim to establish a compensation agreement. In the course of an offer for a diversion an out-of court compensation can be ordered by a judge (or a public prosecutor in the preliminary proceedings). In cases of parental custody and cases about the right to access to one's children a judge can instruct "Familiengerichtshilfe" to find a common solution or to gather very precise facts. "Familiengerichtshilfe" is part of the jurisdictionary, they are not legal educated but sozial workers, trained educators and psychologists.

**Q166 (2015):** Q166

<http://www.mediatorenliste.justiz.gv.at>

Q168

Sec. 198 – 209 CPC

**Q168 (General Comment):** The legal basis for procedures of alternative dispute resolution other than judicial mediation includes the Law on Mediation in Civil Matters and the Non-litigious Procedure Code. Relevant provisions can also be found within the Codes of civil and criminal procedures. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, the public prosecutor is entitled under specific conditions to withdraw from prosecuting a punishable act and accompany the parties in the establishment of a settlement. In this frame, an expert in conflict resolving can be involved. The latter has to report to the public prosecutor about the settlement negotiations and review their fulfilment and by the end prepares a final report.

**Q168 (2018):** Comment: Law on Mediation in Civil Matters (Zivilrechts-Mediations-Gesetz); § 107 Abs. 3 Non litigious Procedure Code (Außerstreitgesetz)

Sec. 198 – 209 CPC

In administrative proceedings in matters of taxes, customs duties and respective penalties arbitration is possible.

**Q168 (2016):** Comment: Law on Mediation in Civil Matters (Zivilrechts-Mediations-Gesetz); § 107 Abs. 3 Non litigious Procedure Code (Außerstreitgesetz)

Sec. 198 – 209 CPC

### Belgium

**Q166 (2018):** 2122 accredited mediators with 2788 accreditations granted, 907 for male mediators and 1881 accreditations for female mediators

**Q166 (2017):** Information on mediation: <http://www.mediation-justice.be>

**Q166 (2016):** Information on mediation: <http://www.mediation-justice.be>

**Q166 (2015):** number of médiateurs at 13/10/2016

**Q166 (2012):** 2012: the competence over the court houses is transferred from the federal level to the authorities.

**Q166 (2010):** The Law of 21 February 2005 created a Federal Mediation Commission, composed of a general commission and 3 special commissions. The general commission is composed of 6 members specialised in mediation, namely: two notaries, two lawyers, two representatives of the mediators who are neither working as lawyers nor as notaries. Its main functions consist in: approving training institutions for mediators as well as their training programs; determining accreditation criteria for mediators by type of mediation; accrediting mediators; withdrawing, temporarily or permanently the accreditation in respect of mediators who do not comply any more with the requirements of article 1726 of the Judicial Code; defining the procedure of accreditation and withdrawal of accreditations; establishing and communicating the register of mediators to all courts; conceiving a Code of conduct and the possible sanctions in case of violation.

**Q168 (General Comment):** There is the law of the 18th of June 2018 containing various provisions in civil law and provisions to promote alternative forms of dispute resolution.

The provisions concerning mediation are improved. A definition of mediation is included. The scope of mediation is extended to legal persons governed by public law. In the context of judicial mediation, the judge may impose a recourse to mediation at the beginning of the procedure, ex officio or at the request of one or more parties, if it considers that a reconciliation is possible. The quality of accredited mediators is also validated by the protection of the practice of the profession and the title. The structure of the federal mediation commission is being modernised and its role strengthened.

In addition, collaborative law is enshrined in the Judicial Code: a voluntary and confidential process of dispute resolution through negotiation involving parties to the conflict and their respective lawyers, who act within the framework of an exclusive and limited mandate for assistance and of an advice with the aim of reaching an amicable agreement.

**Q168 (2016):** Any dispute which has already arisen or which could arise from a specific legal relationship and on which it is permitted to settle may be the subject of an arbitration agreement.

Any person who has the capacity or power to settle may enter into an arbitration agreement.

In Belgium, the parties can also be reconciled. There are mandatory and optional attempts.

If agreement is reached, the hearing concludes with a conciliation report.

## **Bulgaria**

**Q163 (2018):** Yes, in the Republic of Bulgaria judges may refer parties to a mediator, to a settlement of a dispute through a mediation procedure if they believe that more satisfactory results can be achieved for both parties.

But it's important to underline that according to Art. 4 of the the Mediation Act (promulgated SG No. 110 of 2004), persons exercising judicial functions in the judicial system cannot carry out mediation activities.

**Q166 (2018):** The information about the number of registered court-related mediators is not available (NA). As of May 2019 the total number of mediators registered in the Unified Register of Mediators at the Ministry of Justice is 2311 (for 2018 the number of newly registered is 250).

**Q166 (2015):** Number of registered mediators is 1501 up to 31.12.2015. There is no differentiation between mediators who practice judicial mediation and others.

**Q168 (General Comment):** The legal basis of mediation is constituted of the Law on mediation, the Ordinance n° 2 on the Conditions and Order for the Approval of the Organizations for Mediators Training; Requirements for Mediators Training; Order for Registration and Deletion of Mediators from the Uniform Register of Mediators and Procedural and Ethical Rules of Mediator Conduct. Mediation is applicable to civil, commercial, labour, family and administrative disputes related to consumer rights, and other disputes between natural and/or legal persons. The Civil Procedure Code includes as well provisions concerning mediation. The court may direct the parties to mediation or another procedure for voluntary resolution of the dispute according to the general procedure for the examination of cases. The same opportunity is also explicitly envisaged for the proceedings on matrimonial cases and for the proceedings on commercial disputes.

Conciliation and other alternative dispute resolutions are provided in certain sectors, for example on consumer cases, some cases under Energy Sector Act, etc. The Civil Procedure Code refers explicitly to arbitration. The parties to a property dispute may agree that their dispute be settled by an arbitration court, unless the said dispute has as its subject matter any rights in rem or possession of a corporeal immovable, maintenance obligations or rights under an employment relationship. The arbitration may have a seat abroad if one of the parties has his, her or its habitual residence, registered office according to the basic instrument thereof or place of the actual management thereof abroad. Besides, a specific law regulates the international commercial arbitration, based on an arbitration agreement when the place of arbitration is on the territory of the Republic of Bulgaria. The International commercial arbitration allows civil property disputes resulting from foreign economic relations as well as disputes for filling in the gaps in a contract or its adaptation to changed circumstances, if the domicile or the seat of at least one of the parties is not in the Republic of Bulgaria.

**Q168 (2018):** The Mediation Act provides for the possibility of mediation outside the judicial process.

According to Art. 19, para. 1 and para. 2 of the Code of Civil Procedure, the parties to a property dispute may arrange for it to be resolved by an arbitral tribunal, unless the dispute is subject to real rights or possession over real estate, maintenance or employment rights or is a dispute in which one of the parties is consumer within the meaning of § 13, item 1 of the additional provisions of the Consumer Protection Act. Arbitration may be domiciled abroad if one of the parties has its habitual residence, its registered office or the place of its actual domicile abroad.

The Bulgarian legislation provides for the possibility of arbitration as an out-of-court method for resolving collective labor disputes, as well as for resolving civil property disputes arising from foreign trade relations, as well as disputes for filling gaps in a contract or adapting it to new circumstances, if the domicile or seat of at least one of the parties is not in the Republic of Bulgaria (Article 1, paragraph 2 of the Law on International Commercial Arbitration- LICA). The legal framework for arbitration as a way of resolving collective labor disputes is the Law on the Settlement of Collective Labor Disputes (LSCLD) - Art. 4-8, The Rules on the Structure and Activity of the National Institute for Conciliation and Arbitration and the Rules for Mediation and Arbitration for the settlement of collective labor disputes by the National Institute for Conciliation and Arbitration. It may be voluntary arbitration, carried out with the assistance of trade unions and employers' organizations or of the National Institute for Conciliation and Arbitration under the procedure of Articles 4-8 of the LSCLD and compulsory arbitration only in a specific hypothesis. The International Commercial Arbitration Act (ICAA) applies to international commercial arbitration based on an arbitration agreement where the place of arbitration is on the territory of the Republic of Bulgaria. An arbitration agreement is a written agreement whereby the parties agree to entrust arbitration to resolve all or some of the disputes that may arise or have arisen between them regarding a particular contractual or non-contractual relationship. It may be an arbitration clause in another contract or separate agreement. Pursuant to § 3 of the LICA, the law also applies to arbitration between parties domiciled or seats in the Republic of Bulgaria, with the exception of Art. 1, para. 2, Art. 10, Art. 11, para. 2 (except when the party to the dispute is a company/enterprise with predominantly foreign participation), Art. 26 and the words "in accordance with the law chosen by the parties, and failing such choice" of art. 47, para. 1, Vol. 2.

## Croatia

**Q166 (2010):** In the frame of the 2010 exercise, it has been specified that a register of mediators (conciliators) has been established as well as a register of accredited institutions for mediators which is kept by the Ministry of Justice. Accordingly, registration of mediators began in 2010. Accordingly, the communicated number of accredited mediators (388) was not final because mediators were continuing registering for accreditation. The figure provided for 2008 (1000) corresponded to the number of trained mediators and not registered mediators.

**Q168 (General Comment):** In Croatia, the following system of judicial settlement is set up (within mediation centres at courts and extrajudicial settlement at mediation centres outside courts) – Mediation Centre at the Croatian Chamber of Economy, Mediation Centre at the Croatian Chamber of Trades and Crafts, Mediation Centre at the Croatian Employers Association, Mediation Centre at the Croatian Mediation Association, Independent Service for social partnership at the Ministry of Labour and Pension System (former Office for Social Partnership that became inoperative in 2012), Banking Mediation Centre at the Croatian Banking Association, Mediation Centre at the Croatian Insurance Office. There is a possibility of extrajudicial settlement certified by a notary public. A notary public participates only formally, by verification of the existing settlement between parties. Therefore, this verification should not be considered as "other alternative dispute resolution". Mediators are enlisted in official register of mediators established at the Ministry of Justice. In the cases where a person intends to institute a litigious proceeding against the Republic of Croatia, he/she shall first, before lodging a complaint, address the State attorney's office, with a request to settle the dispute amicably. If the request is not accepted, or no decision is made within three months of its filing, the applicant may file a complaint to the competent court. This is a mandatory provision. These provisions apply mutatis mutandis in cases where the Republic of Croatia intends to sue a person with legal residence or habitual residence in the Republic of Croatia.

In family law cases a judge can be appointed as an arbitrator. In civil and commercial cases, private mediators, meaning lawyers who are accredited mediators, can be appointed as mediators. In administrative cases, during the court procedure, the parties may reach a settlement on the case matter. The court shall warn the parties of the possibility of reaching a settlement and help them negotiate. Therefore, according to the Croatian law, a judge can participate in a court settlement (this is not a typical mediation meaning that a judge refers parties to a mediator, but a case of a court settlement where a judge facilitates, advises on, decides on or/and approves the procedure). In cases of employment dismissals court annexed mediation can be held, private mediator and public authority can be appointed as mediators, as well as state attorney.

**Q168 (2010):** In the frame of the 2010 exercise, it has been stressed that a new Mediation Act was enacted in 2011. It additionally emphasized the basic principles of mediation such as the party autonomy, voluntariness and consensual principle, informality and confidentiality of proceedings. Moreover, a new Ordinance on Mediators Register and Standards for Accreditation of Mediation Institutions and Mediators was enacted in 2011; a new Code of Ethics for mediators was adopted in November 2009; a Practice Book was written in 2011 presenting a certain guide for courts in carrying out conciliation processes. Brochures on the mediation process were published by the Ministry of Justice in 2011. Numerous round tables and conciliation conferences were organized the same year.



## Cyprus

**Q163 (General Comment):** A law on mediation was introduced in 2012 and applies only to civil cases. The case is transmitted to mediation and the judge does not act as a mediator.

## Czech Republic

**Q163 (General Comment):** Initially, judicial mediation was regulated by law only in criminal matters. The Act on mediation in non-criminal matters entered into force in September 2012.

**Q166 (2018):** From the above mentioned number of mediators there are 429 probate and mediation officials and 228 mediators in non criminal cases. The number of mediators is increasing since the Ministry of Justice supports broader use of other criminal sanctions which are alternatives to imprisonment such as house arrest.

**Q166 (2017):** From the above mentioned number of mediators there are 421 probate and mediation officials and 239 (from this number 211 active and 28 inactive) mediators in non criminal cases. The number of mediators in non criminal cases is constantly increasing since the entry into force of a law on judicial mediation in civil matters in 2012.

**Q166 (2016):** From the above mentioned number of mediators there are 398 probate and mediation officials and 222 mediators in non criminal cases. The number of mediators in non criminal cases is constantly increasing since the entry into force of a law on judicial mediation in civil matters in 2012.

**Q166 (2015):** From the above mentioned number of mediators there are 381 probate and mediation officials and 208 mediators in non criminal cases.

The number of mediators in non criminal cases is constantly increasing since the entry into force of a law on judicial mediation in civil matters in 2012.

**Q166 (2010):** In the frame of the 2010 exercise, it was explained that the increase of 49% of the total number of accredited or registered mediators practicing judicial mediation between 2008 and 2010 was due to the introduction of the new Criminal Code. Namely, there were 90 new people engaged as probate servants who were educated in the field of mediation and enabled to mediate in criminal matters.

## Denmark

**Q163 (General Comment):** The Danish Administration of Justice Act provides for two different types of judicial mediation in chapters 26 and 27.

In accordance with article 268(1) in chapter 26 of the Administration of Justice Act, the court must provide for judicial mediation in every civil case in the first instance in an attempt to reach a judicial settlement. The court can however refrain from providing such judicial mediation if, due to the nature of the case, the relationship between the parties to the proceedings, or similar circumstances, it can be assumed in advance that judicial mediation would provide no result, cf. article 268(2). In accordance with article 272 in chapter 27 of the Administration of Justice Act, the court can, if so requested by the parties to the proceedings, appoint a judicial mediator to assist the parties in reaching, by themselves, a solution to a dispute, which is at the parties' disposition.

**Q166 (2018):** The number of registered judges who serve as mediators in court mediation in 2018 is 86. The number of registered attorneys

who are appointed to serve as mediators in court mediation in 2018 is 57.

**Q166 (2017):** In 2017 there are 57 registered attorneys and 78 judges with a special mediation education as of 1st July 2017. There is a different process of appointment. Judge mediators go through a special education, and registered attorneys must file a job application to become mediator. There we have updated numbers for judge mediators. Attorneys are appointed every 4 years and the last appointment window was in 2016. The number of attorneys is therefore the same as last year. Source: <http://www.domstol.dk/saadangoerdu/retsmaegling/Documents/Liste%20over%20advokatmaeglere.pdf>

**Q166 (2016):** The number of registered judges who serve as mediators in court mediation in 2016 is 86. The number of registered attorneys who are appointed to serve as mediators in court mediation in 2016 is 57.

**Q168 (General Comment):** Conciliation does not exist in the Danish legal system. However, the latter does provide for different forms of judicial mediation (chapters 26 and 27 of the Danish Administration of Justice Act).

A consumer may choose to bring a case before the Consumer Complaints Board or another relevant complaints body approved by the Minister of Business and Growth instead of (or before) bringing it to the courts.

The State Administration offers mediation in cases regarding separation, divorce and parental responsibilities at no cost for the parties concerned.

## Estonia

**Q168 (General Comment):** Despite the fact that the Estonian legislation refers to the term of “conciliation” and according to the CEPEJ explanatory note, it is more accurate to talk about “judicial mediation”. In civil matters, it is rare to resort to mediation (conciliation) without the involvement of a court (property claims for example). The parties’ consent is usually required for resorting to mediation, but the latter can be ordered by the court under certain conditions. A mediator can be a person whom the parties have entrusted the task of carrying out the mediation or a sworn lawyer, a notary or a mediation body of the government or a local authority. The judge is not a mediator but he/she has to take all possible measures to settle a matter by a compromise or in another manner through an agreement of the parties. For such purpose, the court may, among other, present a draft of a compromise contract to the parties or request that the parties appear before the court in person, or propose that the parties settle the dispute out of court or call upon the assistance of a mediator.

In family cases regarding the access to the child, the court directs the parties to the family mediators. For collective labour disputes, public and local mediators (conciliators) – impartial experts appointed to office by the Government – help the parties to reach mutually satisfactory resolutions. In criminal matters a Prosecutor’s Office or court may suggest to resort to mediation, but the consent of the suspect/accused and the victim is necessary. The mediation service is entrusted by the Social Insurance Board (government authority under the jurisdiction of the Ministry of Social Affairs) and is carried out by victim support workers who have received relevant training. In administrative matters, the court may conduct mediation proceedings in which parties, with the assistance of a judge, settle their dispute by way of negotiations. The consent of the parties as well as the consent of the third parties are needed. In addition to the non-judicial mediation (family cases), conciliation (conciliation proceedings in civil, administrative and criminal cases) and arbitration (labour disputes committee, consumer disputes committee, lease committee etc.) there is an institution of Public Conciliator (Riiklik Lepitaja). The latter is appointed to office by the Government to prevent and to resolve collective labour disputes. He/she appoints regional conciliators for minor collective labour disputes.

**Q168 (2015):** There is no other types of ADR.

**Q168 (2014):** There is no other types of ADR.

## Finland

**Q168 (General Comment):** In criminal cases, mediation is a process in which the victim and the offender are given the opportunity to meet confidentially through the facilitation of an impartial mediator to discuss the psychological and material harm inflicted on the victim by the offence and to help the parties find a mutual solution to redress the harm. The decision on whether to carry out mediation in a particular case is made by the local mediation office. If the parties reach an agreement, the mediator draws up a document on it. In cases of lesser crimes, the agreement may result in discontinuance of the criminal proceedings. The agreement may also at a later stage lead to non-prosecution, waiving of sentence or to a more lenient punishment. Criminal cases are not mediated in the courts.

A lot of civil cases are settled by the parties and their lawyers when the case is already pending in a court.

A case can be mediated outside the court with a mediator provided by the Finnish Bar Association. A settlement may, upon application, be confirmed as enforceable in the district court.

Parents can agree on the custody, living arrangements and right of access of a child or child support. An agreement can be made and confirmed within the municipal social welfare services. These agreements can not be confirmed as enforceable by a district court.

In consumer disputes, consumer rights advisors provide free guidance and mediation. In addition, Consumer disputes board gives decisions on consumer disputes.

The Arbitration Institute of the Finland Chamber of Commerce provides arbitration and mediation services in domestic and international disputes.

**Q168 (2016):** See Q164

## France

**Q166 (2018):** The data are approximate because they have been compiled manually from the lists of mediators at the courts of appeal, published and provided for by article 8 of Act No. 2016-1547 of 18 November 2016 on the modernization of 21st century justice and partial because the service is still waiting for the publication and/or registration of 13 lists, on 05 June 2019. It is recalled that in the French judicial system, the judge remains free to appoint a mediator who does not appear on the lists drawn up by the courts of appeal. Indeed, these lists are intended for the information of the judge.

**Q166 (2016):** Except for the profession of family mediator for which a diploma is required, the profession of mediator in civil and commercial matters is not regulated and there is no national register of mediators. Nevertheless, it is possible to consider as registered: mediators in criminal matters entrusted with tasks by public prosecutors (312), justice conciliators who are volunteers and selected by judicial bodies (1958), and the family mediators empowered by the family allowances funds (670). Data is not presented in full time equivalent.

**Q166 (2015):** Accredited mediators are family mediators, criminal mediators and legal conciliators, who work in courts or are subsidised by the family allowance funds.

Source: Ministry of Justice, General Secretariat, Sub-Directorate of Statistics and Studies, Access to Law and Victim Assistance Unit

**Q168 (2018):** The parties have the possibility to conclude a participatory procedure agreement through their lawyers (1544 of the cpc). In this context, they shall work jointly, under the conditions laid down by a convention, on a total or partial agreement, putting an end to the dispute between them or to the preparation of their dispute.

### Germany

**Q166 (2018):** Germany does not have a system of accreditation or registration for mediators. In addition, there is no statistical data available on the number of court annexed mediation cases. For these reasons, Germany cannot provide information on the number of accredited or registered mediators who practice judicial mediation.

**Q166 (2016):** Germany does not have a system of accreditation or registration for mediators. In addition, there is no statistical data available on the number of court annexed mediation cases. For these reasons, Germany cannot provide information on the number of accredited or registered mediators who practice judicial mediation.

**Q168 (General Comment):** All forms of out-of court conflict resolution are possible as a matter of principle. The arbitral conflict resolution is possible in civil and commercial cases and also in family cases. The provisions on arbitral jurisdiction can be found in sections 1025 et seqq. of the Code of Civil Procedure.

### Greece

**Q163 (General Comment):** For Civil cases: Judicial mediation is optional and it is possible to resort to it before filing any action or during pendency before the Court of first instance or the Court of Appeal.

**Q168 (2018):** Mediation in civil and commercial cases (Law 3898/2010 as in force)

**Q168 (2016):** Mediation in civil and commercial cases (Law 3898/2010 as in force)

**Q168 (2013):** The category "other" encompasses quasi-judicial administrative applications in tax disputes.

### Hungary

**Q163 (General Comment):** Judicial mediation was introduced in the Hungarian legal system in 2012. In this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. Different laws encourage the parties to choose the mediation procedure in compliance with the voluntary principle. Among these, the most significant are the Civil Procedure Code, the Act on Charges and the Act on the Service of the Judicial Employees. Detailed rules in relation to judicial mediation are provided by the Order 14/2002 (VIII.1.) of the Minister of Justice, the Rules on Judicial Case Management, and the Rules issued by the President of the National Office for the Judiciary. It is noteworthy that the Act LV of 2002 on Mediation covers civil litigation, but excludes mediation in libel proceedings, guardianship proceedings, proceedings on the termination of parental responsibility, enforcement proceedings, procedures establishing paternity or settle the dispute out of court or ca

**Q163 (2013):** In 2013, 75 court employees (judges, court secretaries and administrative employees) took part at special courses organized by the National Office for the Judiciary. The strategic goal of the NOJ was to have a judicial mediator at every court that has more than 7 judges, which implies further trainings.

**Q163 (2012):** In October 2012, judicial mediators have been appointed at six general courts in order to contribute to the resolution of judicial procedures in the shortest time possible and in a satisfactory way for the parties.

**Q166 (2016):** There is a continuous training for court secretaries and judges in the field of mediation so that is the reason for the increasing number. To be registered as a court mediator one must finish this training (organized by the National Office for the Judiciary).

**Q166 (2014):** The increase in the number of judicial mediators between 2013 and 2014 is a result of constant training organized by the National Office for the Judiciary.

**Q166 (2013):** Registered mediator can be any natural or legal person, who complies with the legal requirements (concerning university degree, mediation training etc.). According to the relevant legislation (Act LV of 2002 on Mediation) mediators established in other EEA Member States (i.e. living in the European Economic Area) can act in a current case in Hungary. The foreign mediator should inform the Ministry of Justice, which shall specify the rights for one year.

**Q168 (General Comment):** The category other encompasses: Reconciliation Committee: the national labour unions, the unions of employers and the government are continuously consulting in order to prevent conflicts and to share information. Council for the reconciliation of interests: a permanently operating macro-level, national forum for tripartite cooperation of representatives of workers, employers and the government. Its aim is to reach agreements, prevent and arrange national conflicts, exchange information, monitor the recommendations and alternatives.

Conciliation board: its aim is to try to arrange the matter of dispute between the customer and the business organization with a settlement and even to decide the case in order to guarantee the quick, efficient and simple enforcement of customer's rights.

Hungary's legal system provides for the better known types of alternative dispute resolution (ADR), namely:

Arbitration procedure regulated by the Act LXXI of 1994 on Arbitration;

Act I of 2004 on Sport establishing the Permanent Court of Arbitration for Sport;

Mediation regulated by the Act LV of 2002 on Mediation;

Mediation in healthcare regulated by the Act CXVI of 2000 on Mediation in Healthcare;

Mediation in matters of child protection regulated by the 2003 amendment to Decree No. 149/1997 (IX. 10.);

Conciliatory corporate proceedings: the Labour Mediation and Arbitration Service established under the Act XXII of 1992 on the Labour Code; the Act CLV of 1997 on Consumer Protection establishing conciliation bodies attached to the regional economic chambers.

The Mediation Service for Education dealing with the issue of school violence – according to the Educational Act and the Act of Higher Education the resort to the MSE is an educational right.

The current Hungarian criminal law recognizes and applies mediation procedures in certain crimes against property of a lesser value. The application of this legal institution – by encouraging active remorse and repayment of the damage – implies real reparation for the victims, besides giving way to the state's criminal law interests.

**Q168 (2016):** Today, in Hungary there is a possibility to try to settle a legal dispute with an agreement or part of the disputed issues in any phase of a lawsuit. Our legal procedural rules do also apply conciliation and reconciliation, which provide alternatives within the litigation procedure. Moreover, in B2B disputes, our effective civil law rules stipulate mandatory negotiation: the opposing parties have to try to settle the dispute out of court before submitting the petition. (However, this may be disregarded if the parties prepare jointly minutes on the opinion difference that has arisen between them). The public administration authority procedure also knows settlement procedure that may be ordered by the authority or it may also take place if the nature of the case allows it.

From January 1, 2018, judicial mediation will also be available in Administrative cases.

## Ireland

**Q163 (General Comment):** Court procedures facilitate the referring of pending proceedings to various types of ADR (in particular conciliation, mediation and arbitration). One developing area within ADR is collaborative law, involving lawyers for the respective parties seeking to collaborate on reaching a resolution. In this method, the collaborating lawyers do not act for their respective clients should the dispute proceed to litigation.

**Q166 (2014):** 2014: Reforms are also under consideration. Legislation is being prepared to promote mediation as a viable, effective and efficient alternative to court proceedings thereby reducing legal costs, speeding up the resolution of disputes and relieving the stress involved in court proceedings. It is anticipated that a Mediation Bill will be published in 2015 with a view to enactment of the legislation quickly thereafter.

**Q168 (General Comment):** Court procedures facilitate the referring of pending proceedings to various types of ADR (in particular conciliation, mediation and arbitration). One developing area within ADR is collaborative law, involving lawyers for the respective parties seeking to collaborate on reaching a resolution. In this method, the collaborating lawyers do not act for their respective clients should the dispute proceed to litigation.

The Arbitration Act 2010 came into effect on 8 June 2010. It applies to all arbitrations beginning on or after that date. The Act replaces the Arbitration Acts 1954 to 1998 and adopts the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration. The UNCITRAL Model Law represents a global consensus on principles to be applied in respect of international arbitration.

## Italy

**Q166 (2018):** The above figures refer to public mediators who deal with civil and commercial mediation procedures. Therefore these figures do not include mediators in family matters (818) nor in consumer cases.

**Q166 (2016):** The number of accredited mediators is destined to grow. Probably at a lower growth rate.

**Q168 (General Comment):** According to the relevant legal provisions, conciliation bodies have competence in the fields of company law, financial brokerage, banking and credit. The Chambers of Commerce have competence with regard to conciliation procedures and can even play a role as mediation and arbitration organizations. Conciliation bodies are also intervening in respect of disputes in the telecommunication sector. Besides, there are private procedures of mediation ("negoziazione paritetica") established by consumers' associations and companies. The latter are acting on behalf of consumers who may decide at the end of the procedure to accept or not the proposal of settlement. There is also another ADR procedure called "conciliazione bancaria" intended to address issues between a customer and a bank or a financial intermediary. It is noteworthy that in 2010 a large reform on ADR took place in Italy. Accordingly, since 2011, a number of matters in the civil sector require that a mandatory mediation procedure may, upon application, be confirmed as enforceable in the district court.

## Latvia

**Q163 (2015):** Since the 1st January 2015 we have implemented Court-Annexed Mediation in Latvia. The court must propose to parties to use mediation at the initiation of a civil case as well as at other stages. And if the outcome of mediation is agreement between parties, the plaintiff can receive back 50 % of the State Fee.

According to the Mediation Law we have mediators and certified mediators in Latvia. Anyone can be a mediator who has been selected freely by the parties and who has agreed to conduct the mediation. But regarding the certified mediators we have specified procedure to become a certified mediator and to maintain certification. Regarding the law a certified mediator can be a person who: is of good standing and higher education; has attended a mediator's training course and has obtained a mediator's certificate. The certificate gives the right to be included in the list of certified mediators. Certified mediators are tested by the Certification and attestation commission of mediators.

According to the Section 25 of the Mediation Law the Council of Certified Mediators is an autonomous self-governance body subject to public law which: ensures the issuance of a certificate to the mediator who has passed the certification examination, organises certification examinations of mediators and attestation examinations of certified mediators, keeps a list of certified mediators, supervises the mediation quality, examining complaints regarding activities of certified mediators and performs other tasks specified in the Mediation Law.

**Q163 (2014):** On the occasion of the 2013 and 2014 exercises, it has been specified that in Latvia mediation has been traditionally considered as a structured co-operation process on voluntary basis whereby the parties attempt to reach a mutually acceptable agreement on the settlement of their dispute with the assistance of a mediator.

The court-annexed mediation module will be implemented from January 2015, when the court, within the court proceedings, is going to be able to suggest to the parties to resort to mediation (not court-internal mediation model where another judge of the court is endowed with the responsibility to ensure the mediation).

For the court-annexed mediation model, certified mediators institute has been established, but it should be mentioned that there is no exclusive mandate for certified mediators. Both – mediators without certificate and certified mediators may manage court cases. Parties are free to choose. The first mediator's certification took place on October 1, 2014 and was passed by 24 candidates.

Notwithstanding that, before the implementation of the specific ADR institute - mediation – the parties were entitled to conclude a settlement. The settlement has also been considered as an ADR mechanism differing from mediation by the methods of reaching an agreement.

**Q163 (2013):** On the occasion of the 2013 and 2014 exercises, it has been specified that in Latvia mediation has been traditionally considered as a structured co-operation process on voluntary basis whereby the parties attempt to reach a mutually acceptable agreement on the settlement of their dispute with the assistance of a mediator.

The court-annexed mediation module will be implemented from January 2015, when the court, within the court proceedings, is going to be able to suggest to the parties to resort to mediation (not court-internal mediation model where another judge of the court is endowed with the responsibility to ensure the mediation).

For the court-annexed mediation model, certified mediators institute has been established, but it should be mentioned that there is no exclusive mandate for certified mediators. Both – mediators without certificate and certified mediators may manage court cases. Parties are free to choose. The first mediator's certification took place on October 1, 2014 and was passed by 24 candidates.

Notwithstanding that, before the implementation of the specific ADR institute - mediation – the parties were entitled to conclude a settlement. The settlement has also been considered as an ADR mechanism differing from mediation by the methods of reaching an agreement.

**Q166 (2015):** Variation of the number of mediators is constant since every year new mediators pass the exam and become certified mediators

**Q168 (General Comment):** As concerns the category “other”, in criminal procedure law there is a settlement institute, while in administrative procedure law there is an administrative contract institute.

The Civil Procedure Law regulates arbitration procedures in Latvia, namely an arbitration court may be established for the resolution of a specific dispute or operate permanently. A permanent arbitration court operates on the basis of articles of association or by-law, whereas an arbitration court established for the resolution of a specific dispute operates in accordance with the procedures prescribed by the Civil Procedure Law. The permanent arbitration court shall commence operations after registration in the Arbitration Court Register. The Arbitration Court Register is maintained by The Enterprise Register. A permanent arbitration court may be established by legal persons. The resolution of disputes by an arbitration court is not an entrepreneurial activity.

As regards conciliation, according to Article 149 § 2 of the Civil Procedure Law, in preparing a case for trial, the judge shall strive to reconcile the parties. In addition Article 151 § 3 set forth that the judge shall strive to reconcile the parties also during the trial. Moreover, the Civil Procedure Law determines that a settlement is permitted at any stage in the procedure and in any civil dispute, except in cases explicitly enumerated by the Civil Procedure Law. Regarding conciliation in criminal cases, Article 381 of the Criminal Procedure Law provides for that in the case of a settlement, an intermediary (a mediator) from the State Probation Service may facilitate the conciliation of a victim and the persons who committed a criminal offence. In determining that a settlement is possible in criminal proceedings, and that the involvement of an intermediary (a mediator) is useful, a person directing the proceedings may inform the State Probation Service regarding such possibility or usefulness. Mediation has been developed in practice before the adoption of a specific legislation regulating this procedure. The first step in devising mediation institute was taken in 2009 when the concept on mediation in civil disputes resolution was adopted by the government, implying the gradual implementation of 4 mediation modules from pure mediation to court-annexed mediation, from court-annexed mediation to court-internal mediation, from court-internal mediation to integrated mediation.

o In Latvia mediation has been traditionally considered as a structured co-operation process on voluntary basis whereby the parties attempt to reach a mutually acceptable agreement on the settlement of their dispute with the assistance of a mediator.

o The court-annexed mediation module will be implemented from January 2015, when the court, within the court proceedings, is going to be able to suggest to the parties to resort to mediation (not court-internal mediation model where another judge of the court is endowed with the responsibility to ensure the mediation).

o For the court-annexed mediation model, certified mediators institute has been established, but it should be mentioned that there is no exclusive mandate for certified mediators. Both – mediators without certificate and certified mediators may manage court cases. Parties are free to choose. The first mediator’s certification took place on October 1, 2014 and was passed by 24 candidates.

**Q168 (2015):** In Criminal Procedure Law there is a settlement institute, and in Administrative Procedure Law - an administrative contract institute.

## Lithuania

**Q163 (2017):** The number of judicial mediation procedures concerning civil and commercial cases increased because the judicial mediation becomes more popular.

**Q166 (2018):** On 29 June, 2017 new regulation for mediation and becoming mediator was adopted which entered into force from 2019-01-01. The amendments that have been made set new requirements to improve the quality of mediation services. Also, the establishment of mediation as a professional activity (with the exception of judicial mediation by judges) is approved, part of such activity is paid by state. These factors as well as the overall promotion of mediation in the country might have impact on the significant increase of the number of people that gained the status of mediator.

**Q166 (2017):** The number of the mediators could increase due to the more effective spread of the information about the judicial mediation.

**Q166 (2016):** Judicial mediation is becoming more popular, efforts made by the judiciary and the National Courts Administration, as well as the legislator, resulted in an increased number of mediators.

**Q166 (2015):** National Courts Administration, data of the Activities report of 2015 of the Commission of the Judicial Mediation (<http://www.teismai.lt/data/public/uploads/2016/03/teismines-mediacijos-komisijos-2015-m.-veiklos-apibendrinimas.pdf>)

The main reforms that have been implemented over the last two years in judicial mediation:

From the 1st January 2015 the judicial mediation is available in all the courts of general jurisdiction. Before it was only available in courts, who participated in the pilot project. It is only available in civil cases. The judicial mediation is free of charge and parties may choose the judicial mediator from the List of Judicial Mediators (the List of Judicial Mediators is available at website <https://e.teismas.lt/lt/public/teismin%C4%97-mediacija/>). Judges, assistants of judges, lawyers, psychologists and other persons of different background are on the List of Judicial Mediators.

The peculiarity is that judges can also have the status of judicial mediator. The parties may choose the judge, who deals with the case (if she/he has the status of judicial mediator) to act as judicial mediator. If a peaceful agreement is reached in such a case he/she has also the power to validate it.

Parties may also choose the judge of the Court of Appeal, the Supreme Court of Lithuania to deal with their dispute, which is heard by the court of lower instance, i.e. the dispute, which arose in the court of first instance, can be dealt with by the judge of the higher court.

In order to secure the impartiality of a judge, the judge, who was dealing with the dispute as judicial mediator has an obligation to opt out from the case at later stage.

In order to promote the peaceful settlement of disputes, the Judicial Council has also decided, that judges in every case should decide on suitability of the case for judicial mediation. It was also decided to set at least 4 hours of trainings on judicial mediation in the training programmes of judges.

National Courts Administration has implemented the EU project on e-services in administration of justice in 2015. During the project, management of the process of judicial mediation was created in the Information System of Lithuanian Courts LITEKO. Parties have a possibility to make a statement in the claim or other document on judicial mediation, the judicial mediator can access the case via electronic means, can arrange the judicial mediation session via electronic means, the parties can discuss on a peaceful agreement, can sign and deliver it to the court via electronic means, i.e. E-Service Portal of Lithuanian Courts (<https://e.teismas.lt/en/public/home/>).

**Q166 (2014):** One of the reasons explaining the increase of the number of judicial mediators in 2014 is that from 1st January, 2015 new regulations on judicial mediation came into force, which set stricter requirements for candidates to judicial mediators (requirement for longer trainings (32 hours instead of 16 hours), requirement to attend the meetings of the Judicial Mediation Commission). Therefore persons, who wished to act as judicial mediators hurried to deliver their documents before the 1st. January, 2015, so that their request would be considered under rules, which were valid before 1st. January, 2015.

**Q168 (2018):** Pursuant to the Law on Consumer Rights Protection of the Republic of Lithuania the following public bodies deal with consumer disputes in the role of ADR entities:

- Communications Regulatory Authority
- Bank of Lithuania (central bank)
- State Energy Regulatory Council
- Bar Association
- State Consumer Rights Protection Authority

Firstly, during the ADR procedure these consumer ADR entities have to try to conciliate parties of the dispute. If a settlement is not reached, a decision on the substance of the dispute is adopted. The decision is binding, unless a party commences proceedings in a court. The exception are decisions of Bank of Lithuania which are not binding.

## Luxembourg

**Q166 (2016):** There are 92 mediators for criminal matter and 81 in civil and commercial matter.

**Q168 (General Comment):** Non-judicial mediation exists in criminal matters (although ordered by public prosecutors).

Arbitration is provided in particular under article 429 of the Civil Procedure Code, which states: "if parties should be referred to the arbitrators, for examination of the accounts, documents and registers, one or three arbitrators should be appointed to hear the parties, and reconcile them, if possible, or give them a notice.

If necessary to visit or estimate the work or merchandises, one or three experts should be appointed.

Arbitrators and experts are nominated ex officio by the court except if parties agree about it during the hearing".

The judge can always suggest conciliation to the parties.

## Malta

**Q166 (2017):** The data regarding the number of mediators was provided by The Malta Mediation Centre, quoting the number of mediators duly accredited and registered in terms of the provisions of the Mediation Act, 2004 (Cap. 474 of the Laws of Malta).

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**Q166 (2015):** The data regarding the number of mediators was provided by The Malta Mediation Centre, quoting the number of mediators duly accredited and registered in terms of the provisions of the Mediation Act, 2004 (Cap. 474 of the Laws of Malta).

**Q168 (General Comment):** Arbitration is mandatory in cases relating to traffic collision which do not exceed €11,600 in value and which do not include bodily injury. Furthermore, arbitration is mandatory in cases of condominium and contestations of water and electricity bills. Likewise, parties may choose to resort to arbitration on any civil and commercial litigious matter, provided both parties agree. The Malta Arbitration Centre is constantly improving the services for arbitration and promotes the issue of arbitration regularly. Its web site is [www.mac.com.mt](http://www.mac.com.mt)

## Netherlands

**Q163 (General Comment):** Judicial mediation always implies the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

**Q163 (2012):** In the frame of the 2010 and 2012 exercises, it has been mentioned that from April 2005 until January 2011, parties who were referred to mediation via the Courts and who were not eligible for legal aid, could apply for an incentive contribution (stimuleringsbijdrage). This contribution covered both parties' expenses for the first 2.5 hours of mediation. The incentive contribution stopped in January 2011.

**Q163 (2010):** In the frame of the 2010 and 2012 exercises, it has been mentioned that from April 2005 until January 2011, parties who were referred to mediation via the Courts and who were not eligible for legal aid, could apply for an incentive contribution (stimuleringsbijdrage). This contribution covered both parties' expenses for the first 2.5 hours of mediation. The incentive contribution stopped in January 2011.

**Q166 (2018):** In campaigns to promote mediation, many people have been trained to become a mediator, and were accredited. Therefore, we observe that there are more people that want to be professional mediators than there is demand for the mediation services. The decrease of the number of mediators was discussed in the news media. The explanation given for the decrease was that the fee for being registered went up substantially. Many mediators who did hardly have cases to mediate, gave up.

**Q166 (2015):** In the frame of the 2015 exercise the number of mediators has increased, especially since the increase of the own financial contribution in divorce cases. Lawyers practice more often judicial mediation, which is less expensive.

**Q166 (2014):** In the frame of the 2014 exercise, it has been explained that the number of mediations has increased, especially since the increase of the own financial contribution in divorce cases. Lawyers practice more often judicial mediation, which is less expensive.

**Q166 (2012):** The number provided for 2012 refers to accredited judicial mediators. In 2010 there were 4 015 mediators registered at the Dutch Mediation Institute (NMI).

The number provided for 2012 refers to accredited judicial mediators. The number of accredited mediators in general was 2 949. The decrease observed between 2010 and 2012 was due to new registration directives of the Dutch Mediation Institute.

**Q168 (General Comment):** Category "Other" include: Binding advice in consumer cases by Consumer complaints Board (Geschillencommissie consumentenzaken); Binding advice in financial insurance cases by KIFID; Binding advice in health insurance cases by SKGZ; Binding advice in rent cases (Huurcommissie); Arbitration: (Raad van arbitrage voor de bouw)

**Q168 (2016):** In 2016 there were the following number of cases for other:

- Binding advice in consumer cases: 4801 incoming cases
- Binding advice in financial insurance: incoming cases: 6055 (they changed their organization of complaint disposal)
- Binding advice in health insurance cases: incoming cases 3710
- Binding advice in rent cases: 8210 incoming cases
- Arbitration (Arbitration board for the building industry): 491 incoming cases

**Q168 (2015):** In 2015 there were following number of cases for other:

- Binding advice in consumer cases: 4627 incoming cases
- Binding advice in financial insurance cases: 6493 cases
- Binding advice in health insurance cases: 3152 cases
- Binding advice in rent cases: 9959 incoming cases
- Arbitration: In Dutch: 556 incoming cases."

**Q168 (2014):** On the occasion of the 2014 exercise, it has been explained that in recent years the Ministry of Security and Justice and various relevant criminal justice actors (the Council for the Judiciary, the Public Prosecution Service, the police, Rehabilitation, Victim Support, 'Victim in Focus', and the Dutch federation of mediators have voiced their support for the introduction of mediation in criminal justice. As a consequence, in October 2013, the Ministry of Security and Justice asked actors in the field to submit proposals for pilot projects on mediation. Five projects received funding.

## Poland



**Q163 (2017):** On 1 January 2016, entered into force a new law introducing a system of procedural and organizational improvements in judicial mediation procedures. The purpose was to encourage the parties to try to resolve the dispute amicably before referring the case to court or in the course of court proceedings. Recent legislative changes aimed to:

1. Promotion of mediation and alternative dispute resolution methods,
2. Popularization of mediation in society.

In regard to above, we can admit that statistical data are directly related to implemented legislative changes.

**Q163 (2016):** In regard to Q163-1 it is necessary to indicate that there are not mandatory mediation procedures.

The number of mediation procedure increased significantly caused by implemented changes in law, especially in Code of Civil Procedure. We can notice that percentage of mediation cases raise in relation to cases in which mediation procedure can be apply.

**Q166 (2017):** The central register of mediators in Poland is not maintained. There are two separate list of registered mediators maintained by each regional courts – a list of permanent mediators created by the president of a regional court and a list of mediators created by mediation organisations. There is no possibility to account number of registered mediators because mediators are repeated on both lists and in different courts also.

**Q166 (2016):** The central register of mediators in Poland is not maintained. There are two separate list of registered mediators maintained by each regional courts – a list of permanent mediators created by the president of a regional court and a list of mediators created by mediation organisations. There is no possibility to account number of registered mediators because mediators are repeated on both lists and in different courts also.

## Portugal

**Q163 (2016):** Concerning the significant increase in the number of family mediations, with initiative in the courts (with the consent of the parties):

The increase in the number of cases is due, on one hand, to a greater dissemination of the Family Mediation System and to a wider perception of its benefits by users and other operators of the System and on the other hand to the legislative reform operated in 2015, with the approval of the General Regime of the Civil Guardianship Process (RGPTC) that originated the increase of Family Mediation applications originating in the Courts.

This occurred as a consequence of the new paradigm established in this new legislation, according to which, in the majority of civil juvenile cases, where it is not possible to obtain the agreement of the parties in court, the court must suspend the proceedings and refer the parties to one of two interventions: Family mediation (if the parties agree to submit to the procedure) or the specialized technical hearing, if they do not agree to resort to Family Mediation. The RGPTC entered into force in October 2015 and its effects were immediately felt in the statistical data for the subsequent year.

Regarding the decrease in the number of mediations in civil and commercial matters, we do not have data that allows us to clarify the trend.

As for the decrease in the number of mediations in criminal matters, we do not have data to clarify the trend. Next year, the Directorate-General for Justice Policy (Ministry of Justice) will develop a Monitoring and Diagnostic Evaluation Study of the Criminal Mediation System that may shed light on this trend.

**Q166 (2018):** There is a national registry on private mediators and also a national registry on public mediators, but one can not determine who among them practice court- related mediation. Besides, since the registration is not mandatory, there are also some mediators that are not registered and may practice court-related mediation.)

**Q166 (2017):** this number includes mediators of the Ministry of Justice registered public systems mediation and mediators of the Peace Courts. Unlike previous data (before 2016), the 2016 and 2017 data also include accredited conflict mediators in accordance with Law n.29/2013 of 19 April (Mediation Law).

The slight increase in the number of accredited mediators between the years of 2016 and 2017 is due to the increased number of applications for inclusion on the list organized by the Ministry of Justice submitted by private mediators.

**Q166 (2016):** this number includes mediators of the Ministry of Justice registered public systems mediation and mediators of the Peace Courts. Unlike previous data, it also includes accredited conflict mediators in accordance with Law n.29/2013 of 19 April (Mediation Law).

**Q166 (2015):**

The given number in question 166 includes the mediators of the Ministry of Justice' registered public systems mediation and mediators of the Peace Courts. In addition to this number there are 234 accredited conflict mediators in accordance with article 9 (1) (e) of Law No. 29/2013, of 19 April (Mediation Law), regulated by Ministerial Ordinance No. 344/2013, of 27 November.

Please acknowledge that registered public system mediators and mediators of the Peace Courts can also be accredited conflict mediators but not the other way around.

**Q168 (General Comment):** In Portugal, mediation is admissible in a number of areas. Moreover, public measures have been adopted in order to increase recourse to public mediation systems in specific areas of law: namely, family, employment, criminal, civil and commercial matters.

Family, employment and criminal mediation have their own structures, with specialist mediators in these areas.

Civil and commercial mediation takes place as part of a judicial process at the Courts of Peace (Julgados de Paz). The latter are part of the Portuguese legal system and are based on an extra-judicial basis (Law 78/2001, 13 July). If the parties have not reached an agreement through mediation, they can go to trial, where a decision is issued by the Peace Judge, who may also promote the parties' conciliation.

## Romania

**Q163 (General Comment):** In Romania, the mediation procedure is regulated by Law no. 192/2006 concerning the mediation and the organization of the mediator profession. Even if in certain circumstances, according to the Civil Procedure Code, the judge may recommend the parties to use mediation, we cannot talk about a judicial mediation. According to the Law no. 192/2006, the mediation activity is organized as a liberal profession and the control mechanism of mediation is given to an inside body; also, taking into consideration the fact that it is a new profession, the law encourages and promotes a free development of the mediation – as an alternative method for judicial proceedings – without any interference from the State authorities regarding the selection of mediators. The parties (natural or legal persons) may have voluntary recourse to mediation, inclusively after the beginning of a trial in front of the courts, convening to settle in this way any conflicts in civil, criminal and other matters (e.g. family disputes, consumers' protection litigation etc.). According to the Civil Procedure Code, the judge has the duty to try, during the whole trial, the reconciliation of the parties. If necessary, taking into account the circumstances of the case, the judge shall recommend to the parties to have recourse to mediation, for the dispute settlement on amiable way, in any stage of the trial. Mediation is not compulsory for the parties. If, in the mentioned conditions, the parties reconcile, the judge shall ascertain their agreement in the content of the judgment he/she will pronounce.

As for the conciliation procedure, the former Civil Procedure Code provided for a direct conciliation procedure between parties, in case of commercial litigation, before filing a case in court (art. 7201 of the former Civil Procedure Code). This procedure was not retained by the New Civil Procedure Code, in force since 2014.

**Q166 (2016):** Regarding the variation registered in the number of authorizations granted to the mediators during the period 2014-2016, we mention that this was due to the legislative changes in the field of mediation occurred during that period.

**Q166 (2013):** The increase of the number of mediators in 2012 and 2013 comparing to 2010 is a result of the legislative reforms, stimulating the ADR.

**Q166 (2012):** The increase of the number of mediators in 2012 and 2013 comparing to 2010 is a result of the legislative reforms, stimulating the ADR.

**Q168 (General Comment):** The Romanian civil procedural legislation regulates, as alternative methods for the settlement of disputes, mediation, arbitration and conciliation.

Mediation is regulated by Law 192/2006 on Mediation and Organization of the Profession of Mediator. The parties may have voluntary recourse to mediation, inclusively after the beginning of a trial in civil, criminal and other matters (the law contains special provisions regarding family conflicts and mediation in criminal cases, which are supplemented by provisions referring to mediate in a dispute before the courts). The law also applies in the conflicts of the consumers' protection field. According to the Civil Procedure Code, the judge has the duty to try, during the whole trial, the reconciliation of the parties, giving them the necessary instructions. If necessary, he/she can recommend to the parties to resort to mediation. The Criminal Procedure Code regulates the possibility to renounce to the civil claims, as well as the recognition by the defendant of the civil claims and the conclusion of a mediation transaction/ agreement.

The arbitration procedure (arbitral convention, arbitrators, establishment of the arbitral court, notification of the arbitral court, arbitral procedure, arbitral judgment and its dissolution, enforcement of the arbitral judgment, international arbitration, recognition and enforcement of foreign arbitral judgments) is governed by the Civil Procedure Code. There may be the object of arbitration disputes between persons with full legal capacity, apart from those involving marital status, individuals' capacity, succession debate, family relationships and rights to which the parties may not dispose of.

In the matter of labour law, the collective labour conflicts may be settled by alternative means of disputes settlement: conciliation, mediation and arbitration (Law of Social Dialogue no. 62/2011). Basically, these alternative methods specific to the labor law, with its own rules, have a distinct legal status and are separated from the mechanisms and the rules provided by the basic legal framework on ADR (Law 192/2006 concerning mediation and also the rules laid down in the procedural codes). According to the Law 202/2010, in trials and applications in commercial matters rateable in money, before the introduction of the application for suing at law, the plaintiff shall try to settle the dispute rather by mediation, either by direct conciliation.

**Q168 (2016):** •Currently, our system does not provide for judicial mediation institution.

- In the Romanian legislation, mediation is regulated by Law no. 192/2006 on mediation and organization of the profession of mediator. According to Art. 1 of this Law mediation represents a modality for the settlement of conflicts on amiable way, with the help of a third specialized person in the capacity of mediator, in conditions of neutrality, impartiality, confidentiality and having the free consent of the parties.

- The parties, natural or legal persons, may have voluntary recourse to mediation, inclusively after the beginning of a trial in front of the courts, convening to settle in this way any conflicts in civil matters, in criminal matters, as well as in other matters.

- The Law no. 192/2006 provides special provisions regarding family conflicts and on mediation in criminal cases, which are supplemented by provisions referring to mediate in a dispute before the courts. • The provisions of Law no. 192/2006 also apply in the conflicts of the consumers' protection field (e.g. if the consumer invokes the existence of a prejudice as a result of the acquisition of some defected products or services, of the nonobservance of the contractual clauses or of the granted guarantees, of the existence of some abusive clauses in the contracts concluded between consumers and economic agents or of the infringing of other rights stipulated by the national legislation or of the EU legislation in the consumers' protection field).

- According to the Civil Procedure Code, the judge has the duty to try, during the whole trial, the reconciliation of the parties giving them the necessary instructions. To this effect, the judge shall ask the personal presence of the parties, even if they are represented. • If necessary, taking into account the circumstances of the case, the judge shall recommend to the parties to have recourse to mediation, for the dispute settlement on amiable way, in any stage of the trial. • Mediation is not compulsory for the parties. If, in the mentioned conditions, the parties reconcile, the judge shall ascertain their agreement in the content of the judgment he/she will pronounce (Art. 272 par. 1 I and II theses, par. 2 and par. 3 I thesis of the Civil Procedure Code).

- For a short period of time (July 2013 – May 2014), the Law on mediation provided for a mandatory information session regarding the benefits of mediation. (NB: only the information session on mediation was mandatory and not the mediation itself). This provision was declared unconstitutional by the Romanian Constitutional Court (Decision no. 266/07.05.2014).

oArguments of the Court:

- Breach of the principle of access to justice (NB1: this was available not only knowing that the sanction for not participating in the mandatory information session was inadmissibility of the claim, but even in the case of any other sanction – see para. 22 of the CCR Decision; NB2: the information session was not mandatory for all types of civil litigation, but only for those expressly provided by the law - e.g. family litigation, consumer litigation, labor litigation).

- Rebutting the presumption *nemo censetur ignorare legem*. Thus, by imposing the mandatory information session, it may be admitted that there is a non-sufficient knowledge of the law on mediation (vs publication of the law in the Official Journal), contrary to the general presumption of law

- The Criminal Procedure Code (art. 22-23) regulates the possibility to renounce to the civil claims, as well as the recognition by the defendant of the civil claims and the conclusion of a mediation transaction/ agreement.

Mail CN 17/11/2015: Q166: Concerning the number of accredited or registered mediators who practice judicial mediation, we noticed that there has been an increase between 2012 and 2013 of 162%, followed by a decrease between 2013 and 2014 of 37%, which affects the long-term analysis (2012-2014). Could you explain these variations? Answer of the national correspondent: These variations were determined by the evolution of legislation in the field of mediation in which we referred to the comments (G.1)

## Slovakia

**Q166 (2018):** In previous cycles the number of registered mediators provided by the Ministry of Justice included all persons listed in the register of mediators, including those who has been stroke out of a list or suspended. For this evaluation cycle we can provide the number of active registered mediators.

**Q166 (2012):** In 2012, all disciplinary proceedings against lawyers were initiated on the basis of alleged breach of professional obligations laid down by the Act on the Legal Profession or the Code on Professional Conduct for Lawyers. A criminal offence committed by a lawyer (who was found guilty by the criminal court in final judgment) is the reason for suspension or disbarment under the Act on the Legal Profession. However, it is not an issue of disciplinary proceedings.

**Q168 (General Comment):** Mediation:

The out of court mediation is the form of solving the disputes arisen from civil and commercial legal relations as well as disputes in family matters and employer/employee relations. The mediation may result in the written agreement which should be enforced if approved by the court or is in the form of notarial deed.

Arbitration:

The Act on Arbitration proceedings (No. 244/2002 Coll.) offers the possibility to solve the disputes arisen from internal and international civil and commercial legal relations.

The contractual parties should conclude written arbitration clause, pursuant to which their disputes should be decided by chosen arbitrator or by permanent arbitration court.

The Ministry of Justice keeps the list of permanent arbitration courts.

The parties may agree on procedural rules, otherwise the standard rules determined by the Act should apply.

The decision of an arbitrator can be challenged by an action before the court on the grounds stipulated in the Act and within the period of 30 days counted from the day of service of the decision.

The Consumer arbitration: According to Act on the consumer arbitration (335/2014 Coll.) the dispute arisen from consumer contract may be decided by the certified arbitration court. The Ministry of Justice is keeping the list of permanent consumer arbitration courts.

Conciliation:

In civil procedure, wherever possible, a court will attempt to settle the dispute by conciliation.

**Q168 (2014):** On the occasion of the 2014 exercise, it has been indicated that the new Act on consumer arbitration (No. 335/2014 Coll.) entered into force on 1st January 2015. Its aim is to strengthen the protection of consumers. The arbitration agreement has to be concluded separately from the contract itself. Within this agreement the contracting parties are obliged to choose a particular arbitration court to decide the potential disputes. Despite the arbitration agreement, the consumer has the right to file a claim originated in the contract to a general court. The act requires new prerequisites to establish the arbitration court for consumers. At the same time the amendment to the Act on arbitration entered into force.

## Slovenia

**Q163 (General Comment):** All courts of first and second instance have adopted ADR programmes. Mediation is offered in disputes arising from commercial, labour, family and other civil relationships. The court may adopt and implement the programme as an activity organised directly in court (court-annexed programme) or on the basis of a contract with a suitable provider of ADR. Mediators in these programmes have to fulfil conditions, determined by law. The funds are provided in the courts budgets. Mediation in some family and labour disputes is free of costs for parties, in other civil disputes, only the first three hours are free of costs. Mediation in commercial disputes is always paid by the parties. Parties may be referred to mediation on the basis of parties' agreement or on the basis of the information session. In case mediation starts, the court proceedings are suspended for 3 months. In all judicial disputes where the Republic of Slovenia is a party, the State Attorney must give consent for mediation when in the period of 30 days counted from the day of service of the decision.

**Q163 (2016):** The Act on Alternative Dispute Resolution in Judicial Matters has been adopted in November 2009. According to aforementioned Act, all courts of first and second instance have to adopt ADR programmes. On the basis of these programmes, mediation is offered in disputes arising from commercial, labour, family and other civil relationships, with regard to claims that are at parties' disposal and that parties can agree upon. Courts may also introduce other forms of ADR.

The Act refers to local, district and labour courts, as well as to high courts and the Higher labour and social disputes court. The court may adopt and implement the programme as an activity organised directly in court (court-annexed programme) or on the basis of a contract with a suitable provider of ADR (court-connected programme). Courts can also cooperate when implementing the programme. Mediators in these programmes have to fulfil conditions, determined by the Act. The courts' budget shall provide the funds for the programmes that are offered by courts. Mediation in disputes in relations between parents and children and in labour disputes due to termination of an employment contract is free of costs for parties. In other disputes, the first three hours of mediation are free of costs for parties. The only exception is mediation in commercial disputes; parties pay the costs of such mediation. Parties may be referred to mediation in two different ways: on the basis of parties' agreement or on the basis of the information session (in this case they may oppose to

referral and in such case, mediation does not start). In case mediation starts, the court proceedings are suspended for 3 months. The Act expressly refers to cases in which the state is a party. In all judicial disputes where this Act is applied and where the Republic of Slovenia is a party, the State Attorney shall give consent for mediation when such a decision is appropriate, given the circumstances of the case. If the State Attorney deems mediation to be unsuitable, he shall submit an explanation and a proposal to the Government of the Republic of Slovenia and ask for a decision. Criminal matters: The possibility of a settlement proceeding has been introduced in 1998, with the changes of Criminal Procedure Act. The proceeding is not called 'mediation' but 'settlement in

criminal matters'. It may be introduced before filing a request for investigation or before filing a charge sheet without the investigation; it may be applied in case of minor criminal offences. The aim of such proceedings is to reach a settlement, which contains certain moral or material satisfaction for the victim. It is up to the public prosecutor to transfer the case into the settlement proceedings. In doing so, the public prosecutor shall take account of the type and nature of

the offence, the circumstances in which it was committed, the personality of the perpetrator and his prior convictions for the same type of / or for other criminal offences, as well as his degree of criminal liability. The settlement proceedings shall be run by the settlement agent. The settlement proceedings may only be implemented with the consent of the suspect and the victim. The suspect and the victim bear the costs of the proceedings. The control over these proceedings is exercised by a board, established by the Supreme Public Prosecutor's Office.

Other specific legislation that regulates mediation and other ADR:

- The Patient Rights Act (Official Gazette of the Republic of Slovenia, No. 15/08) regulates the mediation proceeding between patients and health-care service providers (Article 71 and 72).

- The Employment Relationship Act (Official Gazette of the Republic of Slovenia, No. 21/13, 78/13 and 47/15 - ZZSDT) stipulates in article 201 the possibility that the employer and the employee agree on resolving their dispute in mediation or arbitration proceedings.

**Q163 (2015):** The Act on Alternative Dispute Resolution in Judicial Matters has been adopted in November 2009. According to aforementioned Act, all courts of first and second instance have to adopt ADR programmes. On the basis of these programmes, mediation is offered in disputes arising from commercial, labour, family and other civil relationships, with regard to claims that are at parties' disposal and that parties can agree upon. Courts may also introduce other forms of ADR. The Act refers to local, district and labour courts, as well as to high courts and the Higher labour and social disputes court. The court may adopt and implement the programme as an activity organised directly in court (court-annexed programme) or on the basis of a contract with a suitable provider of ADR (court-connected programme). Courts can also cooperate when implementing the programme. Mediators in these programmes have to fulfil conditions, determined by the Act. The courts' budget shall provide the funds for the programmes that are offered by courts. Mediation in disputes in relations between parents and children and in labour disputes due to termination of an employment contract is free of costs for parties. In other disputes, the first three hours of mediation are free of costs for parties. The only exception is mediation in commercial disputes; parties pay the costs of such mediation. Parties may be referred to mediation in two different ways: on the basis of parties' agreement or on the basis of the information session (in this case they may oppose to referral and in such case, mediation does not start). In case mediation starts, the court proceedings are suspended for 3 months. The Act expressly refers to cases in which the state is a party. In all judicial disputes where this Act is applied and where the Republic of Slovenia is a party, the State Attorney shall give consent for mediation when such a decision is appropriate, given the circumstances of the case. If the State Attorney deems mediation to be unsuitable, he shall submit an explanation and a proposal to the Government of the Republic of Slovenia and ask for a decision. Criminal matters: The possibility of a settlement proceeding has been introduced in 1998, with the changes of Criminal Procedure Act. The proceeding is not called 'mediation' but 'settlement in criminal matters'. It may be introduced before filing a request for investigation or before filing a charge sheet without the investigation; it may be applied in case of minor criminal offences. The aim of such proceedings is to reach a settlement, which contains certain moral or material satisfaction for the victim. It is up to the public prosecutor to transfer the case into the settlement proceedings. In doing so, the public prosecutor shall take account of the type and nature of the offence, the circumstances in which it was committed, the personality of the perpetrator and his prior convictions for the same type of / or for other criminal offences, as well as his degree of criminal liability. The settlement proceedings shall be run by the settlement agent. The settlement proceedings may only be implemented with the consent of the suspect and the victim. The suspect and the victim bear the costs of the proceedings. The control over these proceedings is exercised by a board, established by the Supreme Public Prosecutor's Office.

Other specific legislation that regulates mediation and other ADR:

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**Q168 (General Comment):** Other specific legislation that regulates mediation and other ADR:

- The Patient Rights Act regulates the mediation proceeding between patients and health-care service providers.

**Q168 (2016):** - According to the Act on Alternative Dispute Resolution in Judicial Matters all local, district, labour and higher courts and higher labour and social court are obliged to provide mediation to the parties. Besides, they may also provide other forms of alternative dispute settlement. An alternative dispute settlement is defined as a procedure that does not entail trial and in which one or more neutral third parties co-operate in the dispute settlement using the procedures of mediation, arbitration, preliminary neutral evaluation or other similar procedures.

- The Mediation in Civil and Commercial Matters Act regulates mediation in disputes arising from civil, commercial, labour, family and other property relationships with regard to claims which may be freely disposed of and settled by the parties, unless otherwise stipulated for individual disputes by a special law. Pursuant to Article 2(2) of MCCMA, mediation is also possible in case of other disputes as well (other than civil, commercial, labour, family, and property disputes), as long as it is not contrary to law.

- The Arbitration Act provides legal framework for all kind of arbitration proceedings.

## Spain

**Q163 (General Comment):** The Law on mediation in civil and commercial cases allows mediation (as a voluntary option) in these types of cases by an independent professional (separated from Courts).

The Civil Procedural Law sets the obligation of the Court to inform the parties to the alternative of mediation.

The Unit of Intrajudicial Mediation of the Superior Court of Justice of Murcia (UMIM), is the first experience of Spanish mediation within the concept of Judicial Office. It is organically integrated as Section 5 of the Common Procedure Management Service. It is directed and served by public servants at judicial headquarters, and provides comprehensive, centralized, specialized and free mediation services in matters that are derived from the judicial bodies in the fields of family, criminal, civil, minor and contentious-administrative.

**Q163 (2015):** In Spain a law has been passed in order to regulate mediation in civil and commercial matters: Law 5/2012, 6 July. Furthermore, within the Ministry of Justice a database with a list of mediators has been set up. The objective of this database is to facilitate the use of this ADR. Citizens have an online and free access to this database. Nevertheless it is important to mention that registration in this database is only compulsory for mediators in insolvency proceedings. For the rest of the cases subject to mediation, the registration of mediators in this database is merely voluntary. This means that the number of mediators in Spain is higher than the number of mediators registered in this database, since registration is not compulsory to exercise the profession except for the case of mediators in insolvency proceedings.

Some legal measures have been adopted in order to boost the use of mediation:

-Law 5/2012 has modified the Civil Procedure Code in order to encourage the parties to use mediation

- The use of a mediation service before opening an insolvency proceeding for a natural person facilitates the release of the debts once the judicial proceeding is completed ( Real-Decreto Ley 1/2015, 27 February)

**Q166 (2018):** The figure indicated is the sum of [Mediators + Insolvency mediators + Institutions of Mediation + Legal Persons Insolvency mediators] registered in the Registry of Mediation of the Ministry of Justice.

The registry is not compulsory and there are other Registries in Autonomous Regions. Therefore, the figure is not a complete and perfect national data.

**Q166 (2017):** The data indicates the number of natural persons registered as Mediators and Mediators on Insolvency, in the Registry of Mediators and Mediation Institutions. (Registration is not compulsory).

Moreover, there are 123 Institutions of Mediation, and other 132 legal persons registered as Mediators on Insolvency. Law 5/2012 on mediation in civil and commercial matters regulated mediation. The Royal Decree 980/2013, develops the previous Law and creates the Register of Mediators and Mediation Institutions. Registration in the Register is voluntary, therefore, its figures are still indicative. But in general the regulation offers a better structuring of the Mediation Institution and a progressive improvement of the quality of the data. Moreover, Mediation is being developed and implemented more and more, both by public initiatives and by professional Associations.

**Q166 (2016):** In the Registry of the Ministry of Justice there are 1160 private mediators registered who work in the whole territory. The mediation takes place out of Courts. The Court during the first hearing informs to the parties about the possibility of going to mediation, and can suspend the procedure if the parties decide to try the mediation.

The registry mentioned is voluntary (not mandatory), so the figure is a possible approximation. The number of Institutions of Mediation is 66.

**Q166 (2015):** The approval in 2012 of the Act on mediation in civil and commercial matters could have influence on the increase in the number of mediators.

**Q168 (2014):** For the 2014 exercise, a reference has been made to a specific law regulating mediation in civil and commercial matters. It entered into force in 2012 and has modified the Civil Procedure Code in order to encourage parties to resort to mediation. Additional legal measures have been adopted with the aim of facilitating the use of mediation. For example, a database has been established within the Ministry of Justice, containing information on mediators. Citizens have a free online access to this database. Moreover, in certain autonomous regions (Cataluña) and for certain procedures (foreclosure proceedings), the use of mediation prior to the opening of a trial is compulsory.

Besides, a royal statutory order of 2015 provides for that the use of a mediation service before opening an insolvency proceeding for a natural person facilitates the release of the debts once the judicial proceeding is completed.

**Q168 (2012):** In 2012, a specific law has been passed, intended to regulate mediation in civil and commercial matters and modifying the Civil Procedure Code in order to encourage parties to resort to mediation. Additional legal measures have been adopted with the aim of facilitating the use of mediation. For example, a database has been established within the Ministry of Justice, containing information on mediators. Citizens have a free online access to this database. Moreover, in certain autonomous regions (Cataluña) and for certain procedures (foreclosure proceedings), the use of mediation prior to the opening of a trial is compulsory.

## Sweden

**Q166 (2018):** In order to facilitate the choice of special mediator the Swedish National Courts Administration, commissioned by the Swedish government, has put together and published a list of special mediators available for the mediation procedure outside the court room.

**Q168 (General Comment):** In civil cases amenable to out-of-court settlements, the court is obliged to work for a settlement, unless it is inappropriate in the specific case. Most often this is done through negotiations between the parties led by the judge. The latter can however decide, if the parties agree with that, the involvement of a private mediator. This procedure is called special mediation. If the parties do not need to pay for the time the judge spends on the settlement negotiations, they normally have to pay for the work of the private mediator. The State has to bear the cost of such a private mediator only if one of the parties has been granted legal aid. Moreover, a mediator can be appointed in cases concerning children (custody of, residence and visitation) in which hypothesis the State bears the costs. Before a mediator is appointed, the judge would normally lead a conversation with the parties aimed at reaching an agreement. The State and the municipalities can also arrange mediation between an mediation

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# Indicator 8: The existence and use of alternative dispute resolution methods

## comments provided by the national correspondents organised by question no.

*Question 163. Does the judicial system provide for court-related mediation procedures?*

*Question 166. Number of accredited or registered mediators for court-related mediation:*

*Question 168. Do the following alternative dispute resolution (ADR) methods exist in your country?*

### Question 163

#### Austria

**(General Comment):** Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a judge can propose that he/she mediates a case between an offender and a victim to establish a compensation agreement. In the course of an offer for a diversion an out-of court compensation can be ordered by a judge (or a public prosecutor in the preliminary proceedings). In cases of parental custody and cases about the right to access to one's children a judge can instruct "Familiengerichtshilfe" to find a common solution or to gather very precise facts. "Familiengerichtshilfe" is part of the jurisdictionary, they are not legal educated but sozial workers, trained educators and psychologists.

#### Bulgaria

**(2018):** Yes, in the Republic of Bulgaria judges may refer parties to a mediator, to a settlement of a dispute through a mediation procedure if they believe that more satisfactory results can be achieved for both parties. But it's important to underline that according to Art. 4 of the the Mediation Act (promulgated SG No. 110 of 2004), persons exercising judicial functions in the judicial system cannot carry out mediation activities.

#### Cyprus

**(General Comment):** A law on mediation was introduced in 2012 and applies only to civil cases. The case is transmitted to mediation and the judge does not act as a mediator.

#### Czech Republic

**(General Comment):** Initially, judicial mediation was regulated by law only in criminal matters. The Act on mediation in non-criminal matters entered into force in September 2012.

#### Denmark



**(General Comment):** The Danish Administration of Justice Act provides for two different types of judicial mediation in chapters 26 and 27.

In accordance with article 268(1) in chapter 26 of the Administration of Justice Act, the court must provide for judicial mediation in every civil case in the first instance in an attempt to reach a judicial settlement. The court can however refrain from providing such judicial mediation if, due to the nature of the case, the relationship between the parties to the proceedings, or similar circumstances, it can be assumed in advance that judicial mediation would provide no result, cf. article 268(2). In accordance with article 272 in chapter 27 of the Administration of Justice Act, the court can, if so requested by the parties to the proceedings, appoint a judicial mediator to assist the parties in reaching, by themselves, a solution to a dispute, which is at the parties' disposition.

## Greece

**(General Comment):** For Civil cases: Judicial mediation is optional and it is possible to resort to it before filing any action or during pendency before the Court of first instance or the Court of Appeal.

## Hungary

**(General Comment):** Judicial mediation was introduced in the Hungarian legal system in 2012. In this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. Different laws encourage the parties to choose the mediation procedure in compliance with the voluntary principle. Among these, the most significant are the Civil Procedure Code, the Act on Charges and the Act on the Service of the Judicial Employees. Detailed rules in relation to judicial mediation are provided by the Order 14/2002 (VIII.1.) of the Minister of Justice, the Rules on Judicial Case Management, and the Rules issued by the President of the National Office for the Judiciary. It is noteworthy that the Act LV of 2002 on Mediation covers civil litigation, but excludes mediation in libel proceedings, guardianship proceedings, proceedings on the termination of parental responsibility, enforcement proceedings, procedures establishing paternity or ancare offered by courts. Mediation i

**(2013):** In 2013, 75 court employees (judges, court secretaries and administrative employees) took part at special courses organized by the National Office for the Judiciary. The strategic goal of the NOJ was to have a judicial mediator at every court that has more than 7 judges, which implies further trainings.

**(2012):** In October 2012, judicial mediators have been appointed at six general courts in order to contribute to the resolution of judicial procedures in the shortest time possible and in a satisfactory way for the parties.

## Ireland

**(General Comment):** Court procedures facilitate the referring of pending proceedings to various types of ADR (in particular conciliation, mediation and arbitration). One developing area within ADR is collaborative law, involving lawyers for the respective parties seeking to collaborate on reaching a resolution. In this method, the collaborating lawyers do not act for their respective clients should the dispute proceed to litigation.

## Latvia

**(2015):** Since the 1st January 2015 we have implemented Court-Annexed Mediation in Latvia. The court must propose to parties to use mediation at the initiation of a civil case as well as at other stages. And if the outcome of mediation is agreement between parties, the plaintiff can receive back 50 % of the State Fee.

According to the Mediation Law we have mediators and certified mediators in Latvia. Anyone can be a mediator who has been selected freely by the parties and who has agreed to conduct the mediation. But regarding the certified mediators we have specified procedure to become a certified mediator and to maintain certification. Regarding the law a certified mediator can be a person who: is of good standing and higher education; has attended a mediator's training course and has obtained a mediator's certificate. The certificate gives the right to be included in the list of certified mediators. Certified mediators are tested by the Certification and attestation commission of mediators.

According to the Section 25 of the Mediation Law the Council of Certified Mediators is an autonomous self-governance body subject to public law which: ensures the issuance of a certificate to the mediator who has passed the certification examination, organises certification examinations of mediators and attestation examinations of certified mediators, keeps a list of certified mediators, supervises the mediation quality, examining complaints regarding activities of certified mediators and performs other tasks specified in the Mediation Law.

**(2014):** On the occasion of the 2013 and 2014 exercises, it has been specified that in Latvia mediation has been traditionally considered as a structured co-operation process on voluntary basis whereby the parties attempt to reach a mutually acceptable agreement on the settlement of their dispute with the assistance of a mediator.

The court-annexed mediation module will be implemented from January 2015, when the court, within the court proceedings, is going to be able to suggest to the parties to resort to mediation (not court-internal mediation model where another judge of the court is endowed with the responsibility to ensure the mediation).

For the court-annexed mediation model, certified mediators institute has been established, but it should be mentioned that there is no exclusive mandate for certified mediators. Both – mediators without certificate and certified mediators may manage court cases. Parties are free to choose. The first mediator's certification took place on October 1, 2014 and was passed by 24 candidates.

Notwithstanding that, before the implementation of the specific ADR institute - mediation – the parties were entitled to conclude a settlement. The settlement has also been considered as an ADR mechanism differing from mediation by the methods of reaching an agreement.

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## **Lithuania**

**(2017):** The number of judicial mediation procedures concerning civil and commercial cases increased because the judicial mediation becomes more popular.

## **Netherlands**

**(General Comment):** Judicial mediation always implies the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

**(2012):** In the frame of the 2010 and 2012 exercises, it has been mentioned that from April 2005 until January 2011, parties who were referred to mediation via the Courts and who were not eligible for legal aid, could apply for an incentive contribution (stimuleringsbijdrage). This contribution covered both parties' expenses for the first 2.5 hours of mediation. The incentive contribution stopped in January 2011.

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## **Poland**

**(2017):** On 1 January 2016, entered into force a new law introducing a system of procedural and organizational improvements in judicial mediation procedures. The purpose was to encourage the parties to try to resolve the dispute amicably before referring the case to court or in the course of court proceedings. Recent legislative changes aimed to:

1. Promotion of mediation and alternative dispute resolution methods,
2. Popularization of mediation in society.

In regard to above, we can admit that statistical data are directly related to implemented legislative changes.

**(2016):** In regard to Q163-1 it is necessary to indicate that there are not mandatory mediation procedures.

The number of mediation procedure increased significantly caused by implemented changes in law, especially in Code of Civil Procedure. We can notice that percentage of mediation cases raise in relation to cases in which mediation procedure can be apply.

## Portugal

**(2016):** Concerning the significant increase in the number of family mediations, with initiative in the courts (with the consent of the parties):

The increase in the number of cases is due, on one hand, to a greater dissemination of the Family Mediation System and to a wider perception of its benefits by users and other operators of the System and on the other hand to the legislative reform operated in 2015, with the approval of the General Regime of the Civil Guardianship Process (RGPTC) that originated the increase of Family Mediation applications originating in the Courts.

This occurred as a consequence of the new paradigm established in this new legislation, according to which, in the majority of civil juvenile cases, where it is not possible to obtain the agreement of the parties in court, the court must suspend the proceedings and refer the parties to one of two interventions: Family mediation (if the parties agree to submit to the procedure) or the specialized technical hearing, if they do not agree to resort to Family Mediation. The RGPTC entered into force in October 2015 and its effects were immediately felt in the statistical data for the subsequent year.

Regarding the decrease in the number of mediations in civil and commercial matters, we do not have data that allows us to clarify the trend.

As for the decrease in the number of mediations in criminal matters, we do not have data to clarify the trend. Next year, the Directorate-General for Justice Policy (Ministry of Justice) will develop a Monitoring and Diagnostic Evaluation Study of the Criminal Mediation System that may shed light on this trend.

## Romania

**(General Comment):** In Romania, the mediation procedure is regulated by Law no. 192/2006 concerning the mediation and the organization of the mediator profession. Even if in certain circumstances, according to the Civil Procedure Code, the judge may recommend the parties to use mediation, we cannot talk about a judicial mediation. According to the Law no. 192/2006, the mediation activity is organized as a liberal profession and the control mechanism of mediation is given to an inside body; also, taking into consideration the fact that it is a new profession, the law encourages and promotes a free development of the mediation – as an alternative method for judicial proceedings – without any interference from the State authorities regarding the selection of mediators. The parties (natural or legal persons) may have voluntary recourse to mediation, inclusively after the beginning of a trial in front of the courts, convening to settle in this way any conflicts in civil, criminal and other matters (e.g. family disputes, consumers' protection litigation etc.). According to the Civil Procedure Code, the judge has the duty to try, during the whole trial, the reconciliation of the parties. If necessary, taking into account the circumstances of the case, the judge shall recommend to the parties to have recourse to mediation, for the dispute settlement on amiable way, in any stage of the trial. Mediation is not compulsory for the parties. If, in the mentioned conditions, the parties reconcile, the judge shall ascertain their agreement in the content of the judgment he/she will pronounce.

As for the conciliation procedure, the former Civil Procedure Code provided for a direct conciliation procedure between parties, in case of commercial litigation, before filling a case in court (art. 7201 of the former Civil Procedure Code). This procedure was not retained by the New Civil Procedure Code, in force since 2014.

## Slovenia

**(General Comment):** All courts of first and second instance have adopted ADR programmes. Mediation is offered in disputes arising from commercial, labour, family and other civil relationships. The court may adopt and implement the programme as an activity organised directly in court (court-annexed programme) or on the basis of a contract with a suitable provider of ADR. Mediators in these programmes have to fulfil conditions, determined by law. The funds are provided in the courts budgets. Mediation in some family and labour disputes is free of costs for parties, in other civil disputes, only the first three hours are free of costs. Mediation in commercial disputes is always paid by the parties. Parties may be referred to mediation on the basis of parties' agreement or on the basis of the information session. In case mediation starts, the court proceedings are suspended for 3 months. In all judicial disputes where the Republic of Slovenia is a party, the State Attorney must give consent for mediation when such putes, consumers' protection litigation etc.). According to the

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## Question 166

### Austria

**(2015): Q166**

<http://www.mediatorenliste.justiz.gv.at>

Q168

Sec. 198 – 209 CPC

### Belgium

**(2018):** 2122 accredited mediators with 2788 accreditations granted, 907 for male mediators and 1881 accreditations for female mediators

**(2017):** Information on mediation: <http://www.mediation-justice.be>

**(2016):** Information on mediation: <http://www.mediation-justice.be>

**(2015):** number of médiateurs at 13/10/2016

**(2012):** 2012: the competence over the court houses is transferred from the federal level to the authorities.

**(2010):** The Law of 21 February 2005 created a Federal Mediation Commission, composed of a general commission and 3 special commissions. The general commission is composed of 6 members specialised in mediation, namely: two notaries, two lawyers, two representatives of the mediators who are neither working as lawyers nor as notaries. Its main functions consist in: approving training institutions for mediators as well as their training programs; determining accreditation criteria for mediators by type of mediation; accrediting mediators; withdrawing, temporarily or permanently the accreditation in respect of mediators who do not comply any more with the requirements of article 1726 of the Judicial Code; defining the procedure of accreditation and withdrawal of accreditations; establishing and communicating the register of mediators to all courts; conceiving a Code of conduct and the possible sanctions in case of violation.

### Bulgaria

**(2018):** The information about the number of registered court-related mediators is not available (NA). As of May 2019 the total number of mediators registered in the Unified Register of Mediators at the Ministry of Justice is 2311 (for 2018 the number of newly registered is 250).

**(2015):** Number of registered mediators is 1501 up to 31.12.2015. There is no differentiation between mediators who practice judicial mediation and others.

### Croatia

**(2010):** In the frame of the 2010 exercise, it has been specified that a register of mediators (conciliators) has been established as well as a register of accredited institutions for mediators which is kept by the Ministry of Justice. Accordingly, registration of mediators began in 2010. Accordingly, the communicated number of accredited mediators (388) was not final because mediators were continuing registering for accreditation. The figure provided for 2008 (1000) corresponded to the number of trained mediators and not registered mediators.

### Czech Republic

**(2018):** From the above mentioned number of mediators there are 429 probate and mediation officials and 228 mediators in non criminal cases. The number of mediators is increasing since the Ministry of Justice supports broader use of other criminal sanctions which are alternatives to imprisonment such as house arrest.

**(2017):** From the above mentioned number of mediators there are 421 probate and mediation officials and 239 (from this number 211 active and 28 inactive) mediators in non criminal cases. The number of mediators in non criminal cases is constantly increasing since the entry into force of a law on judicial mediation in civil matters in 2012.

**(2016):** From the above mentioned number of mediators there are 398 probate and mediation officials and 222 mediators in non criminal cases. The number of mediators in non criminal cases is constantly increasing since the entry into force of a law on judicial mediation in civil matters in 2012.

**(2015):** From the above mentioned number of mediators there are 381 probate and mediation officials and 208 mediators in non criminal cases.  
The number of mediators in non criminal cases is constantly increasing since the entry into force of a law on judicial mediation in civil matters in 2012.

**(2010):** In the frame of the 2010 exercise, it was explained that the increase of 49% of the total number of accredited or registered mediators practicing judicial mediation between 2008 and 2010 was due to the introduction of the new Criminal Code. Namely, there were 90 new people engaged as probate servants who were educated in the field of mediation and enabled to mediate in criminal matters.

## Denmark

**(2018):** The number of registered judges who serve as mediators in court mediation in 2018 is 86. The number of registered attorneys who are appointed to serve as mediators in court mediation in 2018 is 57.

**(2017):** In 2017 there are 57 registered attorneys and 78 judges with a special mediation education as of 1st July 2017. There is a different process of appointment. Judge mediators go through a special education, and registered attorneys must file a job application to become mediator. There we have updated numbers for judge mediators. Attorneys are appointed every 4 years and the last appointment window was in 2016. The number of attorneys is therefore the same as last year. Source: <http://www.domstol.dk/saadangoerdu/retsmaegling/Documents/Liste%20over%20advokatmaeglere.pdf>

**(2016):** The number of registered judges who serve as mediators in court mediation in 2016 is 86. The number of registered attorneys who are appointed to serve as mediators in court mediation in 2016 is 57.

## France

**(2018):** The data are approximate because they have been compiled manually from the lists of mediators at the courts of appeal, published and provided for by article 8 of Act No. 2016-1547 of 18 November 2016 on the modernization of 21st century justice and partial because the service is still waiting for the publication and/or registration of 13 lists, on 05 June 2019. It is recalled that in the French judicial system, the judge remains free to appoint a mediator who does not appear on the lists drawn up by the courts of appeal. Indeed, these lists are intended for the information of the judge.

**(2016):** Except for the profession of family mediator for which a diploma is required, the profession of mediator in civil and commercial matters is not regulated and there is no national register of mediators. Nevertheless, it is possible to consider as registered: mediators in criminal matters entrusted with tasks by public prosecutors (312), justice conciliators who are volunteers and selected by judicial bodies (1958), and the family mediators empowered by the family allowances funds (670). Data is not presented in full time equivalent.

**(2015):** Accredited mediators are family mediators, criminal mediators and legal conciliators, who work in courts or are subsidised by the family allowance funds.

Source: Ministry of Justice, General Secretariat, Sub-Directorate of Statistics and Studies, Access to Law and Victim Assistance Unit

## Germany

**(2018):** Germany does not have a system of accreditation or registration for mediators. In addition, there is no statistical data available on the number of court annexed mediation cases. For these reasons, Germany cannot provide information on the number of accredited or registered mediators who practice judicial mediation.

**(2016):** Germany does not have a system of accreditation or registration for mediators. In addition, there is no statistical data available on the number of court annexed mediation cases. For these reasons, Germany cannot provide information on the number of accredited or registered mediators who practice judicial mediation.

## **Hungary**

**(2016):** There is a continuous training for court secretaries and judges in the field of mediation so that is the reason for the increasing number. To be registered as a court mediator one must finish this training (organized by the National Office for the Judiciary).

**(2014):** The increase in the number of judicial mediators between 2013 and 2014 is a result of constant training organized by the National Office for the Judiciary.

**(2013):** Registered mediator can be any natural or legal person, who complies with the legal requirements (concerning university degree, mediation training etc.). According to the relevant legislation (Act LV of 2002 on Mediation) mediators established in other EEA Member States (i.e. living in the European Economic Area) can act in a current case in Hungary. The foreign mediator should inform the Ministry of Justice, which shall specify the rights for one year.

## **Ireland**

**(2014):** 2014: Reforms are also under consideration. Legislation is being prepared to promote mediation as a viable, effective and efficient alternative to court proceedings thereby reducing legal costs, speeding up the resolution of disputes and relieving the stress involved in court proceedings. It is anticipated that a Mediation Bill will be published in 2015 with a view to enactment of the legislation quickly thereafter.

## **Italy**

**(2018):** The above figures refer to public mediators who deal with civil and commercial mediation procedures. Therefore these figures do not include mediators in family matters (818) nor in consumer cases.

**(2016):** The number of accredited mediators is destined to grow. Probably at a lower growth rate.

## **Latvia**

**(2015):** Variation of the number of mediators is constant since every year new mediators pass the exam and become certified mediators

## **Lithuania**

**(2018):** On 29 June, 2017 new regulation for mediation and becoming mediator was adopted which entered into force from 2019-01-01. The amendments that have been made set new requirements to improve the quality of mediation services. Also, the establishment of mediation as a professional activity (with the exception of judicial mediation by judges) is approved, part of such activity is paid by state. These factors as well as the overall promotion of mediation in the country might have impact on the significant increase of the number of people that gained the status of mediator.

**(2017):** The number of the mediators could increase due to the more effective spread of the information about the judicial mediation.

**(2016):** Judicial mediation is becoming more popular, efforts made by the judiciary and the National Courts Administration, as well as the legislator, resulted in an increased number of mediators.



**(2015):** National Courts Administration, data of the Activities report of 2015 of the Commission of the Judicial Mediation (<http://www.teismai.lt/data/public/uploads/2016/03/teismines-mediacijos-komisijos-2015-m.-veiklos-apibendrinimas.pdf>)

The main reforms that have been implemented over the last two years in judicial mediation:

From the 1st January 2015 the judicial mediation is available in all the courts of general jurisdiction. Before it was only available in courts, who participated in the pilot project. It is only available in civil cases. The judicial mediation is free of charge and parties may choose the judicial mediator from the List of Judicial Mediators (the List of Judicial Mediators is available at website <https://e.teismas.lt/lt/public/teismin%C4%97-mediacija/>). Judges, assistants of judges, lawyers, psychologists and other persons of different background are on the List of Judicial Mediators.

The peculiarity is that judges can also have the status of judicial mediator. The parties may choose the judge, who deals with the case (if she/he has the status of judicial mediator) to act as judicial mediator. If a peaceful agreement is reached in such a case he/she has also the power to validate it.

Parties may also choose the judge of the Court of Appeal, the Supreme Court of Lithuania to deal with their dispute, which is heard by the court of lower instance, i.e. the dispute, which arose in the court of first instance, can be dealt with by the judge of the higher court.

In order to secure the impartiality of a judge, the judge, who was dealing with the dispute as judicial mediator has an obligation to opt out from the case at later stage.

In order to promote the peaceful settlement of disputes, the Judicial Council has also decided, that judges in every case should decide on suitability of the case for judicial mediation. It was also decided to set at least 4 hours of trainings on judicial mediation in the training programmes of judges.

National Courts Administration has implemented the EU project on e-services in administration of justice in 2015. During the project, management of the process of judicial mediation was created in the Information System of Lithuanian Courts LITEKO. Parties have a possibility to make a statement in the claim or other document on judicial mediation, the judicial mediator can access the case via electronic means, can arrange the judicial mediation session via electronic means, the parties can discuss on a peaceful agreement, can sign and deliver it to the court via electronic means, i.e. E-Service Portal of Lithuanian Courts (<https://e.teismas.lt/en/public/home/>).

**(2014):** One of the reasons explaining the increase of the number of judicial mediators in 2014 is that from 1st January, 2015 new regulations on judicial mediation came into force, which set stricter requirements for candidates to judicial mediators (requirement for longer trainings (32 hours instead of 16 hours), requirement to attend the meetings of the Judicial Mediation Commission). Therefore persons, who wished to act as judicial mediators hurried to deliver their documents before the 1st January, 2015, so that their request would be considered under rules, which were valid before 1st. January, 2015.

## **Luxembourg**

**(2016):** There are 92 mediators for criminal matter and 81 in civil and commercial matter.

## **Malta**

**(2017):** The data regarding the number of mediators was provided by The Malta Mediation Centre, quoting the number of mediators duly accredited and registered in terms of the provisions of the Mediation Act, 2004 (Cap. 474 of the Laws of Malta).

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**(2015):** The data regarding the number of mediators was provided by The Malta Mediation Centre, quoting the number of mediators duly accredited and registered in terms of the provisions of the Mediation Act, 2004 (Cap. 474 of the Laws of Malta).

## **Netherlands**

**(2018):** In campaigns to promote mediation, many people have been trained to become a mediator, and were accredited. Therefore, we observe that there are more people that want to be professional mediators than there is demand for the mediation services. The decrease of the number of mediators was discussed in the news media. The explanation given for the decrease was that the fee for being registered went up substantially. Many mediators who did hardly have cases to mediate, gave up.

**(2015):** In the frame of the 2015 exercise the number of mediators has increased, especially since the increase of the own financial contribution in divorce cases. Lawyers practice more often judicial mediation, which is less expensive.

**(2014):** In the frame of the 2014 exercise, it has been explained that the number of mediations has increased, especially since the increase of the own financial contribution in divorce cases. Lawyers practice more often judicial mediation, which is less expensive.

**(2012):** The number provided for 2012 refers to accredited judicial mediators. In 2010 there were 4 015 mediators registered at the Dutch Mediation Institute (NMI).

The number provided for 2012 refers to accredited judicial mediators. The number of accredited mediators in general was 2 949. The decrease observed between 2010 and 2012 was due to new registration directives of the Dutch Mediation Institute.

## Poland

**(2017):** The central register of mediators in Poland is not maintained. There are two separate list of registered mediators maintained by each regional courts – a list of permanent mediators created by the president of a regional court and a list of mediators created by mediation organisations. There is no possibility to account number of registered mediators because mediators are repeated on both lists and in different courts also.

**(2016):** The central register of mediators in Poland is not maintained. There are two separate list of registered mediators maintained by each regional courts – a list of permanent mediators created by the president of a regional court and a list of mediators created by mediation organisations. There is no possibility to account number of registered mediators because mediators are repeated on both lists and in different courts also.

## Portugal

**(2018):** There is a national registry on private mediators and also a national registry on public mediators, but one can not determine who among them practice court- related mediation. Besides, since the registration is not mandatory, there are also some mediators that are not registered and may practice court-related mediation.)

**(2017):** this number includes mediators of the Ministry of Justice registered public systems mediation and mediators of the Peace Courts. Unlike previous data (before 2016), the 2016 and 2017 data also include accredited conflict mediators in accordance with Law n.29/2013 of 19 April (Mediation Law).

The slight increase in the number of accredited mediators between the years of 2016 and 2017 is due to the increased number of applications for inclusion on the list organized by the Ministry of Justice submitted by private mediators.

**(2016):** this number includes mediators of the Ministry of Justice registered public systems mediation and mediators of the Peace Courts. Unlike previous data, it also includes accredited conflict mediators in accordance with Law n.29/2013 of 19 April (Mediation Law).

### **(2015):**

The given number in question 166 includes the mediators of the Ministry of Justice' registered public systems mediation and mediators of the Peace Courts. In addition to this number there are 234 accredited conflict mediators in accordance with article 9 (1) (e) of Law No. 29/2013, of 19 April (Mediation Law), regulated by Ministerial Ordinance No. 344/2013, of 27 November.

Please acknowledge that registered public system mediators and mediators of the Peace Courts can also be accredited conflict mediators but not the other way around.

## Romania

**(2016):** Regarding the variation registered in the number of authorizations granted to the mediators during the period 2014-2016, we mention that this was due to the legislative changes in the field of mediation occurred during that period.

**(2013):** The increase of the number of mediators in 2012 and 2013 comparing to 2010 is a result of the legislative reforms, stimulating the ADR.

**(2012):** The increase of the number of mediators in 2012 and 2013 comparing to 2010 is a result of the legislative reforms, stimulating the ADR.

## Slovakia

**(2018):** In previous cycles the number of registered mediators provided by the Ministry of Justice included all persons listed in the register of mediators, including those who has been stroke out of a list or suspended. For this evaluation cycle we can provide the number of active registered mediators.

**(2012):** In 2012, all disciplinary proceedings against lawyers were initiated on the basis of alleged breach of professional obligations laid down by the Act on the Legal Profession or the Code on Professional Conduct for Lawyers. A criminal offence committed by a lawyer (who was found guilty by the criminal court in final judgment) is the reason for suspension or disbarment under the Act on the Legal Profession. However, it is not an issue of disciplinary proceedings.

## Spain

**(2018):** The figure indicated is the sum of [Mediators + Insolvency mediators + Institutions of Mediation + Legal Persons Insolvency mediators] registered in the Registry of Mediation of the Ministry of Justice. The registry is not compulsory and there are other Registries in Autonomous Regions. Therefore, the figure is not a complete and perfect national data.

**(2017):** The data indicates the number of natural persons registered as Mediators and Mediators on Insolvency, in the Registry of Mediators and Mediation Institutions. (Registration is not compulsory). Moreover, there are 123 Institutions of Mediation, and other 132 legal persons registered as Mediators on Insolvency. Law 5/2012 on mediation in civil and commercial matters regulated mediation. The Royal Decree 980/2013, develops the previous Law and creates the Register of Mediators and Mediation Institutions. Registration in the Register is voluntary, therefore, its figures are still indicative. But in general the regulation offers a better structuring of the Mediation Institution and a progressive improvement of the quality of the data. Moreover, Mediation is being developed and implemented more and more, both by public initiatives and by professional Associations.

**(2016):** In the Registry of the Ministry of Justice there are 1160 private mediators registered who work in the whole territory. The mediation takes place out of Courts. The Court during the first hearing informs to the parties about the possibility of going to mediation, and can suspend the procedure if the parties decide to try the mediation. The registry mentioned is voluntary (not mandatory), so the figure is a possible approximation. The number of Institutions of Mediation is 66.

**(2015):** The approval in 2012 of the Act on mediation in civil and commercial matters could have influence on the increase in the number of mediators.

## Sweden

**(2018):** In order to facilitate the choice of special mediator the Swedish National Courts Administration, commissioned by the Swedish government, has put together and published a list of special mediators available for the mediation procedure outside the court room.

## Question 168

## Austria

**(General Comment):** The legal basis for procedures of alternative dispute resolution other than judicial mediation includes the Law on Mediation in Civil Matters and the Non-litigious Procedure Code. Relevant provisions can also be found within the Codes of civil and criminal procedures. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, the public prosecutor is entitled under specific conditions to withdraw from prosecuting a punishable act and accompany the parties in the establishment of a settlement. In this frame, an expert in conflict resolving can be involved. The latter has to report to the public prosecutor about the settlement negotiations and review their fulfilment and by the end prepares a final report.

**(2018):** Comment: Law on Mediation in Civil Matters (Zivilrechts-Mediations-Gesetz); § 107 Abs. 3 Non litigious Procedure Code (Außerstreitgesetz)  
Sec. 198 – 209 CPC  
In administrative proceedings in matters of taxes, customs duties and respective penalties arbitration is possible.

**(2016):** Comment: Law on Mediation in Civil Matters (Zivilrechts-Mediations-Gesetz); § 107 Abs. 3 Non litigious Procedure Code (Außerstreitgesetz)  
Sec. 198 – 209 CPC

## Belgium

**(General Comment):** There is the law of the 18th of June 2018 containing various provisions in civil law and provisions to promote alternative forms of dispute resolution.

The provisions concerning mediation are improved. A definition of mediation is included. The scope of mediation is extended to legal persons governed by public law. In the context of judicial mediation, the judge may impose a recourse to mediation at the beginning of the procedure, ex officio or at the request of one or more parties, if it considers that a reconciliation is possible. The quality of accredited mediators is also validated by the protection of the practice of the profession and the title. The structure of the federal mediation commission is being modernised and its role strengthened.

In addition, collaborative law is enshrined in the Judicial Code: a voluntary and confidential process of dispute resolution through negotiation involving parties to the conflict and their respective lawyers, who act within the framework of an exclusive and limited mandate for assistance and of an advice with the aim of reaching an amicable agreement.

**(2016):** Any dispute which has already arisen or which could arise from a specific legal relationship and on which it is permitted to settle may be the subject of an arbitration agreement.

Any person who has the capacity or power to settle may enter into an arbitration agreement.

In Belgium, the parties can also be reconciled. There are mandatory and optional attempts.

If agreement is reached, the hearing concludes with a conciliation report.

## Bulgaria

**(General Comment):** The legal basis of mediation is constituted of the Law on mediation, the Ordinance n° 2 on the Conditions and Order for the Approval of the Organizations for Mediators Training; Requirements for Mediators Training; Order for Registration and Deletion of Mediators from the Uniform Register of Mediators and Procedural and Ethical Rules of Mediator Conduct. Mediation is applicable to civil, commercial, labour, family and administrative disputes related to consumer rights, and other disputes between natural and/or legal persons. The Civil Procedure Code includes as well provisions concerning mediation. The court may direct the parties to mediation or another procedure for voluntary resolution of the dispute according to the general procedure for the examination of cases. The same opportunity is also explicitly envisaged for the proceedings on matrimonial cases and for the proceedings on commercial disputes.

Conciliation and other alternative dispute resolutions are provided in certain sectors, for example on consumer cases, some cases under Energy Sector Act, etc. The Civil Procedure Code refers explicitly to arbitration. The parties to a property dispute may agree that their dispute be settled by an arbitration court, unless the said dispute has as its subject matter any rights in rem or possession of a corporeal immovable, maintenance obligations or rights under an employment relationship. The arbitration may have a seat abroad if one of the parties has his, her or its habitual residence, registered office according to the basic instrument thereof or place of the actual management thereof abroad. Besides, a specific law regulates the international commercial arbitration, based on an arbitration agreement when the place of arbitration is on the territory of the Republic of Bulgaria. The International commercial arbitration allows civil property disputes resulting from foreign economic relations as well as disputes for filling in the gaps in a contract or its adaptation to changed circumstances, if the domicile or the seat of at least one of the parties is not in the Republic of Bulgaria.

**(2018):** The Mediation Act provides for the possibility of mediation outside the judicial process.

According to Art. 19, para. 1 and para. 2 of the Code of Civil Procedure, the parties to a property dispute may arrange for it to be resolved by an arbitral tribunal, unless the dispute is subject to real rights or possession over real estate, maintenance or employment rights or is a dispute in which one of the parties is consumer within the meaning of § 13, item 1 of the additional provisions of the Consumer Protection Act. Arbitration may be domiciled abroad if one of the parties has its habitual residence, its registered office or the place of its actual domicile abroad.

The Bulgarian legislation provides for the possibility of arbitration as an out-of-court method for resolving collective labor disputes, as well as for resolving civil property disputes arising from foreign trade relations, as well as disputes for filling gaps in a contract or adapting it to new circumstances, if the domicile or seat of at least one of the parties is not in the Republic of Bulgaria (Article 1, paragraph 2 of the Law on International Commercial Arbitration- LICA). The legal framework for arbitration as a way of resolving collective labor disputes is the Law on the Settlement of Collective Labor Disputes (LSCLD) - Art. 4-8, The Rules on the Structure and Activity of the National Institute for Conciliation and Arbitration and the Rules for Mediation and Arbitration for the settlement of collective labor disputes by the National Institute for Conciliation and Arbitration. It may be voluntary arbitration, carried out with the assistance of trade unions and employers' organizations or of the National Institute for Conciliation and Arbitration under the procedure of Articles 4-8 of the LSCLD and compulsory arbitration only in a specific hypothesis. The International Commercial Arbitration Act (ICAA) applies to international commercial arbitration based on an arbitration agreement where the place of arbitration is on the territory of the Republic of Bulgaria. An arbitration agreement is a written agreement whereby the parties agree to entrust arbitration to resolve all or some of the disputes that may arise or have arisen between them regarding a particular contractual or non-contractual relationship. It may be an arbitration clause in another contract or separate agreement. Pursuant to § 3 of the LICA, the law also applies to arbitration between parties domiciled or seats in the Republic of Bulgaria, with the exception of Art. 1, para. 2, Art. 10, Art. 11, para. 2 (except when the party to the dispute is a company/enterprise with predominantly foreign participation), Art. 26 and the words "in accordance with the law chosen by the parties, and failing such choice" of art. 47, para. 1, Vol. 2.

## Croatia

**(General Comment):** In Croatia, the following system of judicial settlement is set up (within mediation centres at courts and extrajudicial settlement at mediation centres outside courts) – Mediation Centre at the Croatian Chamber of Economy, Mediation Centre at the Croatian Chamber of Trades and Crafts, Mediation Centre at the Croatian Employers Association, Mediation Centre at the Croatian Mediation Association, Independent Service for social partnership at the Ministry of Labour and Pension System (former Office for Social Partnership that became inoperative in 2012), Banking Mediation Centre at the Croatian Banking Association, Mediation Centre at the Croatian Insurance Office. There is a possibility of extrajudicial settlement certified by a notary public. A notary public participates only formally, by verification of the existing settlement between parties. Therefore, this verification should not be considered as "other alternative dispute resolution". Mediators are enlisted in official register of mediators established at the Ministry of Justice. In the cases where a person intends to institute a litigious proceeding against the Republic of Croatia, he/she shall first, before lodging a complaint, address the State attorney's office, with a request to settle the dispute amicably. If the request is not accepted, or no decision is made within three months of its filing, the applicant may file a complaint to the competent court. This is a mandatory provision. These provisions apply mutatis mutandis in cases where the Republic of Croatia intends to sue a person with legal residence or habitual residence in the Republic of Croatia.

In family law cases a judge can be appointed as an arbitrator. In civil and commercial cases, private mediators, meaning lawyers who are accredited mediators, can be appointed as mediators. In administrative cases, during the court procedure, the parties may reach a settlement on the case matter. The court shall warn the parties of the possibility of reaching a settlement and help them negotiate. Therefore, according to the Croatian law, a judge can participate in a court settlement (this is not a typical mediation meaning that a judge refers parties to a mediator, but a case of a court settlement where a judge facilitates, advises on, decides on or/and approves the procedure). In cases of employment dismissals court annexed mediation can be held, private mediator and public authority can be appointed as mediators, as well as state attorney.

**(2010):** In the frame of the 2010 exercise, it has been stressed that a new Mediation Act was enacted in 2011. It additionally emphasized the basic principles of mediation such as the party autonomy, voluntariness and consensual principle, informality and confidentiality of proceedings. Moreover, a new Ordinance on Mediators Register and Standards for Accreditation of Mediation Institutions and Mediators was enacted in 2011; a new Code of Ethics for mediators was adopted in November 2009; a Practice Book was written in 2011 presenting a certain guide for courts in carrying out conciliation processes. Brochures on the mediation process were published by the Ministry of Justice in 2011. Numerous round tables and conciliation conferences were organized the same year.

## Denmark

**(General Comment):** Conciliation does not exist in the Danish legal system. However, the latter does provide for different forms of judicial mediation (chapters 26 and 27 of the Danish Administration of Justice Act).

A consumer may choose to bring a case before the Consumer Complaints Board or another relevant complaints body approved by the Minister of Business and Growth instead of (or before) bringing it to the courts.

The State Administration offers mediation in cases regarding separation, divorce and parental responsibilities at no cost for the parties concerned.

## Estonia

**(General Comment):** Despite the fact that the Estonian legislation refers to the term of “conciliation” and according to the CEPEJ explanatory note, it is more accurate to talk about “judicial mediation”. In civil matters, it is rare to resort to mediation (conciliation) without the involvement of a court (property claims for example). The parties’ consent is usually required for resorting to mediation, but the latter can be ordered by the court under certain conditions. A mediator can be a person whom the parties have entrusted the task of carrying out the mediation or a sworn lawyer, a notary or a mediation body of the government or a local authority. The judge is not a mediator but he/she has to take all possible measures to settle a matter by a compromise or in another manner through an agreement of the parties. For such purpose, the court may, among other, present a draft of a compromise contract to the parties or request that the parties appear before the court in person, or propose that the parties settle the dispute out of court or call upon the assistance of a mediator.

In family cases regarding the access to the child, the court directs the parties to the family mediators. For collective labour disputes, public and local mediators (conciliators) – impartial experts appointed to office by the Government – help the parties to reach mutually satisfactory resolutions. In criminal matters a Prosecutor’s Office or court may suggest to resort to mediation, but the consent of the suspect/accused and the victim is necessary. The mediation service is entrusted by the Social Insurance Board (government authority under the jurisdiction of the Ministry of Social Affairs) and is carried out by victim support workers who have received relevant training. In administrative matters, the court may conduct mediation proceedings in which parties, with the assistance of a judge, settle their dispute by way of negotiations. The consent of the parties as well as the consent of the third parties are needed. In addition to the non-judicial mediation (family cases), conciliation (conciliation proceedings in civil, administrative and criminal cases) and arbitration (labour disputes committee, consumer disputes committee, lease committee etc.) there is an institution of Public Conciliator (Riiklik Lepitaja). The latter is appointed to office by the Government to prevent and to resolve collective labour disputes. He/she appoints regional conciliators for minor collective labour disputes.

**(2015):** There is no other types of ADR.

**(2014):** There is no other types of ADR.

## Finland

**(General Comment):** In criminal cases, mediation is a process in which the victim and the offender are given the opportunity to meet confidentially through the facilitation of an impartial mediator to discuss the psychological and material harm inflicted on the victim by the offence and to help the parties find a mutual solution to redress the harm. The decision on whether to carry out mediation in a particular case is made by the local mediation office. If the parties reach an agreement, the mediator draws up a document on it. In cases of lesser crimes, the agreement may result in discontinuance of the criminal proceedings. The agreement may also at a later stage lead to non-prosecution, waiving of sentence or to a more lenient punishment. Criminal cases are not mediated in the courts.

A lot of civil cases are settled by the parties and their lawyers when the case is already pending in a court.

A case can be mediated outside the court with a mediator provided by the Finnish Bar Association. A settlement may, upon application, be confirmed as enforceable in the district court.

Parents can agree on the custody, living arrangements and right of access of a child or child support. An agreement can be made and confirmed within the municipal social welfare services. These agreements can not be confirmed as enforceable by a district court.

In consumer disputes, consumer rights advisors provide free guidance and mediation. In addition, Consumer disputes board gives decisions on consumer disputes.

The Arbitration Institute of the Finland Chamber of Commerce provides arbitration and mediation services in domestic and international disputes.

**(2016):** See Q164

## France

**(2018):** The parties have the possibility to conclude a participatory procedure agreement through their lawyers (1544 of the cpc). In this context, they shall work jointly, under the conditions laid down by a convention, on a total or partial agreement, putting an end to the dispute between them or to the preparation of their dispute.

## Germany

**(General Comment):** All forms of out-of court conflict resolution are possible as a matter of principle. The arbitrational conflict resolution is possible in civil and commercial cases and also in family cases. The provisions on arbitrational jurisdiction can be found in sections 1025 et seqq. of the Code of Civil Procedure.

## Greece

**(2018):** Mediation in civil and commercial cases (Law 3898/2010 as in force)

**(2016):** Mediation in civil and commercial cases (Law 3898/2010 as in force)

**(2013):** The category “other” encompasses quasi-judicial administrative applications in tax disputes.

## Hungary

**(General Comment):** The category other encompasses: Reconciliation Committee: the national labour unions, the unions of employers and the government are continuously consulting in order to prevent conflicts and to share information.

Council for the reconciliation of interests: a permanently operating macro-level, national forum for tripartite cooperation of representatives of workers, employers and the government. Its aim is to reach agreements, prevent and arrange national conflicts, exchange information, monitor the recommendations and alternatives.

Conciliation board: its aim is to try to arrange the matter of dispute between the customer and the business organization with a settlement and even to decide the case in order to guarantee the quick, efficient and simple enforcement of customer's rights.

Hungary's legal system provides for the better known types of alternative dispute resolution (ADR), namely:

Arbitration procedure regulated by the Act LXXI of 1994 on Arbitration;

Act I of 2004 on Sport establishing the Permanent Court of Arbitration for Sport;

Mediation regulated by the Act LV of 2002 on Mediation;

Mediation in healthcare regulated by the Act CXVI of 2000 on Mediation in Healthcare;

Mediation in matters of child protection regulated by the 2003 amendment to Decree No. 149/1997 (IX. 10.);

Conciliatory corporate proceedings: the Labour Mediation and Arbitration Service established under the Act XXII of 1992 on the Labour Code; the Act CLV of 1997 on Consumer Protection establishing conciliation bodies attached to the regional economic chambers.

The Mediation Service for Education dealing with the issue of school violence – according to the Educational Act and the Act of Higher Education the resort to the MSE is an educational right.

The current Hungarian criminal law recognizes and applies mediation procedures in certain crimes against property of a lesser value. The application of this legal institution – by encouraging active remorse and repayment of the damage – implies real reparation for the victims, besides giving way to the state's criminal law interests.

**(2016):** Today, in Hungary there is a possibility to try to settle a legal dispute with an agreement or part of the disputed issues in any phase of a lawsuit. Our legal procedural rules do also apply conciliation and reconciliation, which provide alternatives within the litigation procedure. Moreover, in B2B disputes, our effective civil law rules stipulate mandatory negotiation: the opposing parties have to try to settle the dispute out of court before submitting the petition. (However, this may be disregarded if the parties prepare jointly minutes on the opinion difference that has arisen between them). The public administration authority procedure also knows settlement procedure that may be ordered by the authority or it may also take place if the nature of the case allows it.

From January 1, 2018, judicial mediation will also be available in Administrative cases.

## Ireland

**(General Comment):** Court procedures facilitate the referring of pending proceedings to various types of ADR (in particular conciliation, mediation and arbitration). One developing area within ADR is collaborative law, involving lawyers for the respective parties seeking to collaborate on reaching a resolution. In this method, the collaborating lawyers do not act for their respective clients should the dispute proceed to litigation.

The Arbitration Act 2010 came into effect on 8 June 2010. It applies to all arbitrations beginning on or after that date. The Act replaces the Arbitration Acts 1954 to 1998 and adopts the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration. The UNCITRAL Model Law represents a global consensus on principles to be applied in respect of international arbitration.

## Italy

**(General Comment):** According to the relevant legal provisions, conciliation bodies have competence in the fields of company law, financial brokerage, banking and credit. The Chambers of Commerce have competence with regard to conciliation procedures and can even play a role as mediation and arbitration organizations. Conciliation bodies are also intervening in respect of disputes in the telecommunication sector. Besides, there are private procedures of mediation (“negoziazione paritetica”) established by consumers’ associations and companies. The latter are acting on behalf of consumers who may decide at the end of the procedure to accept or not the proposal of settlement. There is also another ADR procedure called “conciliazione bancaria” intended to address issues between a customer and a bank or a financial intermediary. It is noteworthy that in 2010 a large reform on ADR took place in Italy. Accordingly, since 2011, a number of matters in the civil sector require that a mandatory mediation procedure is eshing the Permanent Court of Arbitration for Sport; Mediation regulated by the Act LV of 2002 on Mediation;

## Latvia

**(General Comment):** As concerns the category “other”, in criminal procedure law there is a settlement institute, while in administrative procedure law there is an administrative contract institute.

The Civil Procedure Law regulates arbitration procedures in Latvia, namely an arbitration court may be established for the resolution of a specific dispute or operate permanently. A permanent arbitration court operates on the basis of articles of association or by-law, whereas an arbitration court established for the resolution of a specific dispute operates in accordance with the procedures prescribed by the Civil Procedure Law. The permanent arbitration court shall commence operations after registration in the Arbitration Court Register. The Arbitration Court Register is maintained by The Enterprise Register. A permanent arbitration court may be established by legal persons. The resolution of disputes by an arbitration court is not an entrepreneurial activity.

As regards conciliation, according to Article 149 § 2 of the Civil Procedure Law, in preparing a case for trial, the judge shall strive to reconcile the parties. In addition Article 151 § 3 set forth that the judge shall strive to reconcile the parties also during the trial. Moreover, the Civil Procedure Law determines that a settlement is permitted at any stage in the procedure and in any civil dispute, except in cases explicitly enumerated by the Civil Procedure Law. Regarding conciliation in criminal cases, Article 381 of the Criminal Procedure Law provides for that in the case of a settlement, an intermediary (a mediator) from the State Probation Service may facilitate the conciliation of a victim and the persons who committed a criminal offence. In determining that a settlement is possible in criminal proceedings, and that the involvement of an intermediary (a mediator) is useful, a person directing the proceedings may inform the State Probation Service regarding such possibility or usefulness. Mediation has been developed in practice before the adoption of a specific legislation regulating this procedure. The first step in devising mediation institute was taken in 2009 when the concept on mediation in civil disputes resolution was adopted by the government, implying the gradual implementation of 4 mediation modules from pure mediation to court–annexed mediation, from court–annexed mediation to court–internal mediation, from court–internal mediation to integrated mediation.

o In Latvia mediation has been traditionally considered as a structured co-operation process on voluntary basis whereby the parties attempt to reach a mutually acceptable agreement on the settlement of their dispute with the assistance of a mediator.

o The court-annexed mediation module will be implemented from January 2015, when the court, within the court proceedings, is going to be able to suggest to the parties to resort to mediation (not court-internal mediation model where another judge of the court is endowed with the responsibility to ensure the mediation).

o For the court-annexed mediation model, certified mediators institute has been established, but it should be mentioned that there is no exclusive mandate for certified mediators. Both – mediators without certificate and certified mediators may manage court cases. Parties are free to choose. The first mediator’s certification took place on October 1, 2014 and was passed by 24 candidates.

**(2015):** In Criminal Procedure Law there is a settlement institute, and in Administrative Procedure Law - an administrative contract institute.

## Lithuania



**(2018):** Pursuant to the Law on Consumer Rights Protection of the Republic of Lithuania the following public bodies deal with consumer disputes in the role of ADR entities:

- Communications Regulatory Authority
- Bank of Lithuania (central bank)
- State Energy Regulatory Council
- Bar Association
- State Consumer Rights Protection Authority

Firstly, during the ADR procedure these consumer ADR entities have to try to conciliate parties of the dispute. If a settlement is not reached, a decision on the substance of the dispute is adopted. The decision is binding, unless a party commences proceedings in a court. The exception are decisions of Bank of Lithuania which are not binding.

## Luxembourg

**(General Comment):** Non-judicial mediation exists in criminal matters (although ordered by public prosecutors).

Arbitration is provided in particular under article 429 of the Civil Procedure Code, which states: "if parties should be referred to the arbitrators, for examination of the accounts, documents and registers, one or three arbitrators should be appointed to hear the parties, and reconcile them, if possible, or give them a notice.

If necessary to visit or estimate the work or merchandises, one or three experts should be appointed.

Arbitrators and experts are nominated ex officio by the court except if parties agree about it during the hearing".

The judge can always suggest conciliation to the parties.

## Malta

**(General Comment):** Arbitration is mandatory in cases relating to traffic collision which do not exceed €11,600 in value and which do not include bodily injury. Furthermore, arbitration is mandatory in cases of condominium and contestations of water and electricity bills. Likewise, parties may choose to resort to arbitration on any civil and commercial litigious matter, provided both parties agree. The Malta Arbitration Centre is constantly improving the services for arbitration and promotes the issue of arbitration regularly. Its web site is [www.mac.com.mt](http://www.mac.com.mt)

## Netherlands

**(General Comment):** Category "Other" include: Binding advice in consumer cases by Consumer complaints Board (Geschillencommissie consumentenzaken); Binding advice in financial insurance cases by KIFID; Binding advice in health insurance cases by SKGZ; Binding advice in rent cases (Huurcommissie); Arbitration: (Raad van arbitrage voor de bouw)

**(2016):** In 2016 there were the following number of cases for other:

- Binding advice in consumer cases: 4801 incoming cases - Binding advice in financial insurance: incoming cases: 6055 (they changed their organization of complaint disposal)
- Binding advice in health insurance cases: incoming cases 3710 -Binding advice in rent cases: 8210 incoming cases
- Arbitration (Arbitration board for the building industry): 491 incoming cases

**(2015):** In 2015 there were following number of cases for other:

- Binding advice in consumer cases: 4627 incoming cases
- Binding advice in financial insurance cases: 6493 cases
- Binding advice in health insurance cases: 3152 cases
- Binding advice in rent cases: 9959 incoming cases
- Arbitration: In Dutch: 556 incoming cases."

**(2014):** On the occasion of the 2014 exercise, it has been explained that in recent years the Ministry of Security and Justice and various relevant criminal justice actors (the Council for the Judiciary, the Public Prosecution Service, the police, Rehabilitation, Victim Support, 'Victim in Focus', and the Dutch federation of mediators have voiced their support for the introduction of mediation in criminal justice. As a consequence, in October 2013, the Ministry of Security and Justice asked actors in the field to submit proposals for pilot projects on mediation. Five projects received funding.

## Portugal

**(General Comment):** In Portugal, mediation is admissible in a number of areas. Moreover, public measures have been adopted in order to increase recourse to public mediation systems in specific areas of law: namely, family, employment, criminal, civil and commercial matters.

Family, employment and criminal mediation have their own structures, with specialist mediators in these areas.

Civil and commercial mediation takes place as part of a judicial process at the Courts of Peace (Julgados de Paz). The latter are part of the Portuguese legal system and are based on an extra-judicial basis (Law 78/2001, 13 July). If the parties have not reached an agreement through mediation, they can go to trial, where a decision is issued by the Peace Judge, who may also promote the parties' conciliation.

## Romania

**(General Comment):** The Romanian civil procedural legislation regulates, as alternative methods for the settlement of disputes, mediation, arbitration and conciliation.

Mediation is regulated by Law 192/2006 on Mediation and Organization of the Profession of Mediator. The parties may have voluntary recourse to mediation, inclusively after the beginning of a trial in civil, criminal and other matters (the law contains special provisions regarding family conflicts and mediation in criminal cases, which are supplemented by provisions referring to mediate in a dispute before the courts). The law also applies in the conflicts of the consumers' protection field. According to the Civil Procedure Code, the judge has the duty to try, during the whole trial, the reconciliation of the parties, giving them the necessary instructions. If necessary, he/she can recommend to the parties to resort to mediation. The Criminal Procedure Code regulates the possibility to renounce to the civil claims, as well as the recognition by the defendant of the civil claims and the conclusion of a mediation transaction/ agreement.

The arbitration procedure (arbitral convention, arbitrators, establishment of the arbitral court, notification of the arbitral court, arbitral procedure, arbitral judgment and its dissolution, enforcement of the arbitral judgment, international arbitration, recognition and enforcement of foreign arbitral judgments) is governed by the Civil Procedure Code. There may be the object of arbitration disputes between persons with full legal capacity, apart from those involving marital status, individuals' capacity, succession debate, family relationships and rights to which the parties may not dispose of.

In the matter of labour law, the collective labour conflicts may be settled by alternative means of disputes settlement: conciliation, mediation and arbitration (Law of Social Dialogue no. 62/2011). Basically, these alternative methods specific to the labor law, with its own rules, have a distinct legal status and are separated from the mechanisms and the rules provided by the basic legal framework on ADR (Law 192/2006 concerning mediation and also the rules laid down in the procedural codes). According to the Law 202/2010, in trials and applications in commercial matters rateable in money, before the introduction of the application for suing at law, the plaintiff shall try to settle the dispute rather by mediation, either by direct conciliation.

**(2016):** •Currently, our system does not provide for judicial mediation institution.

- In the Romanian legislation, mediation is regulated by Law no. 192/2006 on mediation and organization of the profession of mediator. According to Art. 1 of this Law mediation represents a modality for the settlement of conflicts on amiable way, with the help of a third specialized person in the capacity of mediator, in conditions of neutrality, impartiality, confidentiality and having the free consent of the parties.

- The parties, natural or legal persons, may have voluntary recourse to mediation, inclusively after the beginning of a trial in front of the courts, convening to settle in this way any conflicts in civil matters, in criminal matters, as well as in other matters.

- The Law no. 192/2006 provides special provisions regarding family conflicts and on mediation in criminal cases, which are supplemented by provisions referring to mediate in a dispute before the courts. • The provisions of Law no. 192/2006 also apply in the conflicts of the consumers' protection field (e.g. if the consumer invokes the existence of a prejudice as a result of the acquisition of some defected products or services, of the nonobservance of the contractual clauses or of the granted guarantees, of the existence of some abusive clauses in the contracts concluded between consumers and economic agents or of the infringing of other rights stipulated by the national legislation or of the EU legislation in the consumers' protection field).

- According to the Civil Procedure Code, the judge has the duty to try, during the whole trial, the reconciliation of the parties giving them the necessary instructions. To this effect, the judge shall ask the personal presence of the parties, even if they are represented. • If necessary, taking into account the circumstances of the case, the judge shall recommend to the parties to have recourse to mediation, for the dispute settlement on amiable way, in any stage of the trial. • Mediation is not compulsory for the parties. If, in the mentioned conditions, the parties reconcile, the judge shall ascertain their agreement in the content of the judgment he/she will pronounce (Art. 272 par. 1 I and II theses, par. 2 and par. 3 I thesis of the Civil Procedure Code).

- For a short period of time (July 2013 – May 2014), the Law on mediation provided for a mandatory information session regarding the benefits of mediation. (NB: only the information session on mediation was mandatory and not the mediation itself). This provision was declared unconstitutional by the Romanian Constitutional Court (Decision no. 266/07.05.2014).

oArguments of the Court:

- Breach of the principle of access to justice (NB1: this was available not only knowing that the sanction for not participating in the mandatory information session was inadmissibility of the claim, but even in the case of any other sanction – see para. 22 of the CCR Decision; NB2: the information session was not mandatory for all types of civil litigation, but only for those expressly provided by the law - e.g. family litigation, consumer litigation, labor litigation).

- Rebutting the presumption *nemo censetur ignorare legem*. Thus, by imposing the mandatory information session, it may be admitted that there is a non-sufficient knowledge of the law on mediation (vs publication of the law in the Official Journal), contrary to the general presumption of law

- The Criminal Procedure Code (art. 22-23) regulates the possibility to renounce to the civil claims, as well as the recognition by the defendant of the civil claims and the conclusion of a mediation transaction/ agreement.

Mail CN 17/11/2015: Q166: Concerning the number of accredited or registered mediators who practice judicial mediation, we noticed that there has been an increase between 2012 and 2013 of 162%, followed by a decrease between 2013 and 2014 of 37%, which affects the long-term analysis (2012-2014). Could you explain these variations? Answer of the national correspondent: These variations were determined by the evolution of legislation in the field of mediation in which we referred to the comments (G.1)

## Slovakia

**(General Comment):** Mediation:

The out of court mediation is the form of solving the disputes arisen from civil and commercial legal relations as well as disputes in family matters and employer/employee relations. The mediation may result in the written agreement which should be enforced if approved by the court or is in the form of notarial deed.

Arbitration:

The Act on Arbitration proceedings (No. 244/2002 Coll.) offers the possibility to solve the disputes arisen from internal and international civil and commercial legal relations.

The contractual parties should conclude written arbitration clause, pursuant to which their disputes should be decided by chosen arbitrator or by permanent arbitration court.

The Ministry of Justice keeps the list of permanent arbitration courts.

The parties may agree on procedural rules, otherwise the standard rules determined by the Act should apply.

The decision of an arbitrator can be challenged by an action before the court on the grounds stipulated in the Act and within the period of 30 days counted from the day of service of the decision.

The Consumer arbitration: According to Act on the consumer arbitration (335/2014 Coll.) the dispute arisen from consumer contract may be decided by the certified arbitration court. The Ministry of Justice is keeping the list of permanent consumer arbitration courts.

Conciliation:

In civil procedure, wherever possible, a court will attempt to settle the dispute by conciliation.

**(2014):** On the occasion of the 2014 exercise, it has been indicated that the new Act on consumer arbitration (No. 335/2014 Coll.) entered into force on 1st January 2015. Its aim is to strengthen the protection of consumers. The arbitration agreement has to be concluded separately from the contract itself. Within this agreement the contracting parties are obliged to choose a particular arbitration court to decide the potential disputes. Despite the arbitration agreement, the consumer has the right to file a claim originated in the contract to a general court. The act requires new prerequisites to establish the arbitration court for consumers. At the same time the amendment to the Act on arbitration entered into force.

## Slovenia

**(General Comment):** Other specific legislation that regulates mediation and other ADR:

- The Patient Rights Act regulates the mediation proceeding between patients and health-care service providers.

**(2016):** - According to the Act on Alternative Dispute Resolution in Judicial Matters all local, district, labour and higher courts and higher labour and social court are obliged to provide mediation to the parties. Besides, they may also provide other forms of alternative dispute settlement. An alternative dispute settlement is defined as a procedure that does not entail trial and in which one or more neutral third parties co-operate in the dispute settlement using the procedures of mediation, arbitration, preliminary neutral evaluation or other similar procedures.

- The Mediation in Civil and Commercial Matters Act regulates mediation in disputes arising from civil, commercial, labour, family and other property relationships with regard to claims which may be freely disposed of and settled by the parties, unless otherwise stipulated for individual disputes by a special law. Pursuant to Article 2(2) of MCCMA, mediation is also possible in case of other disputes as well (other than civil, commercial, labour, family, and property disputes), as long as it is not contrary to law.

- The Arbitration Act provides legal framework for all kind of arbitration proceedings.

## Spain

**(2014):** For the 2014 exercise, a reference has been made to a specific law regulating mediation in civil and commercial matters. It entered into force in 2012 and has modified the Civil Procedure Code in order to encourage parties to resort to mediation. Additional legal measures have been adopted with the aim of facilitating the use of mediation. For example, a database has been established within the Ministry of Justice, containing information on mediators. Citizens have a free online access to this database. Moreover, in certain autonomous regions (Cataluña) and for certain procedures (foreclosure proceedings), the use of mediation prior to the opening of a trial is compulsory.

Besides, a royal statutory order of 2015 provides for that the use of a mediation service before opening an insolvency proceeding for a natural person facilitates the release of the debts once the judicial proceeding is completed.

**(2012):** In 2012, a specific law has been passed, intended to regulate mediation in civil and commercial matters and modifying the Civil Procedure Code in order to encourage parties to resort to mediation. Additional legal measures have been adopted with the aim of facilitating the use of mediation. For example, a database has been established within the Ministry of Justice, containing information on mediators. Citizens have a free online access to this database. Moreover, in certain autonomous regions (Cataluña) and for certain procedures (foreclosure proceedings), the use of mediation prior to the opening of a trial is compulsory.

## Sweden

**(General Comment):** In civil cases amenable to out-of-court settlements, the court is obliged to work for a settlement, unless it is inappropriate in the specific case. Most often this is done through negotiations between the parties led by the judge. The latter can however decide, if the parties agree with that, the involvement of a private mediator. This procedure is called special mediation. If the parties do not need to pay for the time the judge spends on the settlement negotiations, they normally have to pay for the work of the private mediator. The State has to bear the cost of such a private mediator only if one of the parties has been granted legal aid. Moreover, a mediator can be appointed in cases concerning children (custody of, residence and visitation) in which hypothesis the State bears the costs. Before a mediator is appointed, the judge would normally lead a conversation with the parties aimed at reaching an agreement. The State and the municipalities can also arrange mediation between an offfamily, and property disputes), as long as it is not contrary to law.

- The Arbitration Act provides legal framework for all kind of arbitration proceedin

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- The Arbitration Act provides legal framework for all kind of arbitratio

# **Indicator 9: Professionals of justice**

**Table 9.1.1 Total number of professional judges (all instances - absolute number and per 100 000 inhabitants) in 2010 to 2018 (Q1, Q46)**

States	Number of professional judges								Number of professional judges per 100 000 inhabitants							
	2010	2012	2013	2014	2015	2016	2017	2018	2010	2012	2013	2014	2015	2016	2017	2018
Austria	1 491	1 547	1 565	1 620	1 621	2 397	2 478	2 411	17,8	18,3	18,4	19,2	18,6	27,4	28,2	27,3
Belgium	1 607	1 598	1 604	1 602	1 614	1 600	1 566	1 523	14,8	14,3	14,4	14,4	14,3	14,1	13,8	13,3
Bulgaria	2 212	2 239	2 191	2 220	2 225	2 255	2 235	2 223	30,0	30,7	30,2	30,5	31,1	31,8	31,7	31,8
Croatia	1 887	1 932	1 912	1 875	1 864	1 797	1 775	1 660	42,8	45,3	45,0	44,0	44,5	43,3	43,2	40,7
Cyprus	104	103	101	97	113	111	119	118	12,9	11,9	11,8	11,2	13,3	13,1	13,9	13,5
Czech Republic	3 063	3 055	3 054	3 028	3 018	3 005	3 012	3 029	29,1	29,1	29,1	28,8	28,6	28,4	28,4	28,4
Denmark	372	372	355	377	374	372	377	375	6,7	6,6	6,3	6,7	6,6	6,5	6,5	6,5
Estonia	224	228	226	231	234	232	227	233	16,7	17,7	17,2	18,0	17,8	17,6	17,3	17,7
Finland	967	981	986	988	991	1 068	1 045	1 081	18,0	18,1	18,1	18,2	18,1	19,4	19,0	19,6
France	6 945	7 033	7 054	6 935	6 967	6 995	7 066	7 277	10,7	10,7	10,7	10,6	10,5	10,4	10,5	10,9
Germany	19 832	19 832	19 323	19 323	19 282	19 867	20 069	20 323	24,3	24,7	23,9	24,1	23,6	24,2	24,3	24,5
Greece	3 313	2 574	3 877	2 231	2 206	2 780	2 861	2 874	29,3	23,3	35,0	20,2	20,3	25,8	26,6	26,8
Hungary	2 891	2 767	2 807	2 813	2 813	2 811	2 828	2 892	29,0	27,9	28,4	28,4	28,6	28,7	28,6	30,2
Ireland	147	144	148	160	159	162	160	160	3,2	3,1	3,2	3,5	3,4	3,5	3,3	3,3
Italy	6 654	6 347	6 579	6 939	6 590	6 395	6 508	7 015	11,0	10,6	11,0	11,6	10,9	10,6	10,8	11,6
Latvia	472	439	481	488	493	503	490	559	21,2	21,5	23,8	23,9	25,0	25,5	25,1	29,1
Lithuania	776	768	772	754	762	778	767	758	23,9	25,6	26,2	25,1	26,4	27,3	27,3	27,1
Luxembourg	164	179	180	184	183	187	198	222	32,0	34,1	32,7	35,0	32,5	31,7	32,9	36,2
Malta	39	40	42	41	42	45	43	45	9,3	9,5	9,8	9,7	9,3	9,8	9,0	9,5
Netherlands	2 530	2 410	2 378	2 359	2 357	2 331	2 538	2 522	15,2	14,4	14,1	14,1	13,9	13,6	14,8	14,6
Poland	10 625	10 114	-	10 096	-	9 980	10 047	9 776	27,8	26,2	-	26,2	-	26,0	26,1	25,5
Portugal	1 956	2 009	2 025	1 990	1 990	1 986	2 059	1 979	18,4	19,2	19,4	19,0	19,2	19,3	20,0	19,3
Romania	4 081	4 310	4 511	4 577	4 608	4 628	4 664	4 677	19,0	20,2	22,6	21,5	23,3	23,6	23,9	24,1
Slovakia	1 351	1 307	1 342	1 322	1 292	1 311	1 376	1 378	24,9	24,2	24,8	24,4	23,8	24,1	25,3	25,3
Slovenia	1 024	970	951	924	897	880	859	867	49,9	47,1	46,1	44,9	43,5	42,6	41,6	41,7
Spain	4 689	5 155	-	5 353	5 367	5 367	5 377	5 419	10,2	11,2	-	11,6	11,6	11,5	11,5	11,5
Sweden	1 081	1 123	1 132	1 150	1 159	1 179	1 199	1 217	11,5	11,8	11,7	12,0	11,8	11,8	11,8	11,9
<b>Average</b>	2 981	2 947	2 624	2 951	2 662	3 001	3 035	3 060	20,7	20,6	21,4	20,6	20,4	21,2	21,3	21,5
<b>Median</b>	1 607	1 598	1 565	1 620	1 618	1 797	1 775	1 660	18,4	19,2	19,4	19,2	18,9	23,6	23,9	24,1
<b>Minimum</b>	39	40	42	41	42	45	43	45	3,2	3,1	3,2	3,5	3,4	3,5	3,3	3,3
<b>Maximum</b>	19 832	19 832	19 323	19 323	19 282	19 867	20 069	20 323	49,9	47,1	46,1	44,9	44,5	43,3	43,2	41,7
<b>Nb of values</b>	27	27	25	27	26	27	27	27	27	27	25	27	26	27	27	27
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

**Austria:** The administrative courts were established January 1st 2014. Data on administrative justice is introduced for 2016 cycle for the first time.

**Greece:** Unlike 2014 and 2015 data, since 2016 data on number of professional judges includes all the ranks for criminal and political justice as well as administrative judges.

**Italy:** The administrative courts judges were included in 2018

**Table 9.1.2 Annual variation of the total number of professional judges (all instances) between 2017 - 2018 and 2010 - 2018 (Q1, Q46)**

States	Variation of the number of professional judges	
	2017-2018	2010-2018
Austria	-2,7%	61,7%
Belgium	-2,7%	-5,2%
Bulgaria	-0,5%	0,5%
Croatia	-6,5%	-12,0%
Cyprus	-0,8%	13,5%
Czech Republic	0,6%	-1,1%
Denmark	-0,5%	0,8%
Estonia	2,6%	4,0%
Finland	3,4%	11,8%
France	3,0%	4,8%
Germany	1,3%	2,5%
Greece	0,5%	-13,3%
Hungary	2,3%	0,0%
Ireland	0,0%	8,8%
Italy	7,8%	5,4%
Latvia	14,1%	18,4%
Lithuania	-1,2%	-2,3%
Luxembourg	12,1%	35,4%
Malta	4,7%	15,4%
Netherlands	-0,6%	-0,3%
Poland	-2,7%	-8,0%
Portugal	-3,9%	1,2%
Romania	0,3%	14,6%
Slovakia	0,1%	2,0%
Slovenia	0,9%	-15,3%
Spain	0,8%	15,6%
Sweden	1,5%	12,6%
<b>Average</b>	3,0%	10,7%
<b>Median</b>	0,5%	2,5%
<b>Minimum</b>	-6,5%	-15,3%
<b>Maximum</b>	14,1%	61,7%
<b>Nb of values</b>	27	27
<b>Number of NA</b>	0	0
<b>Number of NAP</b>	0	0

**Austria:** The administrative courts were established January 1st 2014. Data on administrative justice is introduced for 2016 cycle for the first time.

**Greece:** Unlike 2014 and 2015 data, since 2016 data on number of professional judges includes all the ranks for criminal and political justice as well as administrative judges.

**Italy:** The administrative courts judges were included in 2018



**Table 9.1.3 Distribution of professional judges by instances in 2010 to 2018 (Q46)**

States	2010				2012				2013				2014				2015				Total
	Total	1st instance	2nd instance	Supreme court	Total	1st instance	2nd instance	Supreme court	Total	1st instance	2nd instance	Supreme court	Total	1st instance	2nd instance	Supreme court	Total	1st instance	2nd instance	Supreme court	
Austria	1 491	1 263	173	55	1 547	1 325	157	65	1 565	1 341	160	63	1 620	1 224	330	66	1 621	1 223	331	67	2 397
Belgium	1 607	1 275	305	27	1 598	1 293	305	30	1 604	1 271	305	28	1 602	1 271	302	29	1 614	1 284	303	27	1 600
Bulgaria	2 212	1 206	831	175	2 239	1 188	859	192	2 191	1 614	396	181	2 220	1 753	277	190	2 225	1 760	277	188	2 255
Croatia	1 887	1 355	492	40	1 932	1 378	514	40	1 912	1 366	506	40	1 875	1 343	489	43	1 864	1 348	476	40	1 797
Cyprus	104	91	NAP	13	103	90	NAP	13	101	88	NAP	13	97	84	NAP	13	113	100	NAP	13	111
Czech Republic	3 063	1 863	969	231	3 055	1 857	964	234	3 054	1 859	1 098	97	3 028	1 838	1 090	100	3 018	1 838	1 081	99	3 005
Denmark	372	259	94	19	372	259	94	19	355	236	101	18	377	261	97	19	374	260	95	19	372
Estonia	224	163	42	19	228	167	42	19	226	165	43	18	231	169	44	18	234	170	45	19	232
Finland	967	731	193	43	981	744	194	43	986	758	185	43	988	758	186	44	991	761	188	42	1 068
France	6 945	4 850	1 760	335	7 033	4 962	1 695	376	7 054	4 977	1 708	369	6 935	4 876	1 706	353	6 967	4 883	1 721	363	6 995
Germany	19 832	14 861	4 056	457	19 832	14 861	4 056	457	19 323	14 840	4 024	459	19 323	14 840	4 024	459	19 282	14 833	3 993	456	19 867
Greece	3 313	1 179	592	270	2 574	1 518	812	244	3 877	2 643	984	250	2 231	1 540	459	232	2 206	1 517	450	239	2 780
Hungary	2 891	1 666	1 136	89	2 767	1 672	1 021	74	2 807	1 687	1 036	84	2 813	1 684	1 047	82	2 813	1 662	1 066	85	2 811
Ireland	147	139	NAP	8	144	136	NAP	8	148	138	NAP	10	160	140	10	10	159	140	9	10	162
Italy	6 654	5 366	993	295	6 347	4 929	1 118	300	6 579	5 101	1 164	314	6 939	5 404	1 195	340	6 590	5 072	1 152	366	6 395
Latvia	472	298	125	49	439	263	126	50	481	298	133	50	488	307	134	47	493	310	136	47	503
Lithuania	776	693	46	37	768	684	51	33	772	691	48	33	754	671	49	34	762	679	48	35	778
Luxembourg	164	127	NA	37	179	139	NA	40	180	139	NA	41	184	143	37	4	183	142	37	4	187
Malta	39	34	5	NAP	40	34	6	NAP	42	36	6	NAP	41	33	8	NAP	42	34	8	NAP	45
Netherlands	2 530	1 944	548	38	2 410	1 855	519	36	2 378	1 850	528	NA	2 359	1 829	530	NA	2 357	1 811	546	NA	2 331
Poland	10 625	7 234	3 213	85	10 114	9 441	497	86	-	-	-	-	10 096	9 516	494	86	-	-	-	-	9 980
Portugal	1 956	1 449	422	85	2 009	1 480	445	84	2 025	1 525	425	75	1 990	1 478	430	82	1 990	1 495	411	84	1 986
Romania	4 081	1 872	2 101	108	4 310	1 998	2 217	95	4 511	3 571	825	115	4 577	2 101	2 360	116	4 608	2 097	2 404	107	4 628
Slovakia	1 351	908	363	80	1 307	871	352	84	1 342	888	370	84	1 322	877	369	76	1 292	846	369	77	1 311
Slovenia	1 024	793	194	37	970	753	183	34	951	738	116	33	924	724	171	29	897	665	202	30	880
Spain	4 689	3 209	1 401	79	5 155	3 647	1 431	77	-	-	-	-	5 353	3 855	1 416	82	5 367	3 781	1 505	81	5 367
Sweden	1 081	734	308	39	1 123	766	324	33	1 132	764	334	34	1 150	771	343	36	1 159	780	343	36	1 179
<b>Average</b>	2 981	2 058	848	106	2 947	2 160	749	106	2 624	1 943	659	107	2 951	2 203	677	104	2 662	1 904	688	106	3 001
<b>Median</b>	1 607	1 206	457	52	1 598	1 293	471	57	1 565	1 271	383	50	1 620	1 271	356	66	1 618	1 254	343	57	1 797
<b>Minimum</b>	39	34	5	8	40	34	6	8	42	36	6	10	41	33	8	4	42	34	8	4	45
<b>Maximum</b>	19 832	14 861	4 056	457	19 832	14 861	4 056	457	19 323	14 840	4 024	459	19 323	14 840	4 024	459	19 282	14 833	3 993	456	19 867
<b>Nb of values</b>	27	27	27	27	27	27	27	27	25	25	25	25	27	27	27	27	26	26	26	26	27
<b>% of NA</b>	0%	0%	4%	0%	0%	0%	4%	0%	0%	0%	4%	4%	0%	0%	0%	4%	0%	0%	0%	4%	0%
<b>% of NAP</b>	0%	0%	7%	4%	0%	0%	7%	4%	0%	0%	8%	4%	0%	0%	4%	4%	0%	0%	4%	4%	0%

**Austria:** The administrative courts were established January 1st 2014. Data on administrative justice is introduced for 2016 cycle for the first time.

**Czech Republic:** The country has a four-tier system and since 2013 have included the number of judges of the high courts in the number of the second instance judges.

**Greece:** Unlike 2014 and 2015 data, since 2016 data on number of professional judges includes all the ranks for second instance criminal and political justice as well as administrative judges.

**Italy:** Administrative justice is taken into account in 2018 only

**Romania:** Since there are 4 level of courts in Romania, judges of 2nd instance are the sum up of the judges from tribunal and of court of appeals. The variation between first instance and second instance courts is the result of different methods of calculation. In 2103, in first instance judges from 1st instance courts and from tribunals were summed up together.

**Table 9.1.3 Distrib**

States	2016			2017				2018			
	1st instance	2nd instance	Supreme court	Total	1st instance	2nd instance	Supreme court	Total	1st instance	2nd instance	Supreme court
Austria	1 935	328	134	2 478	1 952	326	133	2 411	1 957	321	133
Belgium	1 274	297	29	1 566	1 226	310	30	1 523	1 229	264	30
Bulgaria	1 789	276	190	2 235	1 745	299	191	2 223	1 750	289	184
Croatia	1 277	483	37	1 775	1 261	476	38	1 660	1 176	446	38
Cyprus	98	NAP	13	119	106	NAP	13	118	105	NAP	13
Czech Republic	1 820	1 083	102	3 012	1 826	1 085	101	3 029	1 849	1 078	102
Denmark	254	99	19	377	254	105	18	375	258	99	18
Estonia	168	45	19	227	163	45	19	233	169	45	19
Finland	834	184	50	1 045	817	178	50	1 081	850	184	47
France	4 919	1 731	345	7 066	4 982	1 748	336	7 277	5 121	1 805	351
Germany	15 385	4 018	464	20 069	15 587	4 018	464	20 323	15 827	4 039	457
Greece	1 750	892	138	2 861	1 714	900	247	2 874	1 720	911	243
Hungary	1 678	1 051	82	2 828	1 669	1 075	84	2 892	1 682	1 126	84
Ireland	143	10	9	160	142	10	8	160	142	10	8
Italy	4 878	1 155	362	6 508	4 897	1 214	397	7 015	5 259	1 230	526
Latvia	313	143	47	490	311	143	36	559	381	143	35
Lithuania	692	51	35	767	686	48	33	758	676	49	33
Luxembourg	143	40	4	198	146	47	5	222	168	49	5
Malta	36	9	NAP	43	34	9	NAP	45	34	11	NAP
Netherlands	1 788	543	NA	2 538	1 930	570	38	2 522	1 907	582	33
Poland	9 422	475	83	10 047	9 508	458	81	9 776	9 240	426	110
Portugal	1 479	425	82	2 059	1 486	493	80	1 979	1 456	452	71
Romania	2 055	2 463	110	4 664	2 008	2 540	116	4 677	2 029	2 540	108
Slovakia	859	374	78	1 376	905	392	79	1 378	907	393	78
Slovenia	641	208	31	859	628	199	32	867	636	199	32
Spain	3 786	1 496	85	5 377	3 719	1 576	82	5 419	3 824	1 515	80
Sweden	785	361	33	1 199	800	365	34	1 217	816	370	31
<b>Average</b>	2 230	702	103	3 035	2 241	717	106	3 060	2 265	714	110
<b>Median</b>	1 277	368	78	1 775	1 261	379	65	1 660	1 229	382	59
<b>Minimum</b>	36	9	4	43	34	9	5	45	34	10	5
<b>Maximum</b>	15 385	4 018	464	20 069	15 587	4 018	464	20 323	15 827	4 039	526
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	0%	0%	4%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	4%	4%	0%	0%	4%	4%	0%	0%	4%	4%

**Austria:** The administrative courts  
**Czech Republic:** The country has  
**Greece:** Unlike 2014 and 2015 da  
**Italy:** Administrative justice is take  
**Romania:** Since there are 4 level c  
calculation. In 2103, in first instanc

**Table 9.1.3B Distribution of professional judges per 100 000 inhabitants by instances in 2010 to 2018 (Q1 and Q46)**

States	2010				2012				2013				2014				2015				2016		
	Total	1st instance	2nd instance	Supreme court	Total	1st instance	2nd instance	Supreme court	Total	1st instance	2nd instance	Supreme court	Total	1st instance	2nd instance	Supreme court	Total	1st instance	2nd instance	Supreme court	Total	1st instance	2nd instance
Austria	17,6	14,9	2,0	0,7	18,3	15,7	1,9	0,8	18,4	15,8	1,9	0,7	18,9	14,3	3,8	0,8	18,6	14,1	3,8	0,8	27,4	22,1	3,8
Belgium	14,4	11,4	2,7	0,2	14,3	11,6	2,7	0,3	14,4	11,4	2,7	0,3	14,3	11,3	2,7	0,3	14,3	11,4	2,7	0,2	14,1	11,3	2,6
Bulgaria	30,4	16,6	11,4	2,4	30,7	16,3	11,8	2,6	30,2	22,3	5,5	2,5	30,8	24,3	3,8	2,6	31,1	24,6	3,9	2,6	31,8	25,2	3,9
Croatia	44,3	31,8	11,5	0,9	45,3	32,3	12,1	0,9	45,0	32,2	11,9	0,9	44,4	31,8	11,6	1,0	44,5	32,2	11,4	1,0	43,3	30,7	11,6
Cyprus	12,0	10,5	NAP	1,5	11,9	10,4	NAP	1,5	11,8	10,3	NAP	1,5	11,3	9,8	NAP	1,5	13,3	11,8	NAP	1,5	13,1	11,6	NAP
Czech Republic	29,1	17,7	9,2	2,2	29,1	17,7	9,2	2,2	29,1	17,7	10,4	0,9	28,8	17,5	10,4	1,0	28,6	17,4	10,2	0,9	28,4	17,2	10,2
Denmark	6,6	4,6	1,7	0,3	6,6	4,6	1,7	0,3	6,3	4,2	1,8	0,3	6,7	4,6	1,7	0,3	6,6	4,6	1,7	0,3	6,5	4,4	1,7
Estonia	17,4	12,7	3,3	1,5	17,7	13,0	3,3	1,5	17,2	12,5	3,3	1,4	17,6	12,9	3,4	1,4	17,8	12,9	3,4	1,4	17,6	12,8	3,4
Finland	17,8	13,5	3,6	0,8	18,1	13,7	3,6	0,8	18,1	13,9	3,4	0,8	18,1	13,9	3,4	0,8	18,1	13,9	3,4	0,8	19,4	15,2	3,3
France	10,6	7,4	2,7	0,5	10,7	7,6	2,6	0,6	10,7	7,6	2,6	0,6	10,5	7,4	2,6	0,5	10,5	7,3	2,6	0,5	10,4	7,3	2,6
Germany	24,7	18,5	5,1	0,6	24,7	18,5	5,1	0,6	23,9	18,4	5,0	0,6	23,9	18,4	5,0	0,6	23,6	18,1	4,9	0,6	24,2	18,7	4,9
Greece	29,9	10,7	5,4	2,4	23,3	13,7	7,3	2,2	35,0	23,9	8,9	2,3	20,6	14,2	4,2	2,1	20,3	14,0	4,1	2,2	25,8	16,2	8,3
Hungary	29,2	16,8	11,5	0,9	27,9	16,9	10,3	0,7	28,4	17,1	10,5	0,9	28,5	17,1	10,6	0,8	28,6	16,9	10,8	0,9	28,7	17,1	10,7
Ireland	3,2	3,0	NAP	0,2	3,1	3,0	NAP	0,2	3,2	3,0	NAP	0,2	3,5	3,0	0,2	0,2	3,4	3,0	0,2	0,2	3,5	3,1	0,2
Italy	11,1	9,0	1,7	0,5	10,6	8,3	1,9	0,5	11,0	8,5	2,0	0,5	11,4	8,9	2,0	0,6	10,9	8,4	1,9	0,6	10,6	8,1	1,9
Latvia	23,1	14,6	6,1	2,4	21,5	12,9	6,2	2,4	23,8	14,7	6,6	2,5	24,4	15,3	6,7	2,3	25,0	15,7	6,9	2,4	25,5	15,9	7,3
Lithuania	25,8	23,1	1,5	1,2	25,6	22,8	1,7	1,1	26,2	23,5	1,6	1,1	25,8	23,0	1,7	1,2	26,4	23,5	1,7	1,2	27,3	24,3	1,8
Luxembourg	31,2	24,2	NA	7,0	34,1	26,5	NA	7,6	32,7	25,3	NA	7,5	32,7	25,4	6,6	0,7	32,5	25,2	6,6	0,7	31,7	24,2	6,8
Malta	9,2	8,0	1,2	NAP	9,5	8,0	1,4	NAP	9,8	8,4	1,4	NAP	9,3	7,5	1,8	NAP	9,3	7,5	1,8	NAP	9,8	7,8	2,0
Netherlands	15,1	11,6	3,3	0,2	14,4	11,1	3,1	0,2	14,1	11,0	3,1	NA	14,0	10,8	3,1	NA	13,9	10,7	3,2	NA	13,6	10,5	3,2
Poland	27,6	18,8	8,3	0,2	26,2	24,5	1,3	0,2	-	-	-	-	26,2	24,7	1,3	0,2	-	-	-	-	26,0	24,5	1,2
Portugal	18,7	13,8	4,0	0,8	19,2	14,1	4,2	0,8	19,4	14,6	4,1	0,7	19,2	14,2	4,1	0,8	19,2	14,5	4,0	0,8	19,3	14,3	4,1
Romania	19,2	8,8	9,9	0,5	20,2	9,4	10,4	0,4	22,6	17,9	4,1	0,6	20,5	9,4	10,6	0,5	23,3	10,6	12,2	0,5	23,6	10,5	12,5
Slovakia	25,0	16,8	6,7	1,5	24,2	16,1	6,5	1,6	24,8	16,4	6,8	1,6	24,4	16,2	6,8	1,4	23,8	15,6	6,8	1,4	24,1	15,8	6,9
Slovenia	49,7	38,5	9,4	1,8	47,1	36,6	8,9	1,7	46,1	35,8	5,6	1,6	44,8	35,1	8,3	1,4	43,5	32,2	9,8	1,5	42,6	31,0	10,1
Spain	10,2	7,0	3,0	0,2	11,2	7,9	3,1	0,2	-	-	-	-	11,5	8,3	3,0	0,2	11,6	8,1	3,2	0,2	11,5	8,1	3,2
Sweden	11,3	7,7	3,2	0,4	11,8	8,0	3,4	0,3	11,7	7,9	3,5	0,4	11,8	7,9	3,5	0,4	11,8	7,9	3,5	0,4	11,8	7,9	3,6
<b>Average</b>	20,9	14,5	5,3	1,2	20,6	14,9	5,1	1,2	21,4	15,8	4,8	1,3	20,5	15,1	4,7	0,9	20,4	14,7	5,0	1,0	21,2	15,4	5,1
<b>Median</b>	18,7	13,5	3,8	0,8	19,2	13,7	3,5	0,8	19,4	14,7	3,8	0,9	19,2	14,2	3,7	0,8	18,9	13,9	3,8	0,8	23,6	15,2	3,7
<b>Minimum</b>	3,2	3,0	1,2	0,2	3,1	3,0	1,3	0,2	3,2	3,0	1,4	0,2	3,5	3,0	0,2	0,2	3,4	3,0	0,2	0,2	3,5	3,1	0,2
<b>Maximum</b>	49,7	38,5	11,5	7,0	47,1	36,6	12,1	7,6	46,1	35,8	11,9	7,5	44,8	35,1	11,6	2,6	44,5	32,2	12,2	2,6	43,3	31,0	12,5
<b>Nb of values</b>	27	27	27	27	27	27	27	27	25	25	25	25	27	27	27	27	26	26	26	26	27	27	27
<b>% of NA</b>	0%	0%	4%	0%	0%	0%	4%	0%	0%	0%	4%	4%	0%	0%	0%	4%	0%	0%	0%	4%	0%	0%	0%
<b>% of NAP</b>	0%	0%	7%	4%	0%	0%	7%	4%	0%	0%	8%	4%	0%	0%	4%	4%	0%	0%	4%	4%	0%	0%	4%

**Austria:** The administrative courts were established January 1st 2014. Data on administrative justice is introduced for 2016 cycle for the first time.

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Table 9.1.3B Distri

States	2017					2018			
	Suprem e court	Total	1st instanc e	2nd instanc e	Suprem e court	Total	1st instanc e	2nd instanc e	Suprem e court
Austria	1,5	28,2	22,2	3,7	1,5	27,3	22,2	3,6	1,5
Belgium	0,3	13,8	10,8	2,7	0,3	13,3	10,8	2,3	0,3
Bulgaria	2,7	31,7	24,8	4,2	2,7	31,8	25,0	4,1	2,6
Croatia	0,9	43,2	30,7	11,6	0,9	40,7	28,9	10,9	0,9
Cyprus	1,5	13,9	12,4	NAP	1,5	13,5	12,0	NAP	1,5
Czech Republic	1,0	28,4	17,2	10,2	1,0	28,4	17,4	10,1	1,0
Denmark	0,3	6,5	4,4	1,8	0,3	6,5	4,4	1,7	0,3
Estonia	1,4	17,3	12,4	3,4	1,4	17,7	12,8	3,4	1,4
Finland	0,9	19,0	14,8	3,2	0,9	19,6	15,4	3,3	0,9
France	0,5	10,5	7,4	2,6	0,5	10,9	7,6	2,7	0,5
Germany	0,6	24,3	18,9	4,9	0,6	24,5	19,1	4,9	0,6
Greece	1,3	26,6	15,9	8,4	2,3	26,8	16,0	8,5	2,3
Hungary	0,8	28,6	16,9	10,9	0,9	30,2	17,5	11,7	0,9
Ireland	0,2	3,3	3,0	0,2	0,2	3,3	2,9	0,2	0,2
Italy	0,6	10,8	8,1	2,0	0,7	11,6	8,7	2,0	0,9
Latvia	2,4	25,1	15,9	7,3	1,8	29,1	19,8	7,4	1,8
Lithuania	1,2	27,3	24,4	1,7	1,2	27,1	24,2	1,8	1,2
Luxembourg	0,7	32,9	24,3	7,8	0,8	36,2	27,4	8,0	0,8
Malta	NAP	9,0	7,1	1,9	NAP	9,5	7,1	2,3	NAP
Netherlands	NA	14,8	11,2	3,3	0,2	14,6	11,0	3,4	0,2
Poland	0,2	26,1	24,7	1,2	0,2	25,5	24,1	1,1	0,3
Portugal	0,8	20,0	14,4	4,8	0,8	19,3	14,2	4,4	0,7
Romania	0,6	23,9	10,3	13,0	0,6	24,1	10,5	13,1	0,6
Slovakia	1,4	25,3	16,6	7,2	1,5	25,3	16,6	7,2	1,4
Slovenia	1,5	41,6	30,4	9,6	1,5	41,7	30,6	9,6	1,5
Spain	0,2	11,5	8,0	3,4	0,2	11,5	8,1	3,2	0,2
Sweden	0,3	11,8	7,9	3,6	0,3	11,9	8,0	3,6	0,3
<b>Average</b>	1,0	21,3	15,4	5,2	1,0	21,5	15,6	5,2	0,9
<b>Median</b>	0,8	23,9	14,8	3,7	0,8	24,1	15,4	3,6	0,9
<b>Minimum</b>	0,2	3,3	3,0	0,2	0,2	3,3	2,9	0,2	0,2
<b>Maximum</b>	2,7	43,2	30,7	13,0	2,7	41,7	30,6	13,1	2,6
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	4%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	4%	0%	0%	4%	4%	0%	0%	4%	4%

Austria: The administrative courts

Czech Republic: The country has

Greece: Unlike 2014 and 2015 da

Italy: Administrative justice is tak

Romania: Since there are 4 level  
courts is the result of different met

**Table 9.1.4 Distribution of male and female professional judges within the total number of professional judges of first instance in 2010 to 2018 (Q46)**

States	2010		2012		2013		2014		2015		2016		2017		2018	
	% Male	%Female	% Male	%Female	% Male	%Female	% Male	%Female	% Male	%Female	% Male	%Female	% Male	%Female	% Male	%Female
Austria	49,4%	50,6%	49,3%	50,7%	48,2%	51,8%	45,4%	54,6%	45,7%	54,3%	48,5%	51,5%	48,1%	51,9%	47,3%	52,7%
Belgium	51,5%	48,5%	48,1%	49,6%	48,5%	51,5%	46,6%	53,4%	46,3%	53,7%	45,7%	54,3%	44,5%	55,5%	42,0%	58,0%
Bulgaria	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	29,1%	70,9%	28,2%	71,8%	27,7%	72,3%	28,1%	71,9%	27,7%	72,3%	26,7%	73,3%	26,3%	73,7%	26,4%	73,6%
Cyprus	51,6%	48,4%	52,2%	47,8%	50,0%	50,0%	52,4%	47,6%	51,0%	49,0%	50,0%	50,0%	49,1%	50,9%	48,6%	51,4%
Czech Republic	35,2%	64,8%	34,7%	65,3%	34,0%	66,0%	34,4%	65,6%	34,2%	65,8%	33,5%	66,5%	32,7%	67,3%	33,0%	67,0%
Denmark	NA	NA	42,9%	57,1%	42,8%	57,2%	NA	NA	NA	NA	44,5%	55,5%	43,3%	56,7%	42,6%	57,4%
Estonia	30,1%	69,9%	29,3%	70,7%	30,3%	69,7%	30,2%	69,8%	30,0%	70,0%	30,4%	69,6%	30,1%	69,9%	30,8%	69,2%
Finland	52,0%	48,0%	47,0%	53,0%	47,8%	52,2%	47,0%	53,0%	44,4%	55,6%	44,1%	55,9%	42,8%	57,2%	40,5%	59,5%
France	32,7%	67,3%	36,7%	63,3%	35,6%	64,4%	34,9%	65,1%	33,9%	66,1%	33,1%	66,9%	32,3%	67,7%	31,5%	68,5%
Germany	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Greece	29,4%	70,6%	27,1%	72,9%	NA	NA	24,0%	76,0%	NA	NA	26,7%	73,3%	NA	NA	NA	NA
Hungary	30,1%	69,9%	29,7%	70,3%	29,8%	70,2%	29,7%	70,3%	29,1%	70,9%	28,1%	71,9%	28,5%	71,5%	28,2%	71,8%
Ireland	76,3%	23,7%	72,8%	27,2%	71,7%	28,3%	66,4%	33,6%	65,7%	34,3%	64,3%	35,7%	62,0%	38,0%	62,0%	38,0%
Italy	48,5%	51,5%	45,8%	54,2%	44,8%	55,2%	44,9%	55,1%	44,2%	55,8%	43,2%	56,8%	43,0%	57,0%	43,3%	56,7%
Latvia	21,8%	78,2%	17,9%	82,1%	19,8%	80,2%	20,2%	79,8%	20,0%	80,0%	19,2%	80,8%	18,6%	81,4%	16,0%	84,0%
Lithuania	39,2%	60,8%	37,9%	62,1%	37,8%	62,2%	36,7%	63,3%	35,3%	64,7%	35,4%	64,6%	35,3%	64,7%	34,8%	65,2%
Luxembourg	NA	NA	NA	NA	33,1%	66,9%	34,3%	65,7%	33,8%	66,2%	34,3%	65,7%	32,2%	67,8%	29,8%	70,2%
Malta	64,7%	35,3%	58,8%	41,2%	58,3%	41,7%	54,5%	45,5%	50,0%	50,0%	50,0%	50,0%	44,1%	55,9%	41,2%	58,8%
Netherlands	44,2%	55,8%	42,3%	57,7%	40,9%	59,1%	40,3%	59,7%	39,9%	60,1%	38,8%	61,2%	37,4%	62,6%	36,4%	63,6%
Poland	34,9%	65,1%	35,7%	64,3%	-	-	36,3%	63,7%	-	-	36,1%	63,9%	36,5%	63,5%	36,9%	63,1%
Portugal	35,3%	64,7%	34,3%	65,7%	34,0%	66,0%	33,4%	66,6%	33,3%	66,7%	33,3%	66,7%	32,2%	67,8%	31,8%	68,2%
Romania	29,2%	70,8%	31,0%	69,0%	27,6%	72,4%	27,1%	72,9%	27,3%	72,7%	27,6%	72,4%	27,5%	72,5%	28,9%	71,1%
Slovakia	36,2%	63,8%	35,6%	64,4%	35,9%	64,1%	36,3%	63,7%	37,0%	63,0%	37,5%	62,5%	36,0%	64,0%	37,0%	63,0%
Slovenia	19,4%	80,6%	19,7%	80,3%	16,5%	79,8%	19,2%	80,8%	18,9%	81,1%	17,9%	82,1%	19,1%	80,9%	18,7%	81,3%
Spain	43,7%	56,3%	42,0%	58,0%	-	-	40,8%	59,2%	40,2%	59,8%	40,3%	59,7%	39,0%	61,0%	39,2%	60,8%
Sweden	58,3%	41,7%	55,9%	44,1%	54,2%	45,8%	53,4%	46,6%	52,6%	47,4%	50,6%	49,4%	50,0%	50,0%	47,9%	52,1%
<b>Average</b>	41,0%	59,0%	39,8%	60,1%	39,5%	60,3%	38,2%	61,8%	38,2%	61,8%	37,6%	62,4%	37,1%	62,9%	36,4%	63,6%
<b>Median</b>	36,2%	63,8%	37,3%	62,7%	36,8%	63,2%	36,3%	63,7%	36,2%	63,8%	36,1%	63,9%	36,2%	63,8%	36,7%	63,3%
<b>Minimum</b>	19,4%	23,7%	17,9%	27,2%	16,5%	28,3%	19,2%	33,6%	18,9%	34,3%	17,9%	35,7%	18,6%	38,0%	16,0%	38,0%
<b>Maximum</b>	76,3%	80,6%	72,8%	82,1%	71,7%	80,2%	66,4%	80,8%	65,7%	81,1%	64,3%	82,1%	62,0%	81,4%	62,0%	84,0%
<b>Nb of values</b>	27	27	27	27	25	25	27	27	26	26	27	27	27	27	27	27
<b>% of NA</b>	15%	15%	11%	11%	12%	12%	11%	11%	15%	15%	7%	7%	11%	11%	11%	11%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

**Austria:** The administrative courts were established January 1st 2014. Data on administrative justice is introduced for 2016 cycle for the first time.

**Czech Republic:** The country has a four-tier system and since 2013 have included the number of judges of the high courts in the number of the first instance judges.

**Greece:** Unlike 2014 and 2015 data, since 2016 data on number of professional judges includes all the ranks for second instance criminal and political justice as well as administrative judges.

**Italy:** Administrative justice is taken into account in 2018 only

**Romania:** Since there are 4 level of courts in Romania, judges of 2nd instance are the sum up of the judges from tribunal and of court of appeals. The variation between first instance and second instance courts is the result of different methods of calculation. In 2103, in first instance judges from 1st instance courts and from tribunals were summed up together.



**Table 9.1.5 Distribution of male and female professional judges within the total number of professional judges in second instance in 2010 to 2018 (Q46)**

States	2010		2012		2013		2014		2015		2016		2017		2018	
	% Male	%Female	% Male	%Female	% Male	%Female	% Male	%Female	% Male	%Female	% Male	%Female	% Male	%Female	% Male	%Female
Austria	62,4%	37,6%	59,5%	40,5%	58,6%	41,4%	57,9%	42,1%	56,8%	43,2%	55,8%	44,2%	55,5%	44,5%	54,2%	45,8%
Belgium	59,0%	41,0%	56,7%	43,3%	55,1%	44,9%	53,3%	46,7%	50,2%	49,8%	50,2%	49,8%	50,3%	49,7%	49,6%	50,4%
Bulgaria	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Croatia	40,7%	59,3%	37,4%	62,6%	37,4%	62,6%	36,8%	63,2%	35,7%	64,3%	35,4%	64,6%	34,7%	65,3%	32,3%	67,7%
Cyprus	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Czech Republic	40,4%	59,6%	42,2%	57,8%	44,0%	56,0%	44,7%	55,3%	44,6%	55,4%	45,6%	54,4%	46,2%	53,8%	46,8%	53,2%
Denmark	NA	NA	62,8%	37,2%	61,4%	38,6%	59,8%	40,2%	NA	NA	57,6%	42,4%	58,1%	41,9%	54,5%	45,5%
Estonia	42,9%	57,1%	40,5%	59,5%	39,5%	60,5%	45,5%	54,5%	44,4%	55,6%	44,4%	55,6%	44,4%	55,6%	44,4%	55,6%
Finland	55,4%	44,6%	54,1%	45,9%	51,4%	48,6%	47,8%	52,2%	45,2%	54,8%	45,7%	54,3%	43,8%	56,2%	42,4%	57,6%
France	44,6%	55,4%	46,4%	53,6%	44,5%	55,5%	42,1%	57,9%	40,7%	59,3%	39,7%	60,3%	38,2%	61,8%	38,0%	62,0%
Germany	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Greece	35,0%	65,0%	35,8%	64,2%	NA	NA	28,8%	71,2%	NA	NA	28,1%	71,9%	NA	NA	NA	NA
Hungary	31,8%	68,2%	31,9%	68,1%	33,8%	66,2%	31,7%	68,3%	32,0%	68,0%	34,1%	65,9%	34,0%	66,0%	34,5%	65,5%
Ireland	NAP	NAP	NAP	NAP	NAP	NAP	80,0%	20,0%	77,8%	22,2%	80,0%	20,0%	80,0%	20,0%	50,0%	50,0%
Italy	60,2%	39,8%	54,5%	45,5%	52,1%	47,9%	51,7%	48,3%	49,3%	50,7%	48,3%	51,7%	46,7%	53,3%	45,5%	54,5%
Latvia	21,6%	78,4%	24,6%	75,4%	23,3%	76,7%	23,1%	76,9%	24,3%	75,7%	24,5%	75,5%	24,5%	75,5%	24,5%	75,5%
Lithuania	65,2%	34,8%	60,8%	39,2%	56,3%	43,8%	55,1%	44,9%	56,3%	43,8%	56,9%	43,1%	58,3%	41,7%	59,2%	40,8%
Luxembourg	NA	NA	NA	NA	NA	NA	37,8%	62,2%	37,8%	62,2%	32,5%	67,5%	40,4%	59,6%	34,7%	65,3%
Malta	100,0%	0,0%	100,0%	0,0%	100,0%	0,0%	87,5%	12,5%	87,5%	12,5%	88,9%	11,1%	88,9%	11,1%	72,7%	27,3%
Netherlands	60,2%	39,8%	59,0%	41,0%	57,0%	43,0%	55,3%	44,7%	55,7%	44,3%	54,3%	45,7%	51,4%	48,6%	50,2%	49,8%
Poland	39,2%	60,8%	44,5%	55,5%	-	-	46,4%	53,6%	-	-	46,5%	53,5%	46,1%	53,9%	46,0%	54,0%
Portugal	68,7%	31,3%	63,4%	36,6%	61,9%	38,1%	62,1%	37,9%	60,6%	39,4%	58,8%	41,2%	51,3%	37,7%	56,0%	44,0%
Romania	25,2%	74,8%	25,0%	75,0%	25,5%	74,5%	25,8%	74,2%	25,5%	74,5%	25,7%	74,3%	25,6%	74,4%	26,1%	73,9%
Slovakia	38,3%	61,7%	39,8%	60,2%	39,2%	60,8%	39,6%	60,4%	40,9%	59,1%	39,3%	60,7%	37,8%	62,2%	37,4%	62,6%
Slovenia	27,3%	72,7%	26,2%	73,8%	13,8%	62,9%	26,3%	73,7%	28,2%	71,8%	25,0%	75,0%	25,1%	74,9%	24,1%	75,9%
Spain	67,8%	32,2%	67,4%	32,6%	-	-	65,5%	34,5%	64,1%	35,9%	62,8%	37,2%	63,2%	36,8%	61,6%	38,4%
Sweden	51,6%	48,4%	46,9%	53,1%	44,6%	55,4%	43,7%	56,3%	40,8%	59,2%	41,8%	58,2%	42,7%	57,3%	43,0%	57,0%
<b>Average</b>	49,4%	50,6%	49,1%	50,9%	47,3%	51,5%	47,8%	52,2%	47,5%	52,5%	46,7%	53,3%	47,3%	52,3%	44,7%	55,3%
<b>Median</b>	44,6%	55,4%	46,7%	53,3%	44,6%	55,4%	45,9%	54,1%	44,6%	55,4%	45,6%	54,4%	46,1%	53,9%	45,5%	54,5%
<b>Minimum</b>	21,6%	0,0%	24,6%	0,0%	13,8%	0,0%	23,1%	12,5%	24,3%	12,5%	24,5%	11,1%	24,5%	11,1%	24,1%	27,3%
<b>Maximum</b>	100,0%	78,4%	100,0%	75,4%	100,0%	76,7%	87,5%	76,9%	87,5%	75,7%	88,9%	75,5%	88,9%	75,5%	72,7%	75,9%
<b>Nb of values</b>	27	27	27	27	25	25	27	27	26	26	27	27	27	27	27	27
<b>% of NA</b>	15%	15%	11%	11%	16%	16%	7%	7%	15%	15%	7%	7%	11%	11%	11%	11%
<b>% of NAP</b>	7%	7%	7%	7%	8%	8%	4%	4%	4%	4%	4%	4%	4%	4%	4%	4%

**Austria:** The administrative courts were established January 1st 2014. Data on administrative justice is introduced for 2016 cycle for the first time.

**Czech Republic:** The country has a four-tier system and since 2013 have included the number of judges of the high courts in the number of the second instance judges.

**Table 9.2.1 Number of non-judge staff and number of professional judges per 100 000 inhabitants, 2012 to 2018 (Q1, Q46, Q52)**

States	2010		2012		2013		2014		2015		2016		2017		2018	
	Professional judges per 100 000 inh.	Non-judge staff per 100 000 inh.	Professional judges per 100 000 inh.	Non-judge staff per 100 000 inh.	Professional judges per 100 000 inh.	Non-judge staff per 100 000 inh.	Professional judges per 100 000 inh.	Non-judge staff per 100 000 inh.	Professional judges per 100 000 inh.	Non-judge staff per 100 000 inh.	Professional judges per 100 000 inh.	Non-judge staff per 100 000 inh.	Professional judges per 100 000 inh.	Non-judge staff per 100 000 inh.	Professional judges per 100 000 inh.	Non-judge staff per 100 000 inh.
Austria	17,8	54,8	18,3	54,8	18,4	55,4	19,2	54,8	18,6	54,4	27,4	63,4	28,2	63,0	27,3	56,3
Belgium	14,8	48,9	14,3	48,9	14,4	47,6	14,4	47,2	14,3	46,2	14,1	44,6	13,8	43,4	13,3	43,5
Bulgaria	30,0	82,6	30,7	82,6	30,2	82,2	30,5	83,5	31,1	85,9	31,8	86,9	31,7	88,1	31,8	89,5
Croatia	42,8	146,3	45,3	146,3	45,0	146,5	44,0	143,4	44,5	141,5	43,3	140,3	43,2	143,7	40,7	143,0
Cyprus	12,9	49,0	11,9	49,0	11,8	49,8	11,2	52,2	13,3	50,0	13,1	51,5	13,9	51,6	13,5	48,7
Czech Republic	29,1	86,9	29,1	86,9	29,1	86,6	28,8	88,4	28,6	89,2	28,4	91,8	28,4	93,4	28,4	92,6
Denmark	6,7	32,5	6,6	32,5	6,3	31,1	6,7	31,0	6,6	26,8	6,5	28,6	6,5	28,3	6,5	28,5
Estonia	16,7	74,4	17,7	74,4	17,2	75,2	18,0	77,4	17,8	73,3	17,6	66,7	17,3	64,3	17,7	62,1
Finland	18,0	40,8	18,1	40,8	18,1	40,3	18,2	39,5	18,1	39,1	19,4	39,4	19,0	38,8	19,6	38,6
France	10,7	33,2	10,7	33,2	10,7	33,3	10,6	33,7	10,5	33,5	10,4	33,9	10,5	33,8	10,9	34,1
Germany	24,3	66,9	24,7	66,9	23,9	66,0	24,1	66,0	23,6	65,2	24,2	64,7	24,3	64,3	24,5	65,1
Greece	29,3	48,2	23,3	48,2	35,0	48,6	20,2	50,5	20,3	51,3	25,8	39,3	26,6	38,5	26,8	38,9
Hungary	29,0	82,2	27,9	82,2	28,4	81,0	28,4	81,4	28,6	81,2	28,7	81,7	28,6	84,8	30,2	88,9
Ireland	3,2	20,6	3,1	20,6	3,2	20,1	3,5	20,0	3,4	20,2	3,5	20,9	3,3	21,3	3,3	21,6
Italy	11,0	39,7	10,6	39,7	11,0	38,5	11,6	36,0	10,9	35,2	10,6	35,0	10,8	34,2	11,6	37,1
Latvia	21,2	78,6	21,5	78,6	23,8	78,8	23,9	78,8	25,0	77,1	25,5	80,3	25,1	78,8	29,1	89,3
Lithuania	23,9	87,2	25,6	87,2	26,2	88,4	25,1	89,3	26,4	94,5	27,3	96,2	27,3	96,9	27,1	95,3
Luxembourg	32,0	NA	34,1	NA	32,7	36,0	35,0	34,8	32,5	35,0	31,7	33,9	32,9	33,2	36,2	35,8
Malta	9,3	85,2	9,5	85,2	9,8	105,0	9,7	88,5	9,3	87,3	9,8	83,2	9,0	82,8	9,5	86,8
Netherlands	15,2	37,3	14,4	37,3	14,1	43,3	14,1	43,9	13,9	42,8	13,6	42,8	14,8	43,8	14,6	43,4
Poland	27,8	106,0	26,2	106,0	-	-	26,2	107,9	-	-	26,0	112,3	26,1	121,8	25,5	105,9
Portugal	18,4	58,3	19,2	58,3	19,4	57,6	19,0	54,9	19,2	56,1	19,3	54,8	20,0	56,3	19,3	56,6
Romania	19,0	43,6	20,2	43,6	22,6	48,3	21,5	45,5	23,3	51,9	23,6	52,4	23,9	54,5	24,1	54,9
Slovakia	24,9	82,8	24,2	82,8	24,8	83,0	24,4	82,4	23,8	80,9	24,1	82,5	25,3	84,8	25,3	86,4
Slovenia	49,9	161,7	47,1	161,7	46,1	157,2	44,9	162,8	43,5	159,9	42,6	161,2	41,6	161,0	41,7	163,0
Spain	10,2	97,3	11,2	97,3	-	-	11,6	104,6	11,6	107,1	11,5	105,7	11,5	100,4	11,5	101,4
Sweden	11,5	54,1	11,8	54,1	11,7	48,9	12,0	49,2	11,8	48,7	11,8	48,6	11,8	50,3	11,9	50,9
<b>Average</b>	20,7	69,2	20,6	69,2	21,4	69,2	20,6	68,4	20,4	66,7	21,2	68,2	21,3	68,7	21,5	68,8
<b>Median</b>	18,4	62,6	19,2	62,6	19,4	62,6	19,2	54,9	18,9	55,2	23,6	63,4	23,9	63,0	24,1	56,6
<b>Minimum</b>	3,2	20,6	3,1	20,6	3,2	20,6	3,5	20,0	3,4	20,2	3,5	20,9	3,3	21,3	3,3	21,6
<b>Maximum</b>	49,9	161,7	47,1	161,7	46,1	161,7	44,9	162,8	44,5	159,9	43,3	161,2	43,2	161,0	41,7	163,0
<b>Nb of values</b>	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27
<b>% of NA</b>	0%	4%	0%	4%	0%	4%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

**Austria:** The administrative courts were established January 1st 2014. Data on administrative justice is introduced for 2016 cycle for the first time.

**France:** There is no differentiation between non-judge staff attached to judges and prosecutors.

**Italy:** Administrative justice is taken into account in 2018 only

**Table 9.2.2(2010) Total number of non-judge staff (absolute number and per 100 000 inhabitants) and its distribution per category in 2010 (Q1, Q52)**

States	Total number of non-judge staff		Distribution of non-judge staff per category				
	Absolute number	Per 100 000 inhabitants	Rechtspfleger	Assisting the judge	In charge of administrative tasks	Technical staff	Other non-judge staff
Austria	4 642	55,3	757	26	NA	43	NA
Belgium	5 632	52,0	NAP	1 768	2 921	943	NAP
Bulgaria	5 866	79,7		1 679	1 884	2 183	120
Croatia	6 944	157,4	389	5 194	576	785	NAP
Cyprus	463	57,5	NAP	141	141	133	48
Czech Republic	9 498	90,3	2 105	4 564	1 952	833	44
Denmark	NA	NA	275	NA	NA	NA	NA
Estonia	976	72,8	67	468	339	91	11
Finland	2 285	42,5					
France	21 105	32,5		18 189	1 500	927	489
Germany	53 649	65,6	8 460	29 143	7 477	1 280	7 285
Greece	6 760	59,8					NAP
Hungary	7 713	77,2	590	3 413		3 710	
Ireland	1 028	22,4	29	891	108		
Italy	NA	NA		NA	NA	NA	NA
Latvia	1 601	71,8	NAP	1 082	354	160	5
Lithuania	2 656	81,9		1 211	704	426	315
Luxembourg	NA	NA	NAP	NA	NA	NA	NA
Malta	374	89,6	NAP	274	100	0	0
Netherlands	6 674	40,1					
Poland	35 946	94,1	1 865	20 283	7 058	3 536	3 204
Portugal	6 631	62,3		6 010	339	273	9
Romania	8 481	39,6	NAP	5 325	1 427	1 729	544
Slovakia	4 468	82,2	813	2 086	1 569		
Slovenia	3 274	159,7	436				
Spain	NA	NA	4 456	0	0	0	0
Sweden	NA	NA		2 800	1 179		
<b>Average</b>	8 939	72,1	1 687	5 227	1 646	1 003	929
<b>Median</b>	5 749	68,7	674	1 927	942	785	48
<b>Minimum</b>	374	22,4	29	0	0	0	0
<b>Maximum</b>	53 649	159,7	8 460	29 143	7 477	3 710	7 285
<b>Nb of values</b>	27	27	18	23	22	20	20
<b>% of NA</b>	19%	19%	0%	13%	18%	15%	20%
<b>% of NAP</b>	0%	0%	33%	0%	0%	0%	15%

France: There is no differentiation between non-judge staff attached to judges and prosecutors.

Italy: Administrative justice is not taken into account in the above table



**Table 9.2.2(2012) Total number of non-judge staff (absolute number and per 100 000 inhabitants) and its distribution per category in 2012 (Q1, Q52)**

States	Total number of non-judge staff		Distribution of non-judge staff per category				
	Absolute number	Per 100 000 inhabitants	Rechtspfleger	Assisting the judge	In charge of administrative tasks	Technical staff	Other non-judge staff
Austria	4 631	54,8	760	20	437	33	3 381
Belgium	5 458	48,9	NAP	1 708	2 766	984	NAP
Bulgaria	6 014	82,6	NAP	4 479	1 480	NA	55
Croatia	6 234	146,3	311	4 648	544	731	NAP
Cyprus	424	49,0	NAP	133	124	129	38
Czech Republic	9 135	86,9	1 950	4 463	2 038	636	48
Denmark	1 823	32,5	319	1 072	201	67	164
Estonia	957	74,4	63	220	489	138	47
Finland	2 214	40,8	NA	NA	NA	NA	NA
France	21 758	33,2	NAP	17 663	1 352	964	1 779
Germany	53 649	66,9	8 461	29 144	7 478	1 281	7 285
Greece	5 327	48,2	NAP	NAP	NA	NA	NAP
Hungary	8 142	82,2	767	2 406	NA	NA	4 969
Ireland	945	20,6	31	787	125	2	NAP
Italy	23 672	39,7	NAP	14 811	4 542	497	3 822
Latvia	1 608	78,6	NAP	1 090	351	160	7
Lithuania	2 619	87,2	NAP	1 348	776	425	70
Luxembourg	NA	NA	NAP	NA	NA	NA	NA
Malta	360	85,2	NAP	213	111	8	28
Netherlands	6 252	37,3	NAP	4 847	NA	NA	1 405
Poland	40 844	106,0	1 810	23 110	7 239	3 487	5 198
Portugal	6 110	58,3	NAP	5 601	256	251	2
Romania	9 283	43,6	NAP	5 489	1 486	1 762	546
Slovakia	4 482	82,8	1 046	2 079	1 357	NA	NA
Slovenia	3 330	161,7	346	481	NA	NA	NA
Spain	44 748	97,3	3 559	NAP	NAP	NAP	NAP
Sweden	5 173	54,1	NAP	3 500	1 054	119	500
<b>Average</b>	10 584	69,2	1 619	5 622	1 710	649	1 630
<b>Median</b>	5 392	62,6	764	2 406	915	338	332
<b>Minimum</b>	360	20,6	31	20	111	2	2
<b>Maximum</b>	53 649	161,7	8 461	29 144	7 478	3 487	7 285
<b>Nb of values</b>	27	27	27	27	27	27	27
<b>% of NA</b>	4%	4%	4%	7%	22%	30%	15%
<b>% of NAP</b>	0%	0%	52%	7%	4%	4%	19%

France: There is no differentiation between non-judge staff attached to judges and prosecutors.

Italy: Administrative justice is not taken into account in the above table

**Table 9.2.2(2013) Total number of non-judge staff (absolute number and per 100 000 inhabitants) and its distribution per category in 2013 (Q1, Q52)**

States	Total number of non-judge staff		Distribution of non-judge staff per category				
	Absolute number	Per 100 000 inhabitants	Rechtspfleger	Assisting the judge	In charge of administrative tasks	Technical staff	Other non-judge staff
Austria	4 698	55,4	771	20	434	28	3 445
Belgium	5 307	47,6	NAP	1 752	2 700	855	NAP
Bulgaria	5 958	82,2	NAP	4 445	1 458	NA	55
Croatia	6 222	146,5	285	4 643	562	732	NAP
Cyprus	427	49,8	NAP	133	131	125	38
Czech Republic	9 107	86,6	1 907	4 418	2 131	625	26
Denmark	1 751	31,1	308	17	1 360	61	5
Estonia	990	75,2	54	239	501	149	47
Finland	2 196	40,3	NA	NA	NA	NA	NA
France	21 946	33,3	NAP	17 920	2 979	1 047	NAP
Germany	53 302	66,0	8 482	28 621	7 503	1 119	7 578
Greece	5 376	48,6	NAP	NAP	NA	NA	NAP
Hungary	8 000	81,0	777	2 254	NA	NA	4 969
Ireland	927	20,1	21	778	128	NAP	NAP
Italy	22 991	38,5	NAP	14 349	4 395	494	3 753
Latvia	1 594	78,8	NAP	1 093	347	147	7
Lithuania	2 602	88,4	NAP	1 358	733	428	83
Luxembourg	198	36,0	NAP	192	5	1	NAP
Malta	451	105,0	NAP	156	103	8	36
Netherlands	7 287	43,3	NAP	NA	NA	NA	NA
Poland	-	-	-	-	-	-	-
Portugal	6 005	57,6	NAP	5 558	217	230	0
Romania	9 639	48,3	NAP	5 743	1 563	1 784	549
Slovakia	4 497	83,0	1 083	2 055	NA	NA	1 359
Slovenia	3 239	157,2	425	838	1 562	414	NAP
Spain	-	-	-	-	-	-	-
Sweden	4 716	48,9	NAP	3 260	688	91	677
<b>Average</b>	7 577	66,0	1 411	4 538	1 475	463	1 414
<b>Median</b>	4 716	55,4	598	1 903	711	322	69
<b>Minimum</b>	198	20,1	21	17	5	1	0
<b>Maximum</b>	53 302	157,2	8 482	28 621	7 503	1 784	7 578
<b>Nb of values</b>	25	25	25	25	25	25	25
<b>% of NA</b>	0%	0%	4%	8%	20%	24%	8%
<b>% of NAP</b>	0%	0%	56%	4%	0%	4%	28%

France: There is no differentiation between non-judge staff attached to judges and prosecutors.

Italy: Administrative justice is not taken into account in the above table

**Table 9.2.2(2014) Total number of non-judge staff (absolute number and per 100 000 inhabitants) and its distribution per category in 2014 (Q1, Q52)**

States	Total number of non-judge staff		Distribution of non-judge staff per category				
	Absolute number	Per 100 000 inhabitants	Rechtspfleger	Assisting the judge	In charge of administrative tasks	Technical staff	Other non-judge staff
Austria	4 705	54,8	785	19	439	23	3 439
Belgium	5 290	47,2	NAP	1 928	2 474	889	NAP
Bulgaria	6 014	83,5	NAP	4 468	1 491	NA	55
Croatia	6 061	143,4	381	4 384	579	717	NAP
Cyprus	448	52,2	NAP	129	128	151	40
Czech Republic	9 309	88,4	2 073	4 539	2 006	614	77
Denmark	1 754	31,0	572	18	1 091	68	5
Estonia	1 017	77,4	51	684	78	161	43
Finland	2 161	39,5	NA	NA	NA	NA	NA
France	22 360	33,7	NAP	18 816	2 493	1 051	NAP
Germany	53 302	66,0	8 482	28 621	7 503	1 119	7 577
Greece	5 474	50,5	NA	NA	NA	NA	NAP
Hungary	8 022	81,4	778	907	NA	NA	6 337
Ireland	927	20,0	24	771	131	1	NAP
Italy	21 903	36,0	NAP	13 760	4 116	488	3 539
Latvia	1 578	78,8	NAP	1 071	354	144	9
Lithuania	2 608	89,3	NAP	1 369	801	353	85
Luxembourg	196	34,8	NAP	132	63	1	NAP
Malta	389	88,5	NAP	231	59	9	90
Netherlands	7 422	43,9	NAP	NA	NA	NA	NA
Poland	41 534	107,9	1 847	23 428	7 324	3 741	5 194
Portugal	5 698	54,9	NAP	5 293	101	227	77
Romania	10 147	45,5	NAP	6 072	1 585	1 854	636
Slovakia	4 468	82,4	1 030	2 105	NA	NA	1 333
Slovenia	3 355	162,8	505	1 080	1 639	131	NAP
Spain	48 563	104,6	3 667	NAP	NAP	NAP	44 896
Sweden	4 797	49,2	NAP	3 290	707	106	694
<b>Average</b>	10 352	68,4	1 683	5 353	1 674	592	4 118
<b>Median</b>	5 290	54,9	782	1 928	801	194	363
<b>Minimum</b>	196	20,0	24	18	59	1	5
<b>Maximum</b>	53 302	162,8	8 482	28 621	7 503	3 741	44 896
<b>Nb of values</b>	27	27	27	27	27	27	27
<b>% of NA</b>	0%	0%	7%	11%	19%	22%	7%
<b>% of NAP</b>	0%	0%	48%	4%	4%	4%	26%

France: There is no differentiation between non-judge staff attached to judges and prosecutors.

Italy: Administrative justice is not taken into account in the above table

**Table 9.2.2(2015) Total number of non-judge staff (absolute number and per 100 000 inhabitants) and its distribution per category in 2015 (Q1, Q52)**

States	Total number of non-judge staff		Distribution of non-judge staff per category				
	Absolute number	Per 100 000 inhabitants	Rechtspfleger	Assisting the judge	In charge of administrative tasks	Technical staff	Other non-judge staff
Austria	4 735	54,4	798	19	440	22	3 456
Belgium	5 204	46,2	NAP	1 881	2 408	915	NAP
Bulgaria	6 143	85,9	NAP	4 395	1 191	502	55
Croatia	5 929	141,5	474	4 231	534	689	NAP
Cyprus	424	50,0	NAP	130	130	128	36
Czech Republic	9 409	89,2	2 190	4 519	2 053	610	37
Denmark	1 529	26,8	357	14	1 089	63	6
Estonia	965	73,3	71	652	87	111	44
Finland	2 145	39,1	NA	NA	NA	NA	NA
France	22 326	33,5	NAP	18 906	2 513	907	NAP
Germany	53 292	65,2	8 564	28 336	7 626	1 087	7 679
Greece	5 572	51,3	NA	NA	NA	NA	NAP
Hungary	7 979	81,2	808	899	NA	NA	6 272
Ireland	942	20,2	25	775	141	1	NAP
Italy	21 360	35,2	NAP	13 392	4 068	474	3 426
Latvia	1 519	77,1	NAP	1 044	323	141	11
Lithuania	2 729	94,5	NAP	1 475	816	350	88
Luxembourg	197	35,0	NAP	129	67	1	NAP
Malta	393	87,3	NAP	239	60	5	89
Netherlands	7 265	42,8	NA	NA	NA	NA	NA
Poland	-	-	-	-	-	-	-
Portugal	5 799	56,1	NAP	5 422	88	225	64
Romania	10 251	51,9	NAP	6 149	1 615	1 844	643
Slovakia	4 390	80,9	1 001	2 011	NA	NA	1 378
Slovenia	3 300	159,9	481	659	1 998	162	NAP
Spain	49 746	107,1	3 710	NAP	NAP	NAP	46 036
Sweden	4 800	48,7	NAP	3 269	708	104	719
<b>Average</b>	9 167	66,7	1 680	4 479	1 398	417	4 120
<b>Median</b>	5 002	55,2	798	1 678	762	194	89
<b>Minimum</b>	197	20,2	25	14	60	1	6
<b>Maximum</b>	53 292	159,9	8 564	28 336	7 626	1 844	46 036
<b>Nb of values</b>	26	26	26	26	26	26	26
<b>% of NA</b>	0%	0%	12%	12%	19%	19%	8%
<b>% of NAP</b>	0%	0%	46%	4%	4%	4%	27%

France: There is no differentiation between non-judge staff attached to judges and prosecutors.

Italy: Administrative justice is not taken into account in the above table

**Table 9.2.2(2016) Total number of non-judge staff (absolute number and per 100 000 inhabitants) and its distribution per category in 2016 (Q1, Q52)**

States	Total number of non-judge staff		Distribution of non-judge staff per category				
	Absolute number	Per 100 000 inhabitants	Rechtspfleger	Assisting the judge	In charge of administrative tasks	Technical staff	Other non-judge staff
Austria	5 544	63,4	837	494	686	52	3 475
Belgium	5 054	44,6	NAP	1 946	2 335	773	NAP
Bulgaria	6 174	86,9	NAP	4 478	1 162	481	53
Croatia	5 827	140,3	523	4 124	498	682	NAP
Cyprus	437	51,5	NAP	138	135	130	34
Czech Republic	9 714	91,8	2 408	4 497	2 091	656	62
Denmark	1 642	28,6	275	12	1 285	63	7
Estonia	877	66,7	51	615	82	88	41
Finland	2 170	39,4	NA	NA	NA	NA	NA
France	22 712	33,9	NAP	18 904	2 613	923	272
Germany	53 181	64,7	8 720	28 069	6 524	1 866	8 002
Greece	4 236	39,3	NAP	NA	NA	NA	NAP
Hungary	8 003	81,7	820	897	NA	NA	6 286
Ireland	975	20,9	23	790	161	1	NAP
Italy	21 182	35,0	NAP	13 297	4 071	351	3 463
Latvia	1 582	80,3	NAP	1 071	355	142	14
Lithuania	2 740	96,2	NAP	1 526	855	272	87
Luxembourg	200	33,9	NAP	131	66	3	NAP
Malta	383	83,2	NAP	227	59	7	90
Netherlands	7 317	42,8	NAP	NA	NA	NA	NA
Poland	43 176	112,3	2 138	24 231	7 687	3 261	5 859
Portugal	5 652	54,8	NAP	5 342	92	210	8
Romania	10 297	52,4	NAP	6 191	1 621	1 822	663
Slovakia	4 482	82,5	937	2 143	NA	NA	1 402
Slovenia	3 330	161,2	516	826	1 796	192	NAP
Spain	49 186	105,7	4 379	NAP	NAP	NAP	44 807
Sweden	4 859	48,6	NAP	3 343	706	104	706
<b>Average</b>	10 405	68,2	1 802	5 361	1 661	575	3 965
<b>Median</b>	5 054	63,4	829	1 946	855	210	272
<b>Minimum</b>	200	20,9	23	12	59	1	7
<b>Maximum</b>	53 181	161,2	8 720	28 069	7 687	3 261	44 807
<b>Nb of values</b>	27	27	27	27	27	27	27
<b>% of NA</b>	0%	0%	4%	11%	19%	19%	7%
<b>% of NAP</b>	0%	0%	52%	4%	4%	4%	22%

France: There is no differentiation between non-judge staff attached to judges and prosecutors.

Italy: Administrative justice is not taken into account in the above table

**Table 9.2.2(2017) Total number of non-judge staff (absolute number and per 100 000 inhabitants) and its distribution per category in 2017 (Q1, Q52)**

States	Total number of non-judge staff		Distribution of non-judge staff per category				
	Absolute number	Per 100 000 inhabitants	Rechtspfleger	Assisting the judge	In charge of administrative tasks	Technical staff	Other non-judge staff
Austria	5 544	63,0	857	406	783	57	3 366
Belgium	4 940	43,4	NAP	1 692	2 484	764	NAP
Bulgaria	6 212	88,1	NAP	4 492	1 118	568	34
Croatia	5 900	143,7	542	4 187	499	672	NAP
Cyprus	441	51,6	NAP	138	135	134	34
Czech Republic	9 887	93,4	2 438	4 632	2 057	701	59
Denmark	1 634	28,3	270	10	1 290	64	0
Estonia	846	64,3	51	596	80	81	38
Finland	2 137	38,8	NA	NA	NA	NA	NA
France	22 714	33,8	NAP	19 074	2 703	937	NAP
Germany	53 178	64,3	8 565	28 084	6 580	1 937	8 012
Greece	4 145	38,5	NAP	NA	NA	NA	NAP
Hungary	8 379	84,8	852	930	NA	NA	6 597
Ireland	1 023	21,3	25	830	167	1	NAP
Italy	20 664	34,2	NAP	12 949	4 046	343	3 326
Latvia	1 536	78,8	NAP	932	483	95	26
Lithuania	2 722	96,9	NAP	1 505	871	259	87
Luxembourg	200	33,2	NAP	191	6	3	NAP
Malta	394	82,8	NAP	231	56	9	98
Netherlands	7 523	43,8	NAP	NA	NA	NA	NA
Poland	46 807	121,8	1 941	27 607	8 226	3 243	5 790
Portugal	5 789	56,3	NAP	5 465	78	246	0
Romania	10 638	54,5	NAP	6 358	1 697	1 731	852
Slovakia	4 616	84,8	1 015	2 169	NA	NA	1 432
Slovenia	3 328	161,0	511	802	1 822	193	NAP
Spain	46 871	100,4	4 283	NAP	NAP	NAP	42 588
Sweden	5 088	50,3	NAP	3 490	724	119	755
<b>Average</b>	10 487	68,7	1 779	5 512	1 710	579	4 061
<b>Median</b>	5 088	63,0	855	1 692	871	246	427
<b>Minimum</b>	200	21,3	25	10	6	1	0
<b>Maximum</b>	53 178	161,0	8 565	28 084	8 226	3 243	42 588
<b>Nb of values</b>	27	27	27	27	27	27	27
<b>% of NA</b>	0%	0%	4%	11%	19%	19%	7%
<b>% of NAP</b>	0%	0%	52%	4%	4%	4%	26%

France: There is no differentiation between non-judge staff attached to judges and prosecutors.

Italy: Administrative justice is not taken into account in the above table

**Table 9.2.2(2018) Total number of non-judge staff (absolute number and per 100 000 inhabitants) and its distribution per category in 2018 (Q1, Q52)**

States	Total number of non-judge staff		Distribution of non-judge staff per category				
	Absolute number	Per 100 000 inhabitants	Rechtspfleger	Assisting the judge	In charge of administrative tasks	Technical staff	Other non-judge staff
Austria	4 966	56,3	833	342	764	53	2 974
Belgium	4 974	43,5	NAP	1 692	2 500	782	NAP
Bulgaria	6 262	89,5	NAP	4 656	1 006	585	35
Croatia	5 828	143,0	541	4 135	490	662	NAP
Cyprus	427	48,7	NAP	138	131	125	33
Czech Republic	9 857	92,6	2 443	4 616	2 060	656	82
Denmark	1 656	28,5	274	9	1 291	72	10
Estonia	819	62,1	51	583	77	73	35
Finland	2 131	38,6	NA	NA	NA	NA	NA
France	22 844	34,1	NAP	18 894	2 657	1 025	268
Germany	54 072	65,1	8 860	28 469	6 678	1 996	8 069
Greece	4 179	38,9	NAP	NA	NA	NA	NAP
Hungary	8 528	88,9	888	935	NA	NA	6 705
Ireland	1 049	21,6	25	849	173	1	NAP
Italy	22 401	37,1	NAP	14 279	4 631	376	3 115
Latvia	1 715	89,3	NAP	1 059	477	83	96
Lithuania	2 664	95,3	NAP	1 451	849	280	84
Luxembourg	220	35,8	NAP	210	3	3	4
Malta	413	86,8	NAP	247	61	9	96
Netherlands	7 492	43,4	NAP	NA	NA	NA	NA
Poland	40 662	105,9	2 201	22 398	7 663	2 739	5 661
Portugal	5 818	56,6	NAP	5 486	94	238	0
Romania	10 662	54,9	NAP	6 402	1 645	1 772	843
Slovakia	4 710	86,4	1 067	2 185	NA	NA	1 458
Slovenia	3 391	163,0	506	970	1 716	199	NAP
Spain	47 645	101,4	4 289	NAP	NAP	NAP	43 356
Sweden	5 208	50,9	NAP	3 577	733	144	754
<b>Average</b>	10 392	68,8	1 832	5 373	1 700	565	3 684
<b>Median</b>	4 974	56,6	861	1 692	849	238	182
<b>Minimum</b>	220	21,6	25	9	3	1	0
<b>Maximum</b>	54 072	163,0	8 860	28 469	7 663	2 739	43 356
<b>Nb of values</b>	27	27	27	27	27	27	27
<b>% of NA</b>	0%	0%	4%	11%	19%	19%	7%
<b>% of NAP</b>	0%	0%	52%	4%	4%	4%	19%

France: There is no differentiation between non-judge staff attached to judges and prosecutors.

Italy: Administrative justice is taken into account in 2018 only



**Table 9.3.1 Number of lawyers\* (absolute number and per 100 000 inhabitants)in 2010 to 2018 (Q1, Q146, Q147)**

States	Number of lawyers								Number of lawyers per 100 000 inhabitants							
	2010	2012	2013	2014	2015	2016	2017	2018	2010	2012	2013	2014	2015	2016	2017	2018
<b>Austria</b>	5 518	5 756	5 801	5 940	6 138	6 132	6 325	6 483	65,8	68,1	68,4	69,2	70,5	70,2	71,9	73,5
<b>Belgium</b>	16 517	17 336	17 795	18 134	18 402	18 532	18 604	18 658	152,4	155,3	159,6	161,8	163,3	163,7	163,5	163,2
<b>Bulgaria</b>	11 825	12 010	12 010	12 696	13 013	13 500	13 720	13 640	160,6	164,9	165,8	176,3	181,9	190,1	194,6	194,9
<b>Croatia</b>	4 133	4 392	4 408	4 487	4 560	4 690	4 719	4 756	93,7	103,0	103,8	106,2	108,8	112,9	114,9	116,7
<b>Cyprus</b>	2 400	2 558	2 896	3 114	3 208	3 605	3 793	4 012	298,3	295,4	337,5	362,9	378,2	425,0	443,7	458,0
<b>Czech Republic</b>	10 158	10 944	10 255	11 842	12 300	11 310	11 587	11 180	96,6	104,1	97,6	112,5	116,5	106,9	109,4	105,0
<b>Denmark</b>	5 814	6 021	6 053	6 134	6 235	6 236	6 450	6 563	104,6	107,5	107,6	108,4	109,2	108,5	111,6	113,0
<b>Estonia</b>	788	846	878	934	970	993	1 024	1 041	58,8	65,8	66,7	71,1	73,7	75,5	77,8	78,9
<b>Finland</b>	1893	1 935	2 009	2 115	3 550	3 791	3 846	3 965	35,2	35,7	36,9	38,7	64,7	68,9	69,8	71,8
<b>France</b>	51 758	56 176	60 223	62 073	62 073	65 480	66 958	66 958	79,6	85,7	91,5	93,6	93,2	97,7	99,7	99,9
<b>Germany</b>	155 679	160 880	162 695	163 513	163 772	164 393	164 656	165 104	190,4	200,5	201,4	202,4	200,3	200,1	199,2	198,9
<b>Greece</b>	41 794	42 113	42 177	42 052	42 226	42 091	41 903	42 949	369,5	380,7	381,3	387,7	388,9	390,3	389,1	399,9
<b>Hungary</b>	12 099	13 000	13 000	13 000	13 000	11 191	11 191	12 715	121,2	131,2	131,6	131,9	132,2	114,2	113,3	132,6
<b>Ireland</b>	10 933	11 055	11 215	11 588	11 907	12 237	12 588	13 142	238,6	240,8	243,7	250,5	255,3	261,8	262,7	270,6
<b>Italy</b>	211 962	226 202	226 202	223 842	237 132	229 292	231 565	234 386	349,6	379,0	379,0	368,2	390,9	378,4	382,9	388,3
<b>Latvia</b>	1 360	1 343	1 336	1 363	1 363	1 231	1 370	1 218	61,0	65,7	66,0	68,1	69,2	62,5	70,3	63,4
<b>Lithuania</b>	1 660	1 796	1 988	1 988	2 117	2 213	2 207	3 156	51,2	59,8	67,5	68,1	73,3	77,7	78,6	112,9
<b>Luxembourg</b>	1 903	2 020	2 203	2 180	2 323	2 381	2 597	2 993	371,8	384,8	400,5	387,2	412,6	403,1	431,4	487,5
<b>Malta</b>	1 600	1 400	1 112	1 485	1 569	1 327	1 473	1 535	383,1	331,4	259,0	337,7	348,3	288,3	309,6	322,7
<b>Netherlands</b>	16 275	17 068	17 298	17 713	17 343	17 498	17 672	17 784	97,7	101,7	102,8	104,8	102,1	102,4	102,9	102,9
<b>Poland</b>	38 750	43 974	-	52 760	-	48 315	51 227	53 081	101,4	114,1	-	137,1	-	125,7	133,3	138,2
<b>Portugal</b>	27 591	28 341	28 765	29 337	27 277	30 475	31 326	32 368	259,4	270,2	275,9	282,8	263,8	295,6	304,4	315,0
<b>Romania</b>	20 620	20 919	23 332	23 244	23 635	23 205	23 020	22 873	96,2	98,2	117,0	104,3	119,6	118,2	117,9	117,9
<b>Slovakia</b>	4 546	5 210	5 541	5 827	5 993	6 142	6 037	6 112	83,6	96,3	102,3	107,5	110,4	113,0	110,9	112,1
<b>Slovenia</b>	1 294	1 417	1 529	1 628	1 669	1 711	1 737	1 768	63,1	68,8	74,2	79,0	80,9	82,8	84,0	85,0
<b>Spain</b>	125 208	131 337	-	135 016	149 818	142 061	144 212	143 205	272,3	285,5	-	290,7	322,6	305,3	308,8	304,6
<b>Sweden</b>	5 000	5 246	5 422	5 575	5 800	5 767	5 911	6 000	53,1	54,9	56,2	57,2	58,9	57,7	58,4	58,6
<b>Average</b>	30 276	30 789	26 646	31 836	32 207	32 437	32 878	33 246	159,6	164,8	163,7	172,8	180,4	177,6	182,0	182,0
<b>Median</b>	10 546	10 944	6 053	11 588	9 071	11 191	11 191	11 180	101,4	107,5	107,6	112,5	118,1	114,2	114,9	114,9
<b>Minimum</b>	788	846	878	934	970	993	1 024	1 041	35,2	35,7	36,9	38,7	58,9	57,7	58,4	58,4
<b>Maximum</b>	211 962	226 202	226 202	223 842	237 132	229 292	231 565	234 386	383,1	384,8	400,5	387,7	412,6	425,0	443,7	443,7
<b>Nb of values</b>	27	27	25	27	26	27	27	27	27	27	25	27	26	27	27	27
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

\* In 2010, 2012, 2013 the total number of practising lawyers does not include "legal advisors" (information not requested for this study in 2014 and 2015) except for Cyprus.

**Finland:** Since 2015, the number of lawyers provided includes both the number of lawyers working in the private sector and the number of lawyers working in the public sector. Before 2015 the number given only included the members of the Finnish Bar Association who are entitled to use the professional titles advokat (advocate).

**Germany:** No distinction is made between different groups of lawyers in Germany, such as between solicitors and barristers.



**Table 9.3.2 Variation of the total number of lawyers between 2017 - 2018 and 2010 - 2018 (Q1, Q146)**

States	Variation of the total number of lawyers	
	2017 - 2018	2010 - 2018
Austria	2,5%	17,5%
Belgium	0,3%	13,0%
Bulgaria	-0,6%	15,3%
Croatia	0,8%	15,1%
Cyprus	5,8%	67,2%
Czech Republic	-3,5%	10,1%
Denmark	1,8%	12,9%
Estonia	1,7%	32,1%
Finland	3,1%	109,5%
France	0,0%	29,4%
Germany	0,3%	6,1%
Greece	2,5%	2,8%
Hungary	13,6%	5,1%
Ireland	4,4%	20,2%
Italy	1,2%	10,6%
Latvia	-11,1%	-10,4%
Lithuania	43,0%	90,1%
Luxembourg	15,2%	57,3%
Malta	4,2%	-4,1%
Netherlands	0,6%	9,3%
Poland	3,6%	37,0%
Portugal	3,3%	17,3%
Romania	-0,6%	10,9%
Slovakia	1,2%	34,4%
Slovenia	1,8%	36,6%
Spain	-0,7%	14,4%
Sweden	1,5%	20,0%
<b>Average</b>	<b>4,8%</b>	<b>19,8%</b>
<b>Median</b>	<b>1,7%</b>	<b>15,3%</b>
<b>Minimum</b>	<b>-11,1%</b>	<b>-10,4%</b>
<b>Maximum</b>	<b>43,0%</b>	<b>109,5%</b>
<b>Nb of values</b>	<b>27</b>	<b>27</b>
<b>% of NA</b>	<b>0%</b>	<b>0%</b>
<b>% of NAP</b>	<b>0%</b>	<b>0%</b>

Lithuania: Number of lawyers in 2018 also include lawyers assistants who provide legal services

**Table 9.3.3 Number of lawyers and professional judges in 2012 to 2018 per 100 000 inhabitant (Q1, Q46, Q146)**

States	2012		2012		2013		2014		2015		2016		2017		2018	
	Professional judges per 100 000 inh.	Lawyers per 100 000 inh.	Professional judges per 100 000 inh.	Lawyers per 100 000 inh.	Professional judges per 100 000 inh.	Lawyers per 100 000 inh.	Professional judges per 100 000 inh.	Lawyers per 100 000 inh.	Professional judges per 100 000 inh.	Lawyers per 100 000 inh.	Professional judges per 100 000 inh.	Lawyers per 100 000 inh.	Professional judges per 100 000 inh.	Lawyers per 100 000 inh.	Professional judges per 100 000 inh.	Lawyers per 100 000 inh.
Austria	17,8	65,8	18,3	68,1	18,4	68,4	19,2	69,2	18,6	70,5	27,4	70,2	28,2	71,9	27,3	73,5
Belgium	14,8	152,4	14,3	155,3	14,4	159,6	14,4	161,8	14,3	163,3	14,1	163,7	13,8	163,5	13,3	163,2
Bulgaria	30,0	160,6	30,7	164,9	30,2	165,8	30,5	176,3	31,1	181,9	31,8	190,1	31,7	194,6	31,8	194,9
Croatia	42,8	93,7	45,3	103,0	45,0	103,8	44,0	106,2	44,5	108,8	43,3	112,9	43,2	114,9	40,7	116,7
Cyprus	12,9	298,3	11,9	295,4	11,8	337,5	11,2	362,9	13,3	378,2	13,1	425,0	13,9	443,7	13,5	458,0
Czech Republic	29,1	96,6	29,1	104,1	29,1	97,6	28,8	112,5	28,6	116,5	28,4	106,9	28,4	109,4	28,4	105,0
Denmark	6,7	104,6	6,6	107,5	6,3	107,6	6,7	108,4	6,6	109,2	6,5	108,5	6,5	111,6	6,5	113,0
Estonia	16,7	58,8	17,7	65,8	17,2	66,7	18,0	71,1	17,8	73,7	17,6	75,5	17,3	77,8	17,7	78,9
Finland	18,0	35,2	18,1	35,7	18,1	36,9	18,2	38,7	18,1	64,7	19,4	68,9	19,0	69,8	19,6	71,8
France	10,7	79,6	10,7	85,7	10,7	91,5	10,6	93,6	10,5	93,2	10,4	97,7	10,5	99,7	10,9	99,9
Germany	24,3	190,4	24,7	200,5	23,9	201,4	24,1	202,4	23,6	200,3	24,2	200,1	24,3	199,2	24,5	198,9
Greece	29,3	369,5	23,3	380,7	35,0	381,3	20,2	387,7	20,3	388,9	25,8	390,3	26,6	389,1	26,8	399,9
Hungary	29,0	121,2	27,9	131,2	28,4	131,6	28,4	131,9	28,6	132,2	28,7	114,2	28,6	113,3	30,2	132,6
Ireland	3,2	238,6	3,1	240,8	3,2	243,7	3,5	250,5	3,4	255,3	3,5	261,8	3,3	262,7	3,3	270,6
Italy	11,0	349,6	10,6	379,0	11,0	379,0	11,6	368,2	10,9	390,9	10,6	378,4	10,8	382,9	11,6	388,3
Latvia	21,2	61,0	21,5	65,7	23,8	66,0	23,9	68,1	25,0	69,2	25,5	62,5	25,1	70,3	29,1	63,4
Lithuania	23,9	51,2	25,6	59,8	26,2	67,5	25,1	68,1	26,4	73,3	27,3	77,7	27,3	78,6	27,1	112,9
Luxembourg	32,0	371,8	34,1	384,8	32,7	400,5	35,0	387,2	32,5	412,6	31,7	403,1	32,9	431,4	36,2	487,5
Malta	9,3	383,1	9,5	331,4	9,8	259,0	9,7	337,7	9,3	348,3	9,8	288,3	9,0	309,6	9,5	322,7
Netherlands	15,2	97,7	14,4	101,7	14,1	102,8	14,1	104,8	13,9	102,1	13,6	102,4	14,8	102,9	14,6	102,9
Poland	27,8	101,4	26,2	114,1	-	-	26,2	137,1	-	-	26,0	125,7	26,1	133,3	25,5	138,2
Portugal	18,4	259,4	19,2	270,2	19,4	275,9	19,0	282,8	19,2	263,8	19,3	295,6	20,0	304,4	19,3	315,0
Romania	19,0	96,2	20,2	98,2	22,6	117,0	21,5	104,3	23,3	119,6	23,6	118,2	23,9	117,9	24,1	117,9
Slovakia	24,9	83,6	24,2	96,3	24,8	102,3	24,4	107,5	23,8	110,4	24,1	113,0	25,3	110,9	25,3	112,1
Slovenia	49,9	63,1	47,1	68,8	46,1	74,2	44,9	79,0	43,5	80,9	42,6	82,8	41,6	84,0	41,7	85,0
Spain	10,2	272,3	11,2	285,5	-	-	11,6	290,7	11,6	322,6	11,5	305,3	11,5	308,8	11,5	304,6
Sweden	11,5	53,1	11,8	54,9	11,7	56,2	12,0	57,2	11,8	58,9	11,8	57,7	11,8	58,4	11,9	58,6
<b>Average</b>	20,7	159,6	20,6	164,8	21,4	159,6	20,6	172,8	20,4	180,4	21,2	177,6	21,3	182,0	21,5	188,4
<b>Median</b>	18,4	101,4	19,2	107,5	19,4	101,4	19,2	112,5	18,9	118,1	23,6	114,2	23,9	114,9	24,1	117,9
<b>Minimum</b>	3,2	35,2	3,1	35,7	3,2	35,2	3,5	38,7	3,4	58,9	3,5	57,7	3,3	58,4	3,3	58,6
<b>Maximum</b>	49,9	383,1	47,1	384,8	46,1	383,1	44,9	387,7	44,5	412,6	43,3	425,0	43,2	443,7	41,7	487,5
<b>Nb of values</b>	27	27	27	27	25	25	27	27	26	26	27	27	27	27	27	27
<b>% of NA</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>% of NAP</b>	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

**Finland:** Since 2015, the number of lawyers provided includes both the number of lawyers working in the private sector and the number of lawyers working in the public sector. Before 2015 the number given only included the members of the Finnish Bar Association who are entitled to use the professional titles advokat (advocate).

**Germany:** No distinction is made between different groups of lawyers in Germany, such as between solicitors and barristers.

**Italy:** Administrative justice is taken into account in 2018

**Lithuania:** Number of lawyers in 2018 also include lawyers assistants who provide legal services

**Table 9.4 (EC) Number of professional judges sitting in courts per 100 000 inhabitants in 2010 to 2017 (Q1, Q46)**

States	EC Code	2010	2014	2015	2016	2017	2018
Austria	20	17,8	19,2	18,6	27,4	28,2	27,3
Belgium	1	14,8	14,4	14,3	14,1	13,8	13,3
Bulgaria	2	30,0	30,5	31,1	31,8	31,7	31,8
Croatia	11	42,8	44,0	44,5	43,3	43,2	40,7
Cyprus	13	12,9	11,2	13,3	13,1	13,9	13,5
Czech Republic	3	29,1	28,8	28,6	28,4	28,4	28,4
Denmark	4	6,7	6,7	6,6	6,5	6,5	6,5
Estonia	6	16,7	18,0	17,8	17,6	17,3	17,7
Finland	26	18,0	18,2	18,1	19,4	19,0	19,6
France	10	10,7	10,6	10,5	10,4	10,5	10,9
Germany	5	24,3	24,1	23,6	24,2	24,3	24,5
Greece	8	29,3	20,2	20,3	25,8	26,6	26,8
Hungary	17	29,0	28,4	28,6	28,7	28,6	30,2
Ireland	7	3,2	3,5	3,4	3,5	3,3	3,3
Italy	12	11,0	11,6	10,9	10,6	10,8	11,6
Latvia	14	21,2	23,9	25,0	25,5	25,1	29,1
Lithuania	15	23,9	25,1	26,4	27,3	27,3	27,1
Luxembourg	16	32,0	35,0	32,5	31,7	32,9	36,2
Malta	18	9,3	9,7	9,3	9,8	9,0	9,5
Netherlands	19	15,2	14,1	13,9	13,6	14,8	14,6
Poland	21	27,8	26,2	-	26,0	26,1	25,5
Portugal	22	18,4	19,0	19,2	19,3	20,0	19,3
Romania	23	19,0	21,5	23,3	23,6	23,9	24,1
Slovakia	25	24,9	24,4	23,8	24,1	25,3	25,3
Slovenia	24	49,9	44,9	43,5	42,6	41,6	41,7
Spain	9	10,2	11,6	11,6	11,5	11,5	11,5
Sweden	27	11,5	12,0	11,8	11,8	11,8	11,9

**Austria:** Administrative justice is introduced in 2014 and included in the data since 2016

**Italy:** Administrative justice is taken into account in 2018

**Table 9.5 (EC) Number of lawyers per 100 000 inhabitants in 2010 to 2018(Q1, Q146)**

States	EC Code	2010	2014	2015	2016	2017	2018
Austria	20	65,8	69,2	70,5	70,2	71,9	73,5
Belgium	1	152,4	161,8	163,3	163,7	163,5	163,2
Bulgaria	2	160,6	176,3	181,9	190,1	194,6	194,9
Croatia	11	93,7	106,2	108,8	112,9	114,9	116,7
Cyprus	13	298,3	362,9	378,2	425,0	443,7	458,0
Czech Republic	3	96,6	112,5	116,5	106,9	109,4	105,0
Denmark	4	104,6	108,4	109,2	108,5	111,6	113,0
Estonia	6	58,8	71,1	73,7	75,5	77,8	78,9
Finland	26	35,2	38,7	64,7	68,9	69,8	71,8
France	10	79,6	93,6	93,2	97,7	99,7	99,9
Germany	5	190,4	202,4	200,3	200,1	199,2	198,9
Greece	8	369,5	387,7	388,9	390,3	389,1	399,9
Hungary	17	121,2	131,9	132,2	114,2	113,3	132,6
Ireland	7	238,6	250,5	255,3	261,8	262,7	270,6
Italy	12	349,6	368,2	390,9	378,4	382,9	388,3
Latvia	14	61,0	68,1	69,2	62,5	70,3	63,4
Lithuania	15	51,2	68,1	73,3	77,7	78,6	112,9
Luxembourg	16	371,8	387,2	412,6	403,1	431,4	487,5
Malta	18	383,1	337,7	348,3	288,3	309,6	322,7
Netherlands	19	97,7	104,8	102,1	102,4	102,9	102,9
Poland	21	101,4	137,1	-	125,7	133,3	138,2
Portugal	22	259,4	282,8	263,8	295,6	304,4	315,0
Romania	23	96,2	104,3	119,6	118,2	117,9	117,9
Slovakia	25	83,6	107,5	110,4	113,0	110,9	112,1
Slovenia	24	63,1	79,0	80,9	82,8	84,0	85,0
Spain	9	272,3	290,7	322,6	305,3	308,8	304,6
Sweden	27	53,1	57,2	58,9	57,7	58,4	58,6

Lithuania: Number of lawyers in 2018 also include lawyers assistants who provide legal services

# Indicator 9: Professionals of justice

## comments provided by the national correspondents

### organised by country

Question 46. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts)

Question 52. 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 60) (please give the information in full-time equivalent and for permanent posts actually filled)

Question 146. Total number of lawyers practising in your country:

#### Austria

**Q46 (General Comment):** For the all exercises, data have been provided in full time equivalent. The first instance judges sit in District and partly regional courts. The second instance judges sit in partly regional courts and Courts of appeal.

**Q46 (2018):** Data in full time equivalent

1.: district and regional Courts + administrative court

2.: courts of appeal

**Q46 (2017):** The data also include those of administrative courts.

**Q46 (2016):** This cycle administrative courts were taken into account for the first time.

The administrative courts were established January 1st 2014. After their establishment the data of the administrative courts is introduced this cycle for the first time.

**Q46 (2015):** The right (not rounded) numbers are:

TotalMalesFemales

Total number of professional judges (1 + 2 + 3)1620,65 - 790,52 - 830,13

1. Number of first instance professional judges1222,95 - 559,08 - 663,87

2. Number of second instance (court of appeal) professional judges 330,35 - 187,75 - 142,60

3. Number of supreme court professional judges 67,35 - 43,69 - 23,66

Data in full time equivalent

1.: district and partly regional courts

2.: partly regional courts and courts of appeal

**Q46 (2014):** Besides, in the frame of the 2014 exercise, the numerical values in the table have been rounded in order to comply with the new CEPEJ methodology. The most exact replies for this period would be:

Total number of professional judges: 1 620,04 (789,68 Male, 830,36 Female)

1. Number of first instance professional judges: 1 224,36 (556,01 Male, 668,35 Female)

2. Number of second instance professional judges: 329,63 (190,78 Male, 138,85 Female)

3. Number of supreme court professional judges: 66,05 (42,89 Male, 23,16 Female).

· In 2014, some judges entitled to adjudicate in different law fields have been counted twice which explains the significant increase of the number of second instance judges between 2013 and 2014.

**Q46 (2013):** Specifically, the numbers indicated for 2012 and 2013 differ from the previous periods because the different tasks had been more exactly assigned to the full time equivalent judges, distinguishing between dealing with first and second instance court proceedings on the one hand and the administrative tasks (on behalf of the president) on the other hand.

**Q46 (2012):** Specifically, the numbers indicated for 2012 and 2013 differ from the previous periods because the different tasks had been more exactly assigned to the full time equivalent judges, distinguishing between dealing with first and second instance court proceedings on the one hand and the administrative tasks (on behalf of the president) on the other hand.

**Q52 (General Comment):** The category "other non-judge staff" includes Kanzlei responsible for handling of case files.

**Q52 (2018):** Handling of case files ("Kanzlei")

**Q52 (2017):** The data also include those of administrative courts.

**Q52 (2016):** This cycle administrative courts were taken into account for the first time.

The administrative courts were established January 1st 2014. After their establishment the data of the administrative courts is introduced this cycle for the first time.

**Q52 (2015):** The right (not rounded) numbers are:

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) 4734,55 - 1407,08 - 3327,47

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal 798,11 - 331,63 - 466,48
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) 19,05 - 1 - 18,05
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) 439,56 - 155,86 - 283,70
4. Technical staff 21,70 - 9,85 - 11,85
5. Other non-judge staff 3456,13 - 908,74 - 2547,39

**Q52 (2014):** As previously specified, in the frame of the 2014 exercise, the numerical values in the table have been rounded in order to comply with the new CEPEJ methodology. The most exact replies for this period would be:

Total non-judge staff working in courts: 4 704,51 (1 388 Male, 3 316,51 Female)

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to Appeal: 784,78 (320,21 Male, 464,57 Female)
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions): 19,18 (1 Male, 18,18 Female)
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management): 438,97 (159,85 Males, 279,12 Females)
4. Technical staff: 23,05 (9,95 Males, 13,10 Females)
5. Other non-judge staff: 3 438,53 (896,99 Males, 2 541,54 Females)

**Q52 (2010):** On the occasion of the 2010 exercise, it was specified that some persons of the cleaning staff were – still - employed by the courts and were counted in the category “technical staff”. In the case of retirements, the posts were not filled in any longer because usually this kind of work is done by external cleaning companies.

**Q146 (2017):** Statistic from the Austrian Bar (Österreichischer Rechtsanwaltskammertag) of 31st December 2017 (available at [www.rechtsanwaelte.at](http://www.rechtsanwaelte.at)).

The data only includes lawyers registered in the list of Austrian lawyers (6.238), lawyers registered in the list of established European lawyers (87) registered by 31st of December 2017. It does not include solicitors nor legal advisors as such professions/types of service providers do not exist in Austria.

**Q146 (2016):** Statistic from the Austrian Bar (Österreichischer Rechtsanwaltskammertag) of 31st December 2016 (available at [www.rechtsanwaelte.at](http://www.rechtsanwaelte.at)).

The data only includes lawyers registered in the list of Austrian lawyers (6.132), lawyers registered in the list of established European lawyers (84) registered by 31st of December 2016. It does not include solicitors nor legal advisors as such professions/types of service providers do not exist in Austria.

**Q146 (2015):** Statistic from the Austrian Bar (Österreichischer Rechtsanwaltskammertag) of 31st December 2015 (available at [www.rechtsanwaelte.at](http://www.rechtsanwaelte.at)). The data only includes lawyers registered in the list of Austrian lawyers (6.057), lawyers registered in the list of established European lawyers (81) registered by 31st of December 2015. It does not include solicitors nor legal advisors as such professions/types of service providers do not exist in Austria. (and see Mail from Oct 5th 2016)

**Q146 (2014):** Data provided for 2014 includes lawyers registered in the list of Austrian lawyers (5940), lawyers registered in the list of established European lawyers (80) and trainee lawyers (2072) registered by 31 December 2014. It does not encompass solicitors or legal advisors as such professions/types of service providers do not exist in Austria.

## Belgium

**Q46 (2018):** As a result of the reform of the cantons of justice of the peace, the number of places for justices of the peace has decreased by 25.

**Q46 (2014):** 2014: the number of professional judges includes the presidents of the courts.

**Q46 (2013):** The 2013 data on the number of professional judges reflects the situation as at 18 January 2014.

**Q52 (2013):** The number of women per category is as follows: Total: 3839,45; category 2: 1212,62; category 3: 2031,93; category 4: 594,90.

**Q52 (2012):** 2012: The 2d category "non-judge staff whose task is to assist the judges such as registrars" covers clerks and referendaries; the 3d category "staff in charge of different administrative tasks" includes HRM staff, seconded staff to specific authorities of the judicial organisation and administrative staff of the court registry. This distribution can be presented with the following figures: Total: 5457,95 (3930,35 women); 2: 1707,72 (1166,52 women); 3: 2766,23 (2075,73 women); 5: 984 (688,10 women).

**Q146 (2018):** 8002 for the French and German-speaking Bar Association  
10656 for the Flemish Bar Association (OVV)

**Q146 (2017):** 7 939 lawyers for the French and German-speaking Bar Association on 1 December 2017  
10 665 lawyers at the Flemish Bar (OVV)

**Q146 (2016):** 7,930 lawyers for the French- and German-speaking Bar Association on 1 December 2016  
10,602 lawyers at the Flemish Bar (OVV)

**Q146 (2015):** As at 1 December 2015, there were 7,882 French-speaking and German-speaking lawyers (avocats.be) and 10,520 Dutch-speaking lawyers (Orde van Vlaamse balies).

## Bulgaria

**Q46 (General Comment):** Starting from 2013, the number of first instance professional judges encompasses not only judges of the first instance courts (113 district courts, 28 administrative courts and 5 (3 since 2014) military courts) but also judges working in the first instance departments of Provincial/Regional courts - 28 (who were counted as second instance judges before).

**Q46 (2017):** P. 1 – The number of first instance professional judges consists of judges in 27 Regional courts within regional centres; 86 out of regional centres; 28 Administrative courts; 1 Specialized Criminal Court; 3 Military courts; and the number of the first instance judges in District courts has been added to them;  
P.2 – The number of the second instance judges consists of judges in 27 District courts; Sofia City Court; 5 Courts of Appeal; 1 Military court of appeal and 1 Appealate Specialized Criminal Court. This number does not include the second instance judges who have adjudicated in first instance pannels.  
P.3- The number of working judges in the Supreme Court of Cassation and Supreme Administrative Court at 31.12.2017

**Q46 (2016):** P. 1 – The number of first instance professional judges consists of judges in 27 Regional courts within regional centres; 86 out of regional centres; 28 Administrative courts; 1 Specialized Criminal Court; 3 Military courts; and the number of first instance judges in District courts has been added to them;  
P.2 – The number of second instance judges consists of judges in 27 District courts; Sofia City Court; 5 Courts of Appeal; 1 Military court of appeal and 1 Appealate Specialized Criminal Court. This number does not include the second instance judges who have served in first instance courts. P.3- The number of working judges in the Supreme Court of Cassation and Supreme Administrative Court at 31.12.2016

**Q46 (2015):** 1. The figure 1760 includes the number of judges, employed at the 1st instance courts ((113 regional courts (27 Regional courts in the district centers and 86 regional courts outside the district centers); 28 Administrative courts; 1 Specialized criminal court; 3 Military courts) including the number of the first instance judges` (524) working in the first instance court formations in the District courts as from 31.12.2015. The number of Military courts has been reduced after decision under protocol ? 44/13.12.2013 of the Supreme Judicial Council from 5 to 3.

2. The number of judges, employed at the 2nd instance courts as from 31.12.2015 and the Courts of Appeal is 277. This figure is a result from the addition of the judges in the 28 District courts; 6 Courts of appeal and 1 Specialized criminal court of appeal – 801 judges in total, where the number of the first instance judges in the District courts (524) have been deducted.

3. The number of judges, employed in the Supreme Court of Cassation and the Supreme Administrative courts as from 31.12.2015 is 188.

**Q46 (2014):** In 2014, the number 1753 shows the number of judges employed in the first instance courts (113 regional, 28 administrative and 3 military courts) and 550 first instance judges, working in the district courts. The number of military courts was reduced from 5 to 3 following a decision of the SJC protocol 44/13.11.2013. The number of second instance judges is 277 and does not encompass first instance judges, working in the first instance chambers of the district courts.

**Q52 (General Comment):** Since 2012, the category "other" encompasses the number of non-judge staff employees working in the recreational field, while in 2010 it subsumes the number of court assistants.

**Q52 (2017):** These are the staff employed in the recreational establishments of the Supreme Administrative Court and the Supreme Court of Cassation such as: manager of the training center, chefs, worker in the kitchen, bartender, waiter, tendant.

**Q52 (2015):** Unlike the previous evaluation cycles, now we indicate the figure 502 – technical staff (it includes drives, cleaning staff, guards, etc.), which reduce the number of the employees engaged with administrative tasks and court management under number 3.

Other non-judge staff includes 55 court servants working in recreation department.

**Q52 (2013):** The number of non-judge staff assisting judges includes the number of all court staff from the so called specialized administration supporting judges, including court secretaries and court assistance, while for 2010 it subsumes only court secretaries. The category "staff in charge of different administrative tasks" subsumes the number of non – judge staff of general administration.

**Q52 (2012):** The number of non-judge staff assisting judges includes the number of all court staff from the so called specialized administration supporting judges, including court secretaries and court assistance, while for 2010 it subsumes only court secretaries.

## Croatia

**Q46 (General Comment):** In the total number of judges, only data on actually working judges is presented ( the total does not include judges on unpaid leave; judges on maternity leave; judges suspended after disciplinary procedure; judges transferred to other State body- for example to Ministry of Justice or Judicial Academy). Moreover, two judges working half-time (for the reason of care for a child with special needs) are counted as 1 judge.

**Q46 (2018):** Source: Ministry of Justice of the Republic of Croatia

The number of court presidents is included in the number of judges provided, but the data does not include the number of judges who are on unpaid leave, judges who are in non-active status, judges who work part-time in accordance with the Maternity and Parental Benefits Act, judges who are on maternity leave or on parental leave, judges suspended after disciplinary proceedings, judges working part time in order to time care for a child with special needs, judges transferred in another state body (Ministry of Justice, Judicial Academy, State Judicial Council) and international institutions and missions.

**Q46 (2017):** The number of court presidents is included in the number of judges provided, but the data does not include the number of judges who are on unpaid leave, judges who are in non-active status, judges who work part-time in accordance with the Maternity and Parental Benefits Act, judges who are on maternity leave or on parental leave, judges suspended after disciplinary proceedings, judges working part time in order to time care for a child with special needs, judges transferred in another state body (Ministry of Justice, Judicial Academy, State Judicial Council) and international institutions and missions.

**Q46 (2016):** Source: Ministry of Justice of the Republic of Croatia

The number of court presidents is included in the number of judges provided, but the data does not include the number of judges who are on unpaid leave, judges who are in non-active status, judges who work part-time in accordance with the Maternity and Parental Benefits Act, judges who are on maternity leave or on parental leave, judges suspended after disciplinary proceedings, judges working part time in order to time care for a child with special needs, judges transferred in another state body (Ministry of Justice, Judicial Academy, State Judicial Council) and international institutions and missions.

**Q46 (2015):** The Republic of Croatia submits correct numbers of professional judges sitting in courts for previous cycles (2013 and 2014), because in the previous cycles this number did not include court presidents, while there were excluded in the separate questions. Therefore, the correct numbers for these cycles are as follows:

2013.	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1.912,0591,01.321,0		
1. Number of first instance professional judges	1.366,0379,0987,0		
2. Number of second instance (court of appeal) professional judges	506,0189,0317,0		
3. Number of supreme court professional judges	40,023,017,0		

2014.	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1.875,0583,01.292,0		
1. Number of first instance professional judges	1.343,0377,0966,0		
2. Number of second instance (court of appeal) professional judges	489,0180,0309,0		
3. Number of supreme court professional judges	43,026,017,0		

The total number of judges does not include: judges on unpaid leave, judges who work part-time, judges who are on maternity leave or on parental leave, judges suspended after disciplinary proceedings, judges working in a shortened working time care of a child with special needs, judges transferred in another state body (Ministry of Justice and Judicial Academy).



**Q46 (2014):** In 2014, the number of professional judges in first instance courts includes judges of municipal, commercial, administrative and misdemeanour courts. The number of judges in second instance courts includes judges of the county courts, High Commercial Court, High Misdemeanour Court and High Administrative Court. The number of 3rd instance judges refers to the Supreme Court of the Republic of Croatia.

According to the Act on Territorial Jurisdiction and Seats of the Courts adopted in 2010, four first instance administrative courts were established. The mentioned Act came into force on 1st January 2012, when the mentioned four courts became operational. Moreover, the Act on Amendments to the Act on Courts from 2011 prescribes that the Administrative Court of the Republic of Croatia, starting from 1 January 2012 continues its work as the High Administrative Court of the Republic of Croatia.

**Q46 (2010):** In 2010, the number of professional judges in first instance courts included judges of municipal, commercial and misdemeanor courts. The number of judges in second instance courts included judges of the county courts, High Commercial Court, High Misdemeanor Court and Administrative Court of the Republic of Croatia.

**Q52 (General Comment):** The total number of non-judicial staff is a result of a deduction and subsumes only actually working staff. Thus, the total does not include staff on unpaid leave; staff on maternity leave; staff suspended after disciplinary procedures; staff transferred to other State bodies (for example the Ministry of Justice or Judicial Academy). Besides, two non-judicial officials working half-time (for the reason of care for a child with special needs) are counted as 1 non-judicial official. The reason for fluctuation and differences in the number of Rechtspflegers in Republic of Croatia is that they work for 2 years, then prolonged 5 years and then they get a permanent post or not.

**Q52 (2015):** The Republic of Croatia submits correct numbers of non-judge staff who are working in courts for previous cycles (2012, 2013 and 2014), because in the previous cycles this number included the staff working for public prosecutors. Therefore, the correct numbers for these cycles are as follows:

2012.TotalMalesFemales

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)6 2348705 364

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal31165246

2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)4 6484214 227

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)544105439

4. Technical staff

731

279

452

5. Other non-judge staff

2013.TotalMalesFemales

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)6 2228735 349

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal28563222

2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)4 6434244 219

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)562107455

4. Technical staff

732

279

453

5. Other non-judge staff

**Q52 (2014):** On the occasion of the 2014 exercise, it has been explained that in 2013, the number of "Rechtspfleger" included judicial advisors because they work autonomously on cases, on the one hand, and staff who are not judges, but who can enact decisions (land registry officials and court registry officials), on the other hand. In 2014, the interpretation changed and judicial advisors were moved to category 2 "non-judicial staff whose task is to assist the judges" since they work autonomously but their decision must be signed by a judge. The other category of staff who are not judges, but who can enact decisions are still included in Rechtspfleger.

**Q52 (2013):** In the frame of the 2013 exercise, it has been indicated that the significant variations that can be noticed for the period 2012-2013 in respect of certain sub-categories are due only to a different methodology of classification followed in 2012 and 2013. In other words, the total is slightly different for the two years. More specifically, in 2013, with regard to the sub-category "staff in charge of administrative tasks" within item no 3 staff in charge of various administrative tasks and management of courts was counted, and in item no 2, the Ministry of Justice counted in this item the staff working as clerk of the court, who also simultaneously work in the capacity of clerks in court management in smaller courts, where the president of the court is also a judge. This was shown as increase in comparison to 2012, when the clerks of the court were counted within item "non-judicial staff assisting judges". Following everything said above, the real increase did not occur.

## Cyprus

**Q46 (General Comment):** Cyprus has a two tier system. The Supreme Court is the second and final instance court. All judges of the Supreme Court hear appeals.

**Q46 (2015):** From 2014, following the retirement of male judges at last instance, female judges were appointed.

**Q52 (General Comment):** The total number of non-judge staff includes clerical staff and also court bailiffs.

**Q52 (2018):** Court bailiffs are included in category Other.

**Q52 (2017):** court bailiffs

**Q52 (2016):** court bailiff

in 2014 the correct number for male no judge staff assisting the judge should be 9

Question 52: if we change the number of male non judge staff assisting the judge for 2014 from 23 to 9, we must also change the number of non-judge staff assisting judges from 143 to 129 and also the total from 462 to 448. Do you agree on up-dating in this way 2014 data in order to ensure the consistency of the table? the numbers for 2014 must also be changed

**Q52 (2015):** Between 2014 and 2015, there was a change in the distribution of non-judge staff. In 2014, in the category "staff in charge of administrative tasks", only the number of high-level administrative staff was included. The other administrative staff were included in the category "other non judge staff". Whereas in 2015, all administrative staff were included in the category "staff in charge of administrative tasks". This change of distribution leads to significant variations.

**Q52 (2014):** Variations concerning data on different categories of non-judge staff are due to different methodology of presentation of data used for 2014 and the previous evaluations.

## Czech Republic

**Q46 (General Comment):** The Czech Republic has a four-tier system. The number of judges of the two High Courts is included in the number of second instance judges. This methodology of presentation of data is applied since 2013, while for the previous evaluations, magistrates of the High Courts were considered as third instance judges.

**Q46 (2016):** The Czech Republic has a four-tier system. The number of judges of the two High Courts is included in the number of second instance judges.

**Q52 (General Comment):** The category "other" encompasses for 2010 judicial trainees or staff in charge of court documentation. For 2012, 2013 and 2014, besides the already mentioned components, it subsumes also press centre and telephone exchange.

**Q52 (2017):** Other - judicial trainees, staff in charge of court documentation, press centre and telephone exchange.

**Q52 (2016):** Other - judicial trainees, staff in charge of court documentation, press centre and telephone exchange.

**Q52 (2015):** In 2015, compared to 2014, the number of non-judge staff increased due to a project financed from the European social fund and state budget: "Project on improvement of the efficiency of courts by strengthening of the administrative capacities". The project is running until 30th December 2015.

**Q52 (2014):** In 2014, the number of non-judge staff increased due to a project financed from the European social fund and State budget: "Project on improvement of the efficiency of courts by strengthening of the administrative capacities". The project is running until 30th December 2015.

**Q146 (2018):** Data to: 31.12. 2018

**Q146 (2017):** There are 11587 active lawyers and 1496 inactive.

**Q146 (2015):** From the above mentioned number of lawyers there are 11011 active practising and 1289 temporary inactive.

**Q146 (2013):** In the frame of the 2013 exercise, it is specified that 10 255 lawyers are practicing in an active manner, while 1 141 lawyers discontinued their practicing.

## Denmark

**Q46 (2017):** The figures above show the numbers of appointed judges in the Danish judicial system. Thus, the figures also include the Court of Greenland, the High Court of Greenland and the court of the Faroe Islands.

**Q52 (2017):** "other non judge staff" - in 2017 there was no staff to fit into this category.

**Q52 (2016):** The 2016 data on the number of rechtspflegers is correct. The discrepancy that occurs compared to 2014 data is due to a mistake in the 2014 numbers.

**Q146 (2013):** In the frame of the 2013 exercise, it has been indicated that the figure provided for 2013 corresponds to the statistical data for September 2014.

**Q146 (2012):** In the frame of the 2012 exercise it has been specified that the indicated number does not include assistant attorneys.

## Estonia

**Q46 (2014):** In 2014, one male judge left and a female judge was appointed.

**Q46 (2012):** In 2010, there were 3 female professional judges at the Supreme Court. At the beginning of 2012, one female judge of the Supreme Court became the judge representing Estonia in the European Human Rights Court.

**Q52 (General Comment):** A pilot project has been introduced in 2013 in one county court consisting in providing each judge with a personal legal assistant. After the first year of the pilot project, the average proceeding times in civil cases in that particular court dropped from 201 days to 160 days; after the second year the average proceeding times dropped further to 132 days. In 2015, the project has been extended to all first and second instance courts.

Basically, the differences in figures in the sub-categories between 2010 and the following years are due to the different categorisation of court staff.

**Q52 (2018):** Court interpreters are in the category "other non-judge staff".

**Q52 (2017):** The increase in the number of male staff in charge of administrative tasks is due to the general movement of personnel.

"Other non-judge staff": Court interpreters.

**Q52 (2016):** The observed variations in the numbers with regard to the different sub-categories are due to a general movement of staff.

In 2015, a reform of the Land Registry and Registration Department was carried out, during which the four districts were brought together registry and land registry departments to the Tartu County Court, thus establishing one land registry department and one registry office. The reform involved significant optimization of work processes and dossiers which resulted in the reduction of staff working in the registers. The objectives and results of the reform were largely achieved because registries are kept electronically, and individuals can largely interact with the registers, transmit and receive documents electronically.

**Q52 (2015):** Other non-judge staff is court interpreters.

**Q52 (2014):** On the occasion of the 2014 evaluation, the attention was drawn on the pilot project introduced in 2013 in one county court consisting in providing each judge with a personal legal assistant who had to have a master's degree in law and whose salary was increased to 50% of the judge's salary. As a result, judges could delegate more functions to assistants and the quality of the support provided by their assistants increased.

After the first year of the pilot project, the average proceeding times in civil cases in that particular court dropped from 201 days to 160 days; after the second year the average proceeding times dropped further to 132 days.

At present, the project has been introduced in all first and second instance courts too.

**Q52 (2013):** Since 2013, the second category includes a new position among court staff – judicial clerk. The latter was established in order to raise the qualification level of the non-judge staff working in the courts and thus improve the quality and efficiency of the performance of the courts. Judicial clerks have to have a master's degree in law and their salary represents 50% of the judge's salary. They assist judges in the administration of justice, participating in the preparation of the court cases or in the court proceedings to the extent prescribed by law. In the course of efficiency raising projects in first and second instance courts, judicial clerks replace step by step former consultants. As a result of the project, there is one judicial clerk for every judge as a personal assistant.

In 2013, the efficiency raising project was implemented in the largest court of general jurisdiction as a pilot (Harju County Court) and therefore the increase in the number of non-judge staff (category 2) can be seen. After the first year of implementation, the average proceeding times in civil cases in that particular court dropped from 201 days to 160 days; after the second year the average proceeding times dropped further to 132 days.

In 2015, the project has been introduced in all first and second instance courts too.

**Q52 (2012):** For the period 2010-2012, a significant variation is observed with regard to the item "non-judge staff assisting the judges". In this respect, it is noteworthy that the overall number of court staff has not changed much during the last years: 976 (2010), 957 (2012) and 990 (2013). Basically, the differences in figures in the sub-categories between 2010 and 2012 are due to the different categorization of court staff.

## Finland

**Q52 (General Comment):** The Finnish court staff organisation does not correspond to the CEPEJ subcategories. Therefore, only the total of non-judge staff can be provided for the question 52. Office staff has tasks mentioned in the categories 2-5. Summoners' tasks are for example to serve summons, subpoenas and other documents. Trainee judges have the same responsibility as judges but they do not have competence to deal with difficult cases. They are always appointed for a fixed term period (one year). In the courts of appeal, the administrative courts, the Supreme Court, the Supreme Administrative Court, the Labour Court and the Market Court a referendary prepares and presents a case to the judges but the final judgment is decided by the judges. The tasks of trainee judges and referendaries correspond to the categories 1 and 2.

**Q52 (2018):** The total non-judge staff includes office staff 1435, summoners 263, trainee district judges 136 and referendaries 297.

**Q52 (2017):** Office staff 1440, summoners 263, trainee judges 122, referendaries 312

**Q52 (2016):** office staff 1473, summoners 248, trainee district judges 136, junior district judges 1, referendaries 312

**Q52 (2015):** office staff 1428, summoners 265, trainee district judges 138, junior district judges 5, referendaries 309

**Q52 (2014):** For the 2014 exercise the total of 2 161 subsumes 1 434 office staff, 266 summoners, 136 trainee district judges, 7 junior district judges and 318 referendaries.

**Q52 (2013):** For 2013, the total of 2 196 subsumes 1445 office staff, 265 summoners, 133 trainee district judges, 7 junior district judges, 346 referendaries.

**Q52 (2012):** For 2012, the total of 2 214 subsumes 1447 office staff, 264 summoners, 129 trainee district judges, 9 junior district judges, 365 referendaries.

**Q52 (2010):** For 2010, the total of 2 285 subsumes 1479 office staff, 272 summoners, 130 trainee district judges, 15 junior district judges, 389 referendaries.

**Q146 (General Comment):** The number of lawyers indicated for 2012, 2013 and 2014 refers to members of the Finnish Bar Association who are entitled to use the professional title 'attorney-at-law'.

Until the end of the year 2013, any lawyer (in Finland a person who has a Master's Degree in law completed in Finland is called 'a lawyer') could represent a client in court. As of 2014, only attorneys-at-law, public legal aid lawyers and licenced legal counsels are allowed to represent a client in court. In addition, in-house lawyers can represent their company in court. Lawyers working for trade unions can represent a client in a district court and in the Labour Court in disputes regarding employment relationship. Lawyers working for public authorities can represent the public authority in court.

In order to qualify as an attorney-at-law, a lawyer needs to have at least four years of work experience and must pass the demanding three-part professional qualification test known as the bar examination. The titles of attorney-at-law and attorney's office are protected by law and can only be used by lawyers accepted into the Finnish Bar Association. Attorney's offices employ also associate lawyers, that is lawyers who are not yet members of the bar.

**Q146 (2018):** In 2018, the total number of 3965 lawyers includes 2143 attorneys-at-law, 1603 licensed legal counsels and 219 public legal aid lawyers. These lawyers can represent a client in court. The title of attorney-at-law is protected by law and can only be used by lawyers accepted into the Finnish Bar Association.

In addition, in-house lawyers can represent their company in court. Lawyers working for trade unions can represent a client in a district court and in the Labour Court in disputes regarding employment relationship. Lawyers working for public authorities can represent the public authority in court. The total number of these in-house lawyers, trade union lawyers and lawyers working for public authorities is not available.

**Q146 (2017):** The total number of lawyers 3,846 includes 2,137 members of the Finnish Bar Association, 1,588 licensed lawyers and 228 public legal aid lawyers. 107 legal aid lawyers were also members of the Finnish Bar Association.

**Q146 (2016):** The number of lawyers indicated for 2012, 2013 and 2014 refers to members of the Finnish Bar Association who are entitled to use the professional titles advokat (advocate). Law firms (firms owned by members of the Bar) employ also associates. Besides, legal aid offices employ also legal advisers who are not all members of the Bar Association. Till 2014, jurists (persons who have a Master's Degree in law) could offer similar legal services than members of the Bar. From the beginning of the year 2014, only advocates, public legal aid attorneys and counsels who have obtained the license referred to in the Licensed Counsel Act are allowed to represent a client in the court.

In 2016, the total number of lawyers 3,791 includes 2,119 members of the Finnish Bar Association, 1,540 licensed lawyers and 229 public legal aid lawyers (97 public legal aid lawyers are also members of the Finnish Bar Association). Only members of the Finnish Bar Association are entitled to use the professional title "advocate".

## France

**Q46 (2018):** With regard to administrative justice, in 2018, it should be noted that the number of judges sitting in specialised courts increased due to the very sharp increase in the number of appeals to the National Court of Asylum (CNDA) and the creation of the Commission du contentieux du stationnement payant (CCSP).

In the area of judicial justice, the increase is due to the filling of vacancies in the courts and the decrease in the number of departures of judges.

**Q46 (2014):** The 2014 data on number of judges of courts of law subsumes also the presidents appointed by 31 December 2014.

**Q46 (2013):** In 2013, in first instance, there are 161 presidents of ordinary courts of law and 42 presidents of administrative courts. In second instance, there are 37 first presidents of courts of law and 8 presidents of administrative courts. They are encompassed in the indicated figures. However, presidents of administrative courts of appeal are not included (being members of the State Council, they are included within the number of Supreme court judges).

**Q46 (2012):** The 2012 data is expressed in FTE, for positions actually filled on 31 December 2012 within courts of law and administrative courts. For the latter, data in FTE concerning the distribution between men and women is not available. Out of the 1377 first instance and appeal judges, there are 816 men and 561 women. Data on men-women distribution for the State Council is not available in FTE: there were 105 men and 47 women. For courts of law, there were in FTE: total: 5771 FTE (2066 men/3705 women); first instance professional judges (1326 men/2804 women); appeal court professional judges (622 men/795 women); Supreme court professional judges (118 men/106 women). The State Council used different calculation methods for 2010 and 2012.

**Q46 (2010):** The 2010 data refers to judges of courts of law and administrative courts appointed by 31 December 2010. The data concerning only judges of courts of law is as follows: total - 5855 2188 3667; first instance professional judges: 4128 1362 2766; appeal court professional judges - 1504 707 797; Supreme court professional judges: 223 119 104.

**Q52 (2018):** With the exception of heading 5 "Other non-judge staff", the distinction between staff attached to judges and staff attached to prosecutors is not possible

At the date of 31/12/2018, 1,173 category A and B staff (including 1,003 women) were in initial training at the National School of Registries, most of whom were on practical training in the courts. These staff will join the courts in 2019 or 2020, which will significantly increase the number of staff working in the courts and regional administrative services.

"Other non-judge staff" includes specialised assistants and assistant lawyers who assist non-judge prosecutors in their duties.

The detail by function and gender is as follows:

Categories Total Male Female

Specialized assistants 23 13 10 10

Assistant lawyers 245 53 192

Total 268 66 202

**Q52 (2017):** The distinction between staff attached to judges and staff attached to prosecutors is not possible. Namely, the sub-category 2 encompasses specialised assistants (31) and assistant lawyers (242), who assist civil and penal judges or prosecutors in the preparation of case files.

**Q52 (2016):** No distinction is possible between staff attached to courts and staff attached to public prosecution services. The category "Other non-judge staff" refers to specialized assistants (18) and legal assistants (111) who work in civil and penal courts.

**Q52 (2015):** It should be noted that as of 31 December 2015, 1013 categories A and B staff (including 886 women) were in initial training at the Ecole nationale des greffes (French National School for Registrars), most of them in practical training in courts. This high volume of staff has joined the courts in 2016 or will do so in 2017, which will increase the number of staff actually working in the courts and regional administrative offices.

The distinction between staff in charge of assisting judges and staff in charge of assisting prosecutors is not possible. The latter are therefore part of the figures provided.

**Q52 (2013):** The 2013 data relating to court staff comprises the staff appointed to judges and public prosecutors. It is not possible to separate them.

Significant recruitments are ongoing in the judiciary. On 31 December 2013, 1064 agents of categories A and B (among which 931 women) were in initial training. These agents joined the judicial jurisdictions in 2014 or will do in 2015.

Among the 21946 non-judge staff, 1911 were appointed to the administrative jurisdictions, that is to say 476 (among which 351 women) in category 2, 1326 (among which 991 women) in category 3 and 109 (among which 72 women) in category 4.

The size of the administrative order is bigger than in 2012 (+132 FTE), because the field was specified. If the size of the courts and courts of appeal are stable (1499), on the contrary the 274 agents of the State Council counted in 2012 were appointed to a support function; they are therefore excluded from the 2013 figures. However, the size of the litigation section of the State Council (juridict section strictly speaking) represents 87 FET. The number of staff of the national court for asylum right has also been taken into account in categories 2, 3 and 4 for a total of 325 FET, while this specialised administrative jurisdiction was not counted until now.

The share of women in the total staff is:

1. Total number of non-judge female staff working in courts: 18215
2. Staff in charge of assisting judges in the manner of registrars: 15662
3. Staff in charge of tasks relating to administration and management of courts: 2300
4. Technical staff: 253

In 2013, the State Council distributed non-judge staff which was before included in the category "other non-judge staff" in the proposed categories.

This is especially the reason why there is an increase of the staff in charge of administrative tasks between 2012 and 2013. It is explained by the redistribution of the category "other non-judge staff" carried out in 2013 to the category "staff in charge of administrative and management of the court tasks".

**Q52 (2012):** On 31 December 2012, 1039 staff in Categories A and B were in initial training at the National School for Registrars, most of them in practical training in the courts. This important volume of agents joined the jurisdictions in 2013 or will do so by 2014, which will increase the number of agents actually in office in courts and regional administrative services. The data of the administrative courts are classified as "other non-judge staff". Because of the versatility of non-judges of administrative courts and administrative courts of appeal, non-judge staff cannot be integrated in any of the categories mentioned. This concerns 1,505.5 FTE. Also for the State Council, the number of FTEs of these non-judge staff: 274 FTE (151 women / 130 men, not available FTE for the male / female distribution) (source: General Secretariat of the State Council). This categorisation due to the versatility of the staff in administrative justice can explain the difference found in the "other non-judge staff" between 2010 and 2012.

**Q52 (2010):** The total includes civil servants working in administrative courts as well as the staff attached to judges and public prosecutors. It also subsumes the staff in charge of tasks related to administration and management of 1st and 2d instance administrative courts. The category "other" includes judicial assistants who are non-permanent staff assigned to assist judges in decision making (237,62 FTE) and seasonal contracts (250,92 FTE).

**Q146 (2018):** data at the date of 1st of January 2018

**Q146 (2017):** Data as at 1 January 2018

**Q146 (2016):** data as at 1 January 2017

**Q146 (2014):** 2014: the data concern the number of lawyers on 1 January 2015 by prospective application and economy of professions of the directorate for civil cases and the Ministry of Justice.

**Q146 (2012):** 2012: the data concern the number of lawyers on January 2012.

## Germany

**Q46 (General Comment):** The information relates to manpower percentages. There are no absolute figures for the number of persons. As to the information regarding manpower percentages, a judge working full-time is counted as 1. A judge who works part-time is counted as a portion of 1, depending upon his work hours as a percentage of full-time (e.g. 0.5 for a judge who works half of the full-time working hours).

As to items 46.1 and 46.2, the information is based upon summaries of the staff. This data is derived from a complex calculation key as an annual average value of the actual personnel deployed (for example, excluding employees who were not present more than 20 working days during a quarter for reasons other than holiday and/or training). As to item 46.3, the number of professional judges at the highest courts of law is based upon judicial statistics. This data is collected every two years and compiled into an overview. It is noteworthy that figures for the Federal courts (judges) are included in the frame of question 46.

**Q46 (2018):** The number of supreme court professional judges is based on judicial statistics. These data are collected and collated every two years (last updated 31/12/2018).

**Q46 (2017):** Comment - Please provide any useful comment for interpreting the data above: The information provided counts the number of full-time equivalent staff. There are no absolute figures for the number of persons making up this staff. A judge working full hours is counted as a full-time equivalent (i.e. 1). A judge working part-time is counted as a fraction of 1. This fraction corresponds to the number of hours worked in relation to a full-time equivalent (e.g. 0.5 for a judge working half the usual number of hours). Re 1 and 2: Information based on staffing overviews. These data are ascertained according to a complex calculation mechanism as an annual average of the actual personnel deployed (for example: minus the number of staff absent for more than 20 working days in a single quarter for reasons other than vacation and/or further-training). Re 3: The number of supreme court professional judges is based on judicial statistics. These data are collected and collated every two years (last updated 31/12/2016).

**Q46 (2016):** The information provided counts the number of full-time equivalent staff. There are no absolute figures for the number of persons making up this staff. A judge working full hours is counted as a full-time equivalent (i.e. 1). A judge working part-time is counted as a fraction of 1. This fraction corresponds to the number of hours worked in relation to a full-time equivalent (e.g. 0.5 for a judge working half the usual number of hours). Re 1 and 2: Information based on staffing overviews. These data are ascertained according to a complex calculation mechanism as an annual average of the actual personnel deployed (for example: minus the number of staff absent for more than 20 working days in a single quarter for reasons other than vacation and/or further-training). Re 3: The number of supreme court professional judges is based on judicial statistics. These data are collected and collated every two years (last updated 31/12/2016).

**Q46 (2015):** The data refer to the year 2014. At present, no more recent data are available.

This information relates to manpower percentages. There are no absolute figures for the number of persons. As to the information regarding manpower percentages, a judge working full-time is counted as 1. A judge who works part-time is counted as a portion of 1, depending upon his work hours as a percentage of full-time (e.g. 0.5 for a judge who works half of the full-time working hours).

As to 1. and 2.: The information is based upon summaries of the staff. This data is derived from a complex calculation key as an annual average value of the actual personnel deployed (for example, excluding employees who were not present more than 20 working days during a quarter for reasons other than holiday and/or training).

As to 3.: The number of professional judges at the highest courts of law is based upon judicial statistics. This data is collected every two years and compiled into an overview (most recent: 31 December 2014).

**Q52 (General Comment):** - The information relates to job shares of employees who were released for training and further training with no remuneration claim; who were released to work in staff representations and representations of persons with serious disabilities, and as equality commissioners; employees in a special facility, in the entry and security service, in telephone exchanges, in the car pool, in the area of cleaning and other wage-earners.

- The information relates to job shares for employees without a judicial office from personnel deployment. The information in personnel deployment is not collected according to key dates. The annual average of four quarters is formed. There are no absolute figures for the number of persons. The information on the job shares counts a judge working full-time as 1. A judge working part-time is counted as the fraction of 1 which corresponds to the proportion of his/her working hours to full-time (e.g. 0.5 for a judge working half the usual number of hours). - Figures for the Federal Courts are not included.

**Q52 (2017):** This figures denotes the number of staff (full-time equivalent) who are:

- granted unpaid leave for training/further-training purposes,
- released to work in staff representation bodies, as representatives for staff with disabilities, and as gender equality commissioners,
- employed in a special facility,
- employed as reception/security staff,
- employed by the court switchboard,
- motorpool staff,
- cleaners and other non-salaried personnel

**Q52 (2016):** This figures denotes the number of staff (full-time equivalent) who are:

- granted unpaid leave for training/further-training purposes,
- released to work in staff representation bodies, as representatives for staff with disabilities, and as gender equality commissioners,
- employed in a special facility,
- employed as reception/security staff,
- employed by the court switchboard,
- motorpool staff,
- cleaners and other non-salaried personnel

Comments:

These are personnel-deployment figures denoting the number of full-time equivalent employees not exercising judicial office. Personnel-deployment figures are not collected according to reference date. Instead, an annual average is calculated over four quarters. There are no absolute figures for the number of persons making up this staff. An employee working full hours is counted as a full-time equivalent (i.e. 1). An employee working part-time is counted as a fraction of 1. This fraction corresponds to the number of hours worked in relation to a full-time equivalent (e.g. 0.5 for an employee working half the usual number of hours). Figures for the federal courts are not included.

**Q52 (2014):** The 2013 and 2014 data are the same due to the impossibility to obtain data for 2014. The trend observed since 2010 reveals stable figures.

## Greece

**Q46 (2018):** There is not a specific reason for the discrepancy of point 3. The number 243 is a result of the subtraction of points 1 and 2 from the total number of professional judges (1+2+3), just as last year.

**Q46 (2016):** Previous data concerning the number of second instance judges did not, inadvertently, include all the ranks for penal, political and administrative justice. Accordingly, this year the number is higher and explains also the variation in the total.

It should be mentioned that the number of judges at the courts of Peace, which on 31/12/2016 was 880, is not taken into consideration since they have a separate procedure entering the judiciary and they are a separate category within it.

**Q46 (2014):** Data provided for 2014 are accurate. The variation observed in respect of the number of second instance judges, namely the decrease between 2013 and 2014, is due to the fact that in contrast with the previous exercise, administrative judges are not counted in this category for 2014.

**Q46 (2013):** In 2013, justices of peace are included, while Court of Auditors' judges are not considered in the total.

**Q46 (2012):** For the 2012 evaluation, the total number subsumed judicial officials of the civil-penal and administrative courts. It should be noticed that 688 magistrates were not included, as well as Court of Auditors' judges.

**Q46 (2010):** In the frame of the 2010 evaluation, the total number of judges (3 313) was detailed in the following way: 2041 associate judges (first instance, second instance and Supreme Court judges); 159 judicial officials of the Council of State; 551 magistrates; 562 first instance, second instance and Supreme Court presidents.

**Q52 (2016):** Previous data did not, inadvertently, exclude staff working for the public prosecution services.

**Q52 (2010):** On the occasion of the 2010 exercise, it has been indicated that there is no differentiation between staff assisting judges and staff assisting prosecutors.

**Q146 (2018):** The number is indicative and constantly changing, in the absence of restrictions on the number of positions.

Source: Plenary Session of the Presidents of Hellenic Bar Associations

**Q146 (2013):** The figure provided for 2013 corresponds to the total number until the end of December 2013.

## Hungary

**Q46 (General Comment):** Since 2012 and the establishment of the National Office for the Judiciary, the data collection methodology is the same. Accordingly, the number of first instance professional judges includes judges of the District Courts and the Administrative and Labour Courts. As second instance judges are counted judges of the Regional Courts and the Regional Courts of Appeal. As concerns the Regional Courts, the distribution of first and second instance cases is based on the bylaws which are renewed every year by the president of each court after consultation with the judicial council and the professional department of the court. The number of Supreme Court judges is indicated in item 46.3.

**Q46 (2018):** There are additional 48 judges assigned to the National Office for the Judiciary (for work in accordance with judicial administration) and to the Ministry of Justice (to help the legislative work of the ministry). These judges do not hear cases while they are assigned.

**Q46 (2017):** There are additional 34 judges assigned to the National Office for the Judiciary (for work in accordance with judicial administration), and 4 judges assigned to the Ministry of Justice (to help the legislative work of the ministry). These judges do not hear cases during their assignment.

**Q46 (2016):** There are additional 35 judges assigned to the National Office for the Judiciary (for work in accordance with judicial administration), and 9 judges assigned to the Ministry of Justice (to help the legislative work of the ministry). These judges do not hear cases while they are assigned.

**Q46 (2014):** In 2014, 26 judges were assigned to the National Office for the Judiciary (for work in accordance with the judicial administration) and 7 judges were assigned to the Ministry of Justice (to contribute to the legislative work of the ministry). These judges do not hear cases when carrying out their specific missions within the NOJ and the Ministry of Justice.

**Q46 (2013):** The number of Supreme Court female judges decreased between 2010 and 2012, while the number of Supreme Court male judges increased between 2012 and 2013. There is no specific reason in this respect, as the vacant positions are filled through an open application process, where the gender of the applicants is not taken into consideration in any way.

**Q46 (2012):** The number of Supreme Court female judges decreased between 2010 and 2012, while the number of Supreme Court male judges increased between 2012 and 2013. There is no specific reason in this respect, as the vacant positions are filled through an open application process, where the gender of the applicants is not taken into consideration in any way.

**Q52 (General Comment):** • Court secretaries („bíróági titkár”) are employees of the court that are similar to Rechtspfleger. They are lawyers, who after acquiring a degree at a law faculty have made the bar exam (which requires at least 3 years professional practice). They are enabled to perform duties of judges in cases specifically defined by law.

According to the Constitution when a court secretary is dealing with a case he/she has the same independence as a judge. In criminal cases they can make out of trial decisions (e.g. order an expert to be included in the case), or they can hear witnesses on request of another court. This practically means they assist the judges in pre-trial phase of the case. In misdemeanour cases they adjudicate the case - this is an area of law in which mostly court secretaries deal with cases of first instance. In civil and labour cases they can make any decision that can be made without hearing the case. This practically means they assist the judges in pre-trial phase of the case. In administrative non-litigious cases they can make any decision that can be made without hearing the case. In company registry cases they can make every decision, as well in insolvency cases (with some exceptions).

• From 2012, the category "non-judge staff assisting judges" includes only staff directly assisting judges. • Other non-judge staff includes staff in charge of different administrative tasks and of the management of the courts (3) and technical staff (4).

**Q52 (2018):** Other non-judge staff includes staff in charge of different administrative tasks and of the management of the courts (3) and technical staff (4).

**Q52 (2017):** Other non-judge staff includes staff in charge of different administrative tasks and of the management of the courts (3) and technical staff (4).

**Q52 (2016):** Other non-judge staff includes Staff in charge of different administrative tasks and of the management of the courts (3) and technical staff (4).



**Q52 (2015):** For the gender ratio we are only able to provide the total figures.

Other non-judge staff (5) includes Staff in charge of different administrative tasks and of the management of the courts (3) and technical staff (4).

**Q52 (2014):** In 2014, the category "other non-judge staff" includes "staff in charge of different administrative tasks and of the management of the courts" and "technical staff".

As to the category "other" and the observed variation between 2013 and 2014, it is due to different methodologies of presentation of data. Some of those judicial employees who in 2012 were counted as non-judge staff whose task is to assist the judges such as registrars are taken into account for 2014 in the category "other non-judge staff".

**Q52 (2013):** The resort to a different methodology of presentation of data in 2013 gave the impression of a decrease in the number of non-judge staff assisting judges. Some of those judicial employees who in 2012 year were included in the category "non-judge staff whose task is to assist the judges such as registrars" were taken into account in the category "other non-judge staff".

The category "other non-judge staff" included in 2013 the total number of "staff in charge of different administrative tasks and of the management of the courts" and "technical staff" because these numbers could not be separated within the national database.

**Q52 (2012):** In 2012, it has been specified that court secretaries are enabled to perform duties of judges in cases specifically defined by law. In connection with this, it has been explained that the increase of the number of Rechtspfleger between 2010 and 2012 was mainly due to the expanding scope of their authority according to the amended procedural codes. One of the main strategic goals of the NOJ was to rationalize the courts human resources and so to decrease the administrative workload of judges. Year by year more administrative tasks and cases of lesser difficulties (e.g. misdemeanor cases) are dealt by Rechtspfleger.

The difference in the number of non-judge staff assisting judges was the result of a different interpretation of the question. In 2012, this category included only staff directly assisting judges while in 2010, it encompassed other staff as well. In 2012, staff whose task does not consist in directly assisting judges was included in the item "other".

**Q146 (2018):** A new act on the attorneys (Act LXXXVIII of 2017) entered into force on 1 January 2018.

[https://njt.hu/translated/doc/J2017T0078P\\_20180101\\_FIN.pdf](https://njt.hu/translated/doc/J2017T0078P_20180101_FIN.pdf)

**Q146 (2017):** A new act on the attorneys entered into force, as of January 1, 2018. The next year's report will reflect the changes.

**Q146 (2016):** A new act on the attorneys will enter into force, as of January 1, 2018. The next year's report will reflect the changes.

## Ireland

**Q46 (2018):** Number of first instance professional judges refers to ordinary judges of the District Court, ordinary and specialist judges of the Circuit Court and ordinary judges of the High Court - including Court Presidents.

**Q46 (2017):** Number of first instance professional judges refers to ordinary judges of the District Court, ordinary and specialist judges of the Circuit Court and ordinary judges of the High Court - including Court Presidents. As at 31 December 2017 there were three serving female Supreme Court judges.

**Q46 (2016):** Number of first instance professional judges refers to ordinary judges of the District Court, ordinary and specialist judges of the Circuit Court and ordinary judges of the High Court - including Court Presidents. As regards the number of Supreme Court judges, the figures reflect a reduction in the actual number of judges compared to the number reported in the previous reporting cycle.

**Q46 (2015):** The discrepancy between the total figures and the figures for gender is explained by vacancies in the judiciary's establishment, as follows: Supreme Court: 1; High Court: 1; Circuit Court: 2.

First instance judges are judges of the High Court, Circuit Court and District Court. The High Court and Circuit Court also exercise appellate jurisdiction.

Numbers above include Court Presidents.

**Q46 (2014):** In 2014 Category 2 (2nd instance judges) was included since the new Court of Appeal was established only in 2014.

**Q52 (General Comment):** Staff numbers in the Irish Courts Service are computed on the basis of "Full-time equivalent" resources, requiring that staff numbers include decimal points, reflecting part-time, work-sharing and other reduced time working arrangements. As decimal points are not imputable to this question in the data base, it has been necessary to round up or round down figures.

**Q52 (2017):** As concerns the increase observed in the number of female staff in charge of different administrative tasks, additional staff have been employed since the last reporting cycle.

**Q52 (2016):** With regard to the category "staff in charge of different administrative tasks", additional staff have been employed since the last reporting cycle.

**Q52 (2015):** Figures have rounded up or down to adjust for the fact that actual personnel resource numbers are calculated to decimal points to reflect employment of part of a full-time personnel resource (e.g. where work-sharing arrangements are in place).

**Q52 (2013):** 2013: The reduction in the number of Rechtspfleger and similar positions since 2012 reflects in part the appointment of number of County Registrars falling within the Rechtspfleger category as Specialist Judges of the Circuit Court. There were also a number of vacant posts at the end of 2013.

**Q146 (2018):** This figure represents the current membership of the Bar Council of Ireland and the Law Society of Ireland.

**Q146 (2017):** This figure represents the total number of barristers practising as members of the Law Library/Bar of Ireland and the total number of solicitors who held practising certificates for 2017.

**Q146 (2016):** This figure represents the current membership of the Bar Council of Ireland and the Law Society of Ireland.

**Q146 (2014):** The figure of lawyers comprises Solicitors and Barristers at end December 2014.

## Italy

**Q46 (General Comment):** The specialized first instance courts that are not administered and financed by the Ministry of Justice (regional administrative courts, regional audit commissions, local tax commissions and military courts) are not taken into consideration at question 46.

**Q46 (2018):** The above figures include 6634 ordinary judges and 381 administrative judges.

**Q46 (2017):** An upward trend in respect of the number of female judges in the Supreme Court: in Italy, the High Council of the Judiciary is competent for the transfers of judges from one office to another. This transfer procedure generally takes place once or twice a year. The number of open positions for each court is proportional to the percentage of vacancies in that particular court. During the last few years, there were occasions where the positions made available at the court of cassation were a bit higher than number one would have expected according to the percentage of vacancies. Hence, more judges applied for the vacancies at the court of cassation compared to other courts. To date the vacancies at the court of cassation are about 4% of the total number of positions. As a matter of fact the penetration of female judges shows a positive trend. In first and second instance courts the penetration is already over 50%. At court of cassation level there is much room for improvement.

**Q46 (2015):** The overall reduction of judges between 2014 and 2015 is partly due to the effect of the recent labor reform that lowered the mandatory retirement age for judges from 75 to 70.

**Q46 (2013):** In the frame of the 2013 exercise, it has been specified that in the last few competitive exams held in Italy the percentage of women was higher than this of men. Owing to that, a positive variation can be observed in respect of the number of female judges between 2010 and 2013.

**Q52 (General Comment):** The category "other non-judge staff" encompasses assistants, receptionists, porters and other judicial staff. As a general remark, it should be stressed that the high percentage of "other non-judge staff" in Italy is due to a very strict interpretation of the definition of the main categories. Besides, it should be emphasized that between 2010 and 2012 the way of distributing the professional figures among the categories proposed by the CEPEJ has been changed. Owing to that, figures before and after 2010 are not comparable. The specialized first instance courts that are not administered and financed by the Ministry of Justice (regional administrative courts, regional audit commissions, local tax commissions and military courts) are not taken into consideration at question 52.

**Q52 (2018):** The above figures include court staff belonging to both Ordinary and Administrative Justice.

**Q52 (2016):** According to the data provided for 2014, 2015 and 2016, we can notice a downward trend as concerns the number of technical staff (a decrease of 28% between 2014 and 2015 and a decrease of 26% between 2015 and 2016), especially the number of female staff (a decrease of 33% between 2014 and 2015 and of 32% between 2015 and 2016). An explanation of these variations is not available at this stage.

**Q52 (2015):** 'Other non-judge staff' includes: assistants, receptionists, porters and other judicial staff.

The high percentage of "other non judge staff" in Italy is due to a very strict interpretation of the definition of the main categories.

**Q146 (2013):** For the 2013 exercise, the number of practicing lawyers was not available. The provided figure corresponds to the number of lawyers in 2012, assuming that data should be almost the same for both years.

## Latvia

**Q46 (2017):** The changes in the number of judges at the Supreme Court are the outcome of the court reform developing pure three instance level court system. Until 2014 there were both appellate and cassation courts within the Supreme Court. Until end of 2014 and 2016 respectively there were additional appellate chambers dealing with criminal and civil cases. Since beginning of 2017 the number of judges at Supreme Court (cassation instance) is stable – 36.

**Q46 (2014):** The number of male judges in the Supreme Court decreased per 5 judges between 2012 and 2014 due to various reasons: three male judges retired (having reached maximum age to hold an office of a judge, which is 70 years in Latvia); two male judges returned to regional courts (because they worked in the Supreme Court temporarily, during the vacancy of a judge); one male judge passed away in 2014; one new male judge came to work in the Department of Civil Cases of the Supreme Court.

**Q52 (2018):** Discrepancy due to court reform (Land Registry offices integrated in general jurisdiction courts and historically high turnover rate).

**Q52 (2017):** Other non-judge staff- this staff is for Supreme Court - Staff of Division of case-law and research staff, Division of provision of regime of secrecy staff, the Supreme Court of Latvia consultants and Secretariat of the Council for the Judiciary

Starting from 2015 till March, 2018 there were introduced court reform where the judicial map was revised. In the course of the court reform, several courts were merged, legally creating one larger court. On the other hand, in this new territory, the existing courts continue operating as the new body of the joint court, providing the opportunity for citizens to submit the documents at any place of the court. The court reform affected also the changes in the number of court staff, some positions were combined, some positions changed.

**Q52 (2014):** For the last three evaluations (2012, 2013 and 2014), the category "other" includes employees from the Division of Provision of Secrecy Regime and the Supreme Court Division of Case-Law. The latter is a unit of the Supreme Court responsible for the compilation, analysis and publication of court opinions, as well as for summarizing, selecting, processing and publishing in the case-law database court rulings which are important for promotion of coordination, research and development of court practice. For 2014, the category "other" also subsumes consultants of the Supreme Court.

**Q52 (2013):** For the last three evaluations (2012, 2013 and 2014), the category "other" includes employees from the Division of Provision of Secrecy Regime and the Supreme Court Division of Case-Law. The latter is a unit of the Supreme Court responsible for the compilation, analysis and publication of court opinions, as well as for summarizing, selecting, processing and publishing in the case-law database court rulings which are important for promotion of coordination, research and development of court practice. For 2014, the category "other" also subsumes consultants of the Supreme Court.

**Q52 (2012):** For the last three evaluations (2012, 2013 and 2014), the category "other" includes employees from the Division of Provision of Secrecy Regime and the Supreme Court Division of Case-Law. The latter is a unit of the Supreme Court responsible for the compilation, analysis and publication of court opinions, as well as for summarizing, selecting, processing and publishing in the case-law database court rulings which are important for promotion of coordination, research and development of court practice. For 2014, the category "other" also subsumes consultants of the Supreme Court.

**Q52 (2010):** In the frame of the 2010 exercise, it has been specified that the category "non-judge staff whose task is to assist the judge" includes assistants to judges, court hearing secretaries, court interpreters. The category "staff in charge of different administrative tasks" encompasses assistants to chief judges, head of Chancellery, deputy head of Chancellery, court secretaries, archivists, administrators and consultants. The category "technical staff" subsumes court couriers, physical work performers.

**Q146 (2017):** This number includes sworn advocates and assistants to sworn advocates.

**Q146 (2013):** In the frame of the 2013 exercise, it has been indicated that there were 1 336 sworn lawyers in Latvia on December 31, 2013, of which 70 - assistants to lawyers and 13 - lawyers from other countries. 116 State legal aid providers have been concluded contracts with the Legal Aid Administration about State-guaranteed legal assistance in civil cases, administrative cases, cross-border disputes and provision of out of court legal assistance.

It is noteworthy that State provided legal assistance in criminal matters in Latvia is provided by sworn lawyers, not by legal aid providers.

## Lithuania

**Q46 (General Comment):** The methodology of presentation of data reflects the peculiarities of the Lithuanian court system. Namely, as the regional courts function not only as courts of appeal, but also as courts of first instance (Article 19 of the Law on Courts of the Republic of Lithuania), the number of judges of these courts is included in the 1st section. Accordingly, the latter indicates the number of judges of district courts, regional courts and regional administrative courts. Likewise, given that the Supreme Administrative Court is the court of appeal (although the rulings of the Supreme Administrative Court of Lithuania are final and not subject to appeal) the number of judges of this court is encompassed in the 2nd section. The latter indicates the number of judges of the Court of Appeal of Lithuania and the Supreme Administrative Court of Lithuania. The 3rd section indicates the number of judges of the Supreme Court of Lithuania.

**Q46 (2017):** Please see general comments.

**Q46 (2010):** The increase of the number of judges between 2008 and 2010 may be explained by the filling existing free places for judges, i.e. only the number of working judges increased and not the number of judges determined by law.

**Q52 (General Comment):** The category "other" includes translators. From 2014 it also subsumes five court psychologists (for 2010 it encompasses also other helping staff (civil servants and working under the labour agreement)).

**Q52 (2018):** Other non-judge staff – translators and psychologists.

**Q52 (2017):** Other staff – translators and psychologists.

**Q52 (2016):** In 2015 the number of technical staff has decreased while at the same time the number of staff assisting judges has increased.

**Q52 (2014):** For 2014 the number of non-judge staff by gender is not available. The National Courts Administration has never collected data on statistics of court personnel according to the gender. The data, which was provided in earlier evaluation cycles, was preliminary data, manually gathered by considering name and surname data, which is a too big effort.

**Q52 (2010):** The following clarifications have been provided in the frame of the 2010 evaluation:

“staff in charge of different administrative tasks” – chancellors and their support, advisors of the chairman of the court, financiers, secretaries of administration of the courts, IT specialists, accountants, etc.;

“technical staff” - employees working under labour agreements, i.e. cleaners, drivers, etc.;

“other” – other helping staff (civil servants and working under the labour agreement).

The number of non-judicial staff was taken from the line of “Staff in charge of different administrative tasks and of the management of the courts” since in 2010 there already were 6 chancellors in Lithuania, who under the legislation, are responsible for the administrative tasks.

**Q146 (2018):** Lawyers' assistants who provide legal service are also included in the numbers above.

**Q146 (2017):** The number is provided by the Lithuanian Bar Association (the number of practising lawyers (advocats) - 2207. Also there are 925 lawyers' assistants who provide legal service).

**Q146 (2016):** The number is provided by the Lithuanian Bar Association (the number of practising lawyers (advocats). Also there are 870 lawyers' assistants who provide legal service also.

**Q146 (2015):** Numbers are taken from the List of Practising Advocates of Lithuania. The list is regulated by the Law on the Bar and administered by Lithuanian Bar Association. The assistants of advocates is not presented in the data.

## Luxembourg

**Q46 (General Comment):** Item 1 "number of first instance professional judges" comprises judges of district courts, the administrative tribunal and justices of peace. Item 2 "number of second instance professional judges" encompasses judges of the court of appeal of the Superior Court of Justice and the administrative court. Item 3 "number of Supreme Court professional judges" refers solely to the Court of cassation judges.

**Q46 (2018):** The staff of the judicial and administrative courts has grown steadily in the recent years, as established by the amended law of 7 March 1980 on judicial organization. This explains the significant variations observed between 2016 and 2018 in the judiciary and non-judge staff. According to the judicial organisation of Luxembourg, there is a Superior Court of Justice, composed of the Court of Cassation and the Court of Appeal. The judges of the Superior Court of Justice belong to both the Court of Cassation and the Court of Appeal. If, legally speaking, these are separate positions, in practice the five judges of the Superior Court of Justice occupy two positions and they are therefore counted among the judges of the Court of Appeal as well as at the level of the Superior Court of Justice .

The figures differ from those indicated in the last data collection campaigns on two points. 1) concerning the number of judges at the highest level: starting with 2016, we have distinguished between the judges sitting at the court of appeal and those of the Cour de cassation, which is the highest court in Luxembourg. Until 2016, and as the two courts taken together form the Cour supérieure de Justice (which as such has some very specific competences), we indicated only the total of the judges affected to the Cour supérieure. It might be useful for statistical purposes to distinguish between the two levels. 2) concerning the number of judges at the first level: the figures indicated until 2016 were superior to the real figures, as, erroneously, the prosecutors (which by law are also magistrates affected to these courts) had been included. We corrected this error in 2016.

There has been a major modification in June 2017, by the law of 27th of June 2017 adopting a multiannual program of recruitment into the judiciary and amending the amended law of 7th of March 1980 on judicial organisation, programming the future changes in the staff at the different entities. This law provides for a multiannual program of recruitment of judges and prosecutors during the years 2017-2020. It entered into force in July 2017.

**Q46 (2017):** The Act of 27 June 2017 introducing a multiannual programme for recruitment to the judiciary and amending the amended Act of 7 March 1980 on the organisation of the judiciary, defines the number of posts in the various instances. The indicated data correspond to the number of permanent positions actually held in 2017.

**Q46 (2016):** The figures differ from those indicated in the last data collection campaigns on two points.

1) concerning the number of judges at the highest level: starting with 2016, we have distinguished between the judges sitting at the court of appeal and those of the Cour de cassation, which is the highest court in Luxembourg. Until 2016, and as the two courts taken together form the Cour supérieure de Justice (which as such has some very specific competences), we indicated only the total of the judges affected to the Cour supérieure. It might be useful for statistical purposes to distinguish between the two levels.

2) concerning the number of judges at the first level: the figures indicated until 2016 were superior to the real figures, as, erroneously, the prosecutors (which by law are also magistrates affected to these courts) had been included. This error has now been corrected.

**Q46 (2015):** In 2014, the judges of the Administrative Court were included in the number of judges in the Supreme Court but in 2015 these judges were accounted as second instance judges.

**Q46 (2014):** In 2014, the judges of the Administrative Court were included in the number of judges in the Supreme Court but in 2015 these judges were accounted as second instance judges.

**Q46 (2013):** To the total number of judges, should be added 4 trainees ("attachés de justice"). The increase in the number of female judges at all instances between 2010 and 2013 is explained by the special attraction for a profession that allows to combine work and family life. Judges of second instance and those of the Court of Cassation are all part of the Superior Court of Justice.

**Q46 (2012):** 2012: The total number of professional judges indicated (212) does not correspond to the sum of the number of judges before each instance (227) because some judges have jurisdiction in two courts. For example, the Constitutional Court is composed of judges of the Court of Cassation and the Administrative Court.

**Q46 (2010):** For 2010, the total number of professional judges includes magistrates of the Court of Appeal as well as those of the Court of Cassation (both courts form together the Superior Court of Justice) and judges of the Administrative Court. Judges of the Constitutional Court are not counted because they are all under another main jurisdiction.

**Q52 (General Comment):** With regard to question 52, all the non-judge staff is in charge to assist the judges (except at the administrative courts). Therefore for the year 2017, we did no longer distinguish between staff of administrative tasks and the staff assisting the judges. Only at the administrative courts are 6 persons not assisting the judges.

**Q52 (2018):** Regarding the category "other non-judge staff", it includes non-judge staff working for administrative courts. The increase of the non-judge staff is due to the fact that we no longer distinguish between the staff in charge of administrative tasks and the staff assisting the judges as court clerks, since all the non-judge staff is in charge of assisting the judges. We interpreted this differently in the previous years. Previously some of the staff was considered as not assisting the judges, because of their statute, this appeared as not correct since none of them is limited to administrative tasks, except at the administrative courts, where six persons are in charge of purely administrative tasks. The revised 2017 data shows an increase of the total non-judge staff assisting the judges of 9.95%.

**Q52 (2017):** With regard to question 52, all the non-judge staff is in charge to assist the judges (except at the administrative courts). Therefore for the year 2017, we did no longer distinguish between staff of administrative tasks and the staff assisting the judges. Only at the administrative courts are 6 persons not assisting the judges.

**Q52 (2016):** Last year the separation of the sections 1, 2 and 3 was not done correctly. This year this task was made by the parquet general RH office.

**Q52 (2014):** The overall administrative tasks concerning ordinary courts are centralized at the level of the Prosecutor General Office. The same applies to technical staff. Among the 192 non-judge staff assisting judges, 117 are women. The category "staff in charge of different administrative tasks" (3 women, 2 men) and the category "technical staff" (1) refer exclusively to the Administrative Court (which was not the case for 2012). The 2014 data reflects the administrative reality, the staff that cannot be categorized to one specific task being attached to the State Prosecutor General. The total remains stable; slight variations are due to temporary replacements. The category "other" does not subsume external staff hired on contractual basis, e.g. in IT matters (as in 2012).

**Q52 (2013):** The overall administrative tasks concerning ordinary courts are centralized at the level of the Prosecutor General Office. The same applies to technical staff. Among the 192 non-judge staff assisting judges, 117 are women. The category "staff in charge of different administrative tasks" (3 women and 2 men) and the category "technical staff" (1) refer exclusively to the Administrative Court staff. The 2013 data reflects the administrative reality, the staff that cannot be categorized to one specific task being attached to the State Prosecutor General. The total remains stable; slight variations are due to temporary replacements. The category "other" does not subsume any more external staff intervening on contractual basis, for example in IT matters.

**Q52 (2012):** 2012: With the exception of categories 1 ('Rechtspfleger') and 2 (non-judge staff whose task is to assist the judges such as registrars), all others carry on their work in the interest of the whole judicial system, that is to say, both for judges and prosecutors.

**Q52 (2010):** 2010: The number of personnel in charge of administrative tasks is 108; it includes those who carry out their duties full time as well as those who are also responsible for other tasks.

As reported in 2008, the number of technical staff also includes temporary staff with fixed-term employment contracts. These include the maintenance and cleaning staff.

The registry of the Constitutional Court has no specific staff, these tasks are performed by the registry of the Superior Court of Justice. The figure provided does not include IT staff, which report to the State Computer Centre [Centre informatique de l'Etat (CTIE)]. It should also be noted that the work of some clerks also includes administrative tasks, especially for the chief clerks (6 units).

**Q146 (2015):** The number indicated includes the number of lawyers, trainee lawyer, lawyers practising under their home-country professional titles and independent lawyers at September 1st, 2016.

## Malta

**Q46 (General Comment):** In Malta there is no Supreme Court, the Court of Appeal being the Court of second instance. The Constitutional Court, then, is presided over by the 3 judges who compose the Court of second instance also known as the Court of Appeal in its Superior Jurisdiction. It is interesting to notice that 2 judges presiding over the Second Instance Courts also preside over the Civil Court, First Hall and the family Court (which are specialised 1st instance courts).

The number of 1st Instance 'judges' also includes magistrates that preside over 1st Instance Courts.

**Q46 (2017):** Despite the categorical manner in which the Maltese judiciary have been classified for the purpose of this exercise, it is important to note that the roles of some of the judges are very fluid. Hence, some of the 1st Instance judges preside, when the need arises, over 2nd Instance courts, whilst 2nd Instance judges hear cases at 1st Instance such as at the Civil Court, First Hall or the Civil Court, Family Section.

Throughout 2017, 1 male 1st Instance Judge passed away at the beginning of the year, whilst another 2nd Instance Judge retired towards the end of the year. 1 female Magistrate has been appointed. Care is being taken in order to ensure an equal gender representation in the appointments of the judiciary.

**Q46 (2016):** Despite the categorical manner in which the Maltese judiciary have been classified for the purpose of this exercise, it is important to note that the roles of some of the judges are very fluid. Hence, some of the 1st Instance judges sit, when the need arises, in 2nd Instance courts, whilst 2nd Instance judges hear cases at 1st Instance such as at the Civil Court, First Hall or the Civil Court, Family Section.

There has been an increase of 3 female judges at 1st instance since 2014. There was an increase from 15 to 17 female judges at 1st instance in 2015 and a further increase of 1 female judge at 1st instance in 2016. Care is being taken in order to ensure an equal gender representation in the appointments of the judiciary.

**Q46 (2015):** Regarding the number of judges, the high percentage variations that might be observed results from the small absolute number of judges that Malta has. Malta has been trying, and there are still on-going efforts, at increasing the number of judges. If between 2010 and 2015 the number of male judges decreased (by 1), this was complemented by an increase in the number of female judges (also by 1).

**Q46 (2010):** On the occasion of the 2010 exercise, it was explained that in the past ten to fifteen years, the authorities had promoted the appointment of women in the judicial field.

**Q52 (2018):** Other non-judge staff include:

- Director Civil Courts and staff
- Director Criminal Court and staff
- Registry Criminal Court
- Chief Marshal
- Senior Marshal
- Marshals
- Judiciary Drivers
- Subasti Personnel

**Q52 (2017):** Other non-judge staff includes:

- Director Civil Courts and staff
- Director Criminal Court and staff
- Registry Criminal Court
- Chief Marshal
- Senior Marshal
- Marshals
- Judiciary Drivers
- Subasti staff

**Q52 (2016):** Other non-judge staff includes:

- Director Civil Courts and staff
- Director Criminal Court and staff
- Registry Criminal Court
- Chief Marshal
- Senior Marshal
- Marshals
- Judiciary Drivers
- Subasti staff

Concerning "Technical Staff", 2 technical staff were employed. Between 2014 and 2015, there was a decrease in the number of tradesman employed with the court administration.

**Q52 (2015):** In the 2015 data, the category 'Non-judge staff whose task is to assist the judges' includes 13 Court Attorneys that have been introduced for the first time in October 2015. This staff is meant to assist the judges in the drafting of the sentences and other related matters. However the Court Attorneys are not autonomous and the responsibility for the sentences that they draft ultimately lies with the presiding judge.

The differences noted between 2014 and the previous regarding the categories "staff in charge of administrative tasks" and "other non-judge staff" is due to a change in the distribution. After 2014, some non-judge staff who were included in the category "staff in charge of administrative tasks" were integrated in "other non-judge staff".

The decrease between 2014 and 2015 in the number of "technical staff" is due to a decreases in the number of tradesman.

**Q52 (2014):** The differences noted between 2014 and the previous regarding the categories "staff in charge of administrative tasks" and "other non-judge staff" is due to a change in the distribution.

**Q52 (2013):** In 2013, the number of non-judge staff was detailed in the following way:  
staff assisting judges – deputy registrars (67), court messengers (19), judicial assistants (30), clerical staff (141), ushers (25), senior court recorders (12), court recorder in charge (1), and Children’s advocate (2);  
staff in charge of administrative tasks – Directorate Support Services (86), Directors and staff (12), Asset Management unit (3), Archives (3), One stop shop (7), Subasti (3), Library (1), Publications (3);  
technical staff – tradesmen (7), Bookbinder (1);  
“other” – cleaners (8), Chief Marshal (1), Marshals (20).

An exercise at beefing up the Court administration staff was undertaken by the Government in 2013, following its election as a result of which, the numbers for different sub-categories have increased considerably.

**Q52 (2012):** In 2012, the number of non-judge staff was detailed in the following way:  
staff assisting judges – deputy registrars (65), court messengers (19), judicial assistants (30), clerical staff (59), ushers (25), senior court recorders (12), court recorder in charge (1), and Children’s advocate (2);  
staff in charge of administrative tasks – Directorate Support Services (83), Directors and staff (13), Asset Management unit (3), Archives (3), One stop shop (4), Subasti (2), Library (1), Publications (2);  
technical staff – tradesmen (7), Bookbinder (1);  
“other” – cleaners (7), Chief Marshal (1), Marshals (20).

**Q146 (2017):** The number of lawyers quoted in this answer refers to the number of warranted lawyers at the end of 2017. This data is based on a list of warranted lawyers practicing in Malta, compiled by the Department of Justice. Work on this list is ongoing but it is important to note that the figure quoted above, reflects a more faithful representation of the number of warranted lawyers in Malta.

**Q146 (2016):** The number of lawyers quoted in this answer refers to the number of warranted lawyers who are also members of the Chamber of Advocates, at the end of 2016. Throughout 2016, the Chamber of Advocates has been updating their list of members in order to clear the names of the lawyers who have either retired or have passed away. Furthermore, it is important to note that at present membership with the Chamber of Advocates, which is the sole Bar Association in Malta, is not mandatory. Hence over the past few months, the Department of Justice is drawing up the first complete list of warranted and non-warranted lawyers in Malta. Work is still underway so it is important to note that the figure quoted above, which is less than that submitted in the previous evaluation, reflects a more faithful representation of the number of warranted lawyers in Malta.

**Q146 (2015):** The number of lawyers quoted in this answer refers to the number of warranted lawyers on the list of advocates at the end of 2015. It is possible that some of these lawyers have retired so whilst the warrant remains valid, it does not necessarily mean that all 1569 lawyers are practising the profession. At present there does not exist any mechanism wherein lawyers register once they are given the Warrant to practice, and membership with the Chamber of Advocates, which is the sole Bar Association in Malta, is not mandatory to practice as a lawyer.

## Netherlands

**Q46 (General Comment):** Since 2010 the provided numbers include court presidents. The number of first instance judges encompasses judges 'overig RA' that cannot be assigned solely to 1st or 2nd instance.

**Q46 (2018):** We did not receive information on the number of judges (in fte) working at the High Court. There are 33 judges at the High Court (people, not fte), 20 male / 13 female. Since this concerns only 1% of all judges, we'd suggest to work with these numbers (and accept the small deviation in the calculated total number)

**Q46 (2017):** these are number of people (posts); the total number of fte is 2315, this can not be separated for 1st and 2nd instances

NB: data on the number of Supreme Court judges is provided in fte. More precisely, according to the annual report of the Council of State <https://jaarverslag.raadvanstate.nl/2017/> the number was 37.9 fte in 2017.

**Q46 (2016):** All data in number of persons. FTE data are only available for the total: 2148.  
Supreme Court NA

**Q46 (2015):** Number of deputy judges courts in 2015 = 1.100

The numbers provided in the table are posts. The FTE is available only for the total and it is 2.169. Other categories are NA.

**Q46 (2014):** In 2014, the number of first instance judges did not include judges of the Trade and Industry Tribunal, the Supreme Court and the Council of State. The number of second instance judges included magistrates of the Trade and Industry Appeals Tribunal and the Administrative High Court, excluding these of the Supreme Court and the Council of State.

**Q46 (2013):** In 2013, the total (1+2+3, and men+women) in fte was 2 181. This was excluding the Supreme Court. The number of first instance judges excluded judges of the Trade and Industry Appeals Tribunal, the Supreme Court and the Council of State. The number of second instance judges included magistrates of the Trade and Industry Appeals Tribunal and the Administrative High Court, excluding these of the Supreme Court and the Council of State.

**Q46 (2012):** In 2012, the total (1+2+3, and men+women) in fte was 2 194. This was excluding the Supreme Court. The number of first instance judges excluded judges of the Trade and Industry Appeals Tribunal, the Supreme Court and the Council of State. The number of second instance judges included magistrates of the Trade and Industry Appeals Tribunal and the Administrative High Court, excluding these of the Supreme Court and the Council of State.

**Q46 (2010):** In 2010, the total (1+2+3, and men+women) in fte was 2 273. The number of first instance judges did not include judges of the Trade and Industry Appeals Tribunal. The number of second instance judges did not subsume magistrates of the Council of State (Raad van State). The number of 3rd instance judges included one president and 6 vice-presidents.

**Q52 (General Comment):** Only the total of non-judge staff working in courts is available.

**Q52 (2017):** the number given is the number of people (posts), the fte is 6719; these can not be separated by gender or line in the table

**Q52 (2016):** Number of FTE = 6530.

**Q52 (2015):** FTE in 2015 is 6.497

**Q52 (2014):** According to 2013 data, the figure 7.287 pertains to persons, data in fte is 6.495.

**Q52 (2013):** According to 2013 data, the figure 7.287 pertains to persons, data in fte is 6.495.

**Q146 (2017):** Annual report NOVA 2017

## Poland

**Q46 (General Comment):** The Polish court structure is characterized by four levels of courts but only three instances. Basically, there are district courts which are first instance courts, regional courts which are first and second instance courts, and appellate courts which are second instance courts. The highest instance courts are the Supreme Court, the Supreme Administrative Court and the Constitutional tribunal. Owing to this peculiarity, some judges sit as first and second instance magistrates. According to the methodology of presentation of data that has been chosen, judges of regional courts are counted as first instance judges together with judges of district courts. Only judges of appellate courts are considered as second instance magistrates.

**Q52 (2018):** Other non-judge staff:

- professional probation officers
- employed in Consultative Team of Judicial Specialists

**Q52 (2017):** Other non-judge staff -5790

of which:

Professional probation officers - 5188

Employed in Consultative Team of Judicial Specialists - 602.

**Q52 (2016):** Other non-judge staff - 5859

of which:

Professional probation officers - 5212

Employed in Consultative Team of Judicial Specialists - 647.

**Q52 (2010):** In the frame of the 2010 exercise it has been indicated that the category "other non-judge staff" encompasses assistants of judges whose role is strictly connected to the judge's judicial function (ex. preparation of judgment and justification drafts) - they do not perform any administrative tasks.

**Q146 (2012):** In the frame of the 2012 evaluation, it has been stressed that since 2010, the part-deregulation (carried out in 2007/2008) of the lawyer's profession has been implemented and resulted in a major change in the number of lawyers.

## Portugal

**Q46 (General Comment):** For all of the last three exercises, the total includes judges from courts of 1st, 2nd and 3rd instances, except the Constitutional Court.

**Q46 (2018):** The number of Supreme Court Judges has been decreasing since 2015. In absolute terms the decrease from 2016 to 2018 is from 82 to 71 judges, which is not significative in absolute terms, but acquires a more relevant expression in relative terms.

**Q46 (2017):** As concerns the increase in the number of female Supreme Court judges: the numbers are small, therefore the variation seems important.

**Q46 (2014):** In the frame of the 2014 exercise it has been explained that the increase of the number of Supreme Court females professional judges is due to the general tendency of increase of female judges in the last decade at first instance courts. It is natural that gradually the proportion of female judges in the higher courts will tend to grow as a result of their career progression.

**Q52 (General Comment):** The variations in the number of non-judge staff over the different evaluation cycles seem high due to the small numbers.

**Q52 (2018):** In 2018, as in 2017 there were no other non-judge staff.

**Q52 (2017):** "other non judge staff" - this category includes all staff with a non-specified category or non-specific functions. As this is a residual category, the numbers tend to be small.

**Q52 (2014):** In the frame of the 2014 exercise, it has been explained that the decrease of the number of staff in charge of administrative tasks is linked to the staff that went to retirement and that was not replaced by new one as well as to the continuous IT modernization.



**Q52 (2013):** In the ambit of the 2013 exercise, it has been noticed that the number of judicial staff is decreasing owing to the retirements that have been occurring since 2010. In addition, due to the reform of the Public Administration that is taking place since 2009 and the financial constraints of the past few years, the number of public servants has decreased.

## Romania

**Q46 (General Comment):** Comment valid for 2010-2016 exercises

The variation of the number of judges at first instance and second instance courts between different CEPEJ evaluation cycles is the result of different method of calculation along the different reports. In Romania there are 4 court levels: first instance courts (judecatorii), tribunals (tribunale), courts of appeal (curti de apel) and the High Court of Cassation and Justice. First instance courts have a general jurisdiction and most of the cases start at this level. The appeals against the decisions of the first instance courts in civil matters are decided at the tribunals. The appeals in criminal matters against the decisions of the first instance courts are decided at the courts of appeal. More important cases may start at tribunals or at the courts of appeal and the appeals against the decisions at these courts are decided by higher courts.

The methodology of presentation of data was the same for 2010, 2012, 2014 and 2016. Namely, judges within courts of first instance (having full competence for judging in first instance) were counted in the category "first instance professional judges", while judges within tribunals and courts of appeal were counted in "second instance professional judges". By contrast, in 2013, judges within tribunals were considered in "first instance professional judges".

**Q46 (2018):** In Romania there are four level of courts (first instance courts, tribunals, courts of appeal and the High Court of Cassation and Justice). In line with our previous reports in this matters, in the table above judges from tribunals and courts of appeal shall be included in the category "second instance professional judges", even if according to the procedural provisions in terms of competences tribunals may judge both as first and instance court and for certain procedural circumstances (material and personal) even the courts of appeal may judge in first instance. Moreover even the High Court can judge in first instance for example in criminal cases according to the personal competence rules of procedure.

**Q46 (2017):** The number of professional judges sitting in second instance courts (point 2) includes both the number of judges within the courts of appeal and the number of judges within the tribunals.

**Q46 (2016):** In Romania there are four level of courts (first instance courts, tribunals, courts of appeal and the High Court of Cassation and Justice). In the table above the judges from tribunals are included in the category "second instance professional judges".

**Q46 (2014):** For 2014, in contrast with the 2013 evaluation and akin to the 2010 and 2012 exercises, judges mentioned at 46.1 are judges within first instance courts, while judges mentioned at 46.2 are judges within tribunals and courts of appeal.

**Q46 (2013):** On the occasion of the 2013 exercise, it has been specified that after entering into force of the new Codes, in the Romanian judicial system there are three levels of jurisdiction in civil matters and two levels of jurisdiction in criminal matters. Thus, in civil matters, the first instance courts (Judecatorii) rule in first instance. The tribunals rule generally in first instance, but also in appeal (appeal on the merits) and in second appeal (appeal on the law) while the courts of appeal rule, generally, on the appeals, but they may also rule in first instance and in second appeal in the cases expressly provided by law. In criminal matters, the first instance courts rule in first instance. The tribunals rule, generally, as first instance courts while the courts of appeal generally rule on appeal, but sometimes also in first instance. In such situation, judges mentioned at 46.1 are judges within first instance courts and tribunals (first level of jurisdiction), while judges mentioned at 46.2 are judges within courts of appeal.

The increase of the number of Supreme Court judges between 2012 and 2013 is due to the fact that in 2012 and 2013, the Superior Council of Magistracy brought important changes to the Regulation for the promotion of judges to the High Court of Cassation and Justice and 19 judges were promoted.

**Q46 (2012):** In the frame of the 2010 and 2012 exercise, judges were categorized according to the following hierarchical system in terms of courts organization: courts of first instance (judecatorii) judging in first instance; tribunals, which are generally courts of appeal on the merits (judge in appeal), but are also ruling in some cases in first instance and in second appeal (appeal on the law/"recurs"); courts of appeal, which are second appeal courts (appeal on the law /"recurs"), but are also ruling in some cases in first instance and in appeal on the merits; the High Court of Cassation and Justice, unique and supreme court, mainly ruling the appeals declared against the judgments of the courts of appeal and of other judgments, in the cases stipulated by law. Thus, at 46.1 were mentioned judges within courts of first instance (having full competence for judging in first instance), while at 46.2 were mentioned judges within tribunals and courts of appeal.

**Q46 (2010):** In the frame of the 2010 and 2012 exercise, judges were categorized according to the following hierarchical system in terms of courts organization: courts of first instance (judecatorii) judging in first instance; tribunals, which are generally courts of appeal on the merits (judge in appeal), but are also ruling in some cases in first instance and in second appeal (appeal on the law/"recurs"); courts of appeal, which are second appeal courts (appeal on the law /"recurs"), but are also ruling in some cases in first instance and in appeal on the merits; the High Court of Cassation and Justice, unique and supreme court, mainly ruling the appeals declared against the judgments of the courts of appeal and of other judgments, in the cases stipulated by law. Thus, at 46.1 were mentioned judges within courts of first instance (having full competence for judging in first instance), while at 46.2 were mentioned judges within tribunals and courts of appeal.

**Q52 (General Comment):** Comment valid for 2010-2016 exercises

The number indicated for the category “non-judge staff assisting judges” encompasses clerks with judicial tasks; the number indicated for “staff in charge of administrative tasks” concerns registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants; the number indicated for “technical staff” includes IT staff, contractual personnel and other personnel (drivers, ushers, procedural agents etc.). The category “other” subsumes assistance magistrates, judicial assistants and probation counselors. o Assistance magistrates work only within the High Court of Cassation and Justice. They participate in the trial sessions, have a consultative vote in deliberations and write the minutes of the sessions, as well as the decisions. o Judicial assistants work only within tribunals and are part, together with the judges, of the panels which judge, in first instance, cases regarding labor and social insurances litigations (the panel is composed of 1 judge and 2 judicial assistants; the latter participate in the deliberations with a consultative vote and sign the decisions). o The probation counselors have, in principle, the following attributions: support the activity of judges by elaborating certain evaluation documents in criminal cases with juvenile offenders; support the activity of the judge delegated with enforcing decisions in criminal matters; cooperate with public institutions in order to execute the measure to force a minor to carry out an unpaid activity in an institution of public interest; initiate and carry on special programs of social reinsertion for persons convicted to prison and for minors who committed offences provided by the criminal law; carry out, at request, activities of individual counseling of offenders, with regard to the social, group and individual behavior; initiate and carry out special programmes of protection, social and judicial assistance of minors and youngsters who committed offences.

**Q52 (2018):** 6402 represents the number of clerks with judicial tasks ( - 163 work only within the High Court of Cassation and Justice); 1645 - the number of registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants ( - 17 work only within the High Court of Cassation and Justice); 1772 - number of IT staff, contractual personnel and other personnel / drivers, ushers, procedural agents ( -101 work only within the High Court of Cassation and Justice).

Other categories of personnel which function within the Romanian courts (843):

Assistance magistrates: 110 Judicial assistants: 176 Probation counselors: 557

**Q52 (2017):** Other categories of personnel which function within the Romanian courts (852): Assistance magistrates: 112 Judicial assistants: 176 Probation counselors: 564

The increase observed in the category "other" between 2016 and 2017 is explained by the employment of the respective number of probation counselors.

**Q52 (2016):** 6191 represents the number of clerks with judicial tasks ( - 165 work only within the High Court of Cassation and Justice); 1621 - the number of registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants ( - 9 work only within the High Court of Cassation and Justice); 1822 - number of IT staff, contractual personnel and other personnel / drivers, ushers, procedural agents ( - 109 work only within the High Court of Cassation and Justice).

Other categories of personnel which function within the Romanian courts (663):

Assistance magistrates: 113 Judicial assistants: 173 Probation counselors: 377

**Q52 (2015):** 6149 represents the number of clerks with judicial tasks ( - 149 work only within the High Court of Cassation and Justice); 1615 - the number of registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants ( - 9 work only within the High Court of Cassation and Justice); 1844 - number of IT staff, contractual personnel and other personnel / drivers, ushers, procedural agents ( - 109 work only within the High Court of Cassation and Justice).

Other categories of personnel which function within the Romanian courts: Assistance magistrates: 115 ; Judicial assistants: 176 ; Probation counselors: 352

**Q52 (2014):** In 2014, there were 6072 clerks with judicial tasks (153 work only within the High Court of Cassation and Justice); 1585 registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants (9 work only within the HCCJ); 1854 IT staff, contractual personnel and other personnel / drivers, ushers, procedural agents (96 work only within the HCCJ). The category “other” subsumed 101 Assistance magistrates, 175 Judicial assistants and 360 Probation counselors.

**Q52 (2013):** In 2013, there were 5743 clerks with judicial tasks; 1563 registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants; 1784 IT staff, contractual personnel and other personnel (drivers, ushers, procedural agents). The category “other” subsumed 92 Assistance magistrates, 176 Judicial assistants and 281 Probation counselors.

**Q52 (2012):** In 2012, there were 5489 clerks with judicial tasks; 1486 registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants; 1762 IT staff, contractual personnel and other personnel (drivers, ushers, procedural agents). The category “other” subsumed 90 Assistance magistrates; 175 Judicial assistants; 281 Probation counselors.

**Q52 (2010):** In 2010, there were 5325 clerks with judicial tasks; 1427 registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants; 1729 IT staff, contractual personnel and other personnel (drivers, ushers, procedural agents). The category “other” subsumed 83 Assistance magistrates, 169 Judicial assistants and 292 Probation counselors.

## Slovakia

**Q46 (General Comment):** The provided total corresponds to the number of judges actually performing their functions. Put differently, judges who are temporary assigned to other institutions (Ministry of Justice, Judicial Academy, other judicial institutions), judges granted maternity leave etc. are not considered in the provided figure. Total number including judges temporary not performing their functions is 1427 (521 men, 906 women).

**Q46 (2018):** The provided total corresponds to the number of judges actually performing their functions. Put differently, judges who are temporary assigned to other institutions (Ministry of Justice, Judicial Academy, other judicial institutions including international courts), judges granted maternity leave etc. are not considered in the provided figures. Total number including judges temporary not performing their functions is 1427 (521 men, 906 women).

**Q46 (2017):** The increase in the total number of judges is caused by filling the previously designed vacant posts of judges.

**Q46 (2015):** The total number of the judges in the records of the Ministry of justice is 1337 (499 males, 838 females) including also judges temporary assigned to the other institution (Ministry of justice, Judicial Academy, other judicial institutions including European and other international courts), the judges at the maternity leave etc.

The decrease in the number of judges in comparison with the previous cycle has been caused by the retirement of the judges whose posts have not been filled yet. The selection procedures for the vacant posts are under way.

**Q46 (2014):** In 2014, the total number of judges in the records of the Ministry of justice was 1366 (503 males, 863 females), including judges temporary assigned to other institutions, judges granted maternity leave etc.

**Q46 (2013):** In 2013, the total number of judges in the records of the Ministry of justice was 1385 (511 males, 874 females), including judges temporary assigned to other institutions, judges granted maternity leave etc.

**Q46 (2012):** In 2012, the total number of judges in the records of the Ministry of justice was 1344 (497 males, 847 females), including judges temporary assigned to other institutions, judges granted maternity leave etc.

**Q46 (2010):** In 2010, the total number of judges in the records of the Ministry of justice was 1387, including judges temporary assigned to other institutions, judges granted maternity leave etc.

**Q52 (General Comment):** The Department of Human Resources Development of the Ministry of Justice keeps records of the number of staff for all courts, including for the Supreme Court. The latter has also its own records on the number of staff. It should be highlighted that the records of the Ministry of Justice sorts all non-judge staff to various categories which differ from the categories listed in the CEPEJ questionnaire. For the purpose of this questionnaire the numbers include:

1. Rechtspfleger: includes higher judicial officers.

2. This category includes at the level of district and regional courts the court assistants (clerks) and the court secretaries. At the level of the Supreme court it includes Judicial assistants (lawyers helping judges in legal research, drafting decisions and providing legal support) and court clerks. 5. In this category we included the rest of total number of non-judge court staff. This include civil servants responsible for court administration, supervision of non-judge staff, employees responsible for contact with the public (information centre, filing office), archives, technical staff, drivers etc.

Due to different categorisation of non-judge staff in the records of the central court management institution (Ministry of Justice) it was not possible to divide the rest of non-judge staff to categories 3. and 4.

**Q52 (2018):** See general comment.

There are no special explanation related to discrepancies in gender composition of court staff

**Q52 (2017):** The slight increase in the number of male non-judge staff originates at the Supreme court of the Slovak republic. The position of the "Judicial assistant" has been established and filled. The assistant helps the judge with legal research, drafting of decisions etc. Out of 86 assistants there are 29 male.

**Q52 (2014):** In 2014, the category "Rechtspfleger" subsumes 967 higher judicial officers and 63 mediation and probation officers. The category "staff assisting judges" includes assistants of judges and court secretaries. The category "staff in charge of different administrative tasks" encompasses court staff responsible for court administration, contact with the public (information centre, filing office), archives and technical staff.

In 2010, 2012 and 2014, due to the different categorisation, it was not possible to extract the accurate number of "technical staff" and "other non-judge staff" from the number "staff in charge of different administrative tasks".

**Q52 (2013):** In 2013, the category "Rechtspfleger" includes 975 judicial officers, 45 legal assistants at the Supreme Court and 63 mediation and probation officers. The category "non-judge staff assisting judges" includes 1348 assistants and 752 judicial secretaries. Due to the different categorization of the rest of non-judge staff, it was not possible to identify the number of court management staff and the number of technical staff. Owing to that, the rest of the non-judge staff (excluding "Rechtspfleger" and "non-judge staff assisting judges") was subsumed in the category "other".

On the occasion of the 2013 exercise, it has been stressed that within the years 2011 and 2012, the Ministry of Justice decided to increase the total number of the judicial officers with the intention to improve the disposition of certain court agendas.

**Q52 (2012):** In 2012, the category "Rechtspfleger" includes 982 judicial officers and 64 mediation and probation officers.

In 2010, 2012 and 2014, due to the different categorisation, it was not possible to extract the accurate number of "technical staff" and "other non-judge staff" from the number "staff in charge of different administrative tasks".

**Q52 (2010):** In 2010, the category "Rechtspfleger" includes 738 higher court officers and 75 mediation and probation officers.

In 2010, 2012 and 2014, due to the different categorisation, it was not possible to extract the accurate number of "technical staff" and "other non-judge staff" from the number "staff in charge of different administrative tasks".

**Q146 (2016):** The number represents all lawyers registered in the list of the Slovak Bar Association. Out of this number 848 lawyers have their practise suspended.

**Q146 (2012):** On the occasion of the 2012 exercise, the attention was drawn on the fact that the number of practising lawyers was increasing constantly.

## Slovenia

**Q46 (General Comment):** The provided total number of judges corresponds to the number of de facto occupied judicial posts performing their functions. The number of actual active judges excludes the ones that are on maternity or sick leave, but includes those on annual leave. Some judges are assigned to other duties (eg. to the Judicial council, Ministry of Justice, Supreme court) and are not included in the numbers (figures in comment to the question). The number of full time equivalent based on working hours is also available.

**Q46 (2018):** At the end of 2018, 890 judicial posts were formally occupied (FTE), although some posts were de facto vacant (e.g. judge absent due to maternity leave). Nevertheless, we report that 867 professional judges sit in courts (perform judicial function), since the rest of the judges (23 judges - difference to the total of 890 judges) were assigned to other duties (e.g. the Ministry of Justice, the Supreme Court, the Judicial Council) and do not sit in courts. The actual presence is also calculated, based on number of hours judges are actually present in court (excluding the maternity or sick leave, but including the annual leave).

The number of judges in the Slovenian judicial system in 2018 was 796 according to actual presence calculations.

**Q46 (2017):** At the end of 2017, 889 judicial posts were formally occupied (FTE), although some posts were de facto vacant (e.g. judge absent due to maternity leave). Nevertheless, we report that 869 professional judges sit in courts (perform judicial function), since the rest of the judges (20 judges - difference to the total of 889 judges) were assigned to other duties (e.g. the Ministry of Justice, the Supreme Court, the Judicial Council) and do not sit in courts.

The actual presence is also calculated, based on number of hours judges are actually present in court (excluding the maternity or sick leave, but including the annual leave)

The number of judges in the Slovenian judicial system in 2016 was 795,54 according to actual presence calculations.

**Q46 (2016):** At the end of 2016, 897 judicial posts were formally occupied (full-time equivalent method), although some post were de facto vacant (e.g. judge absent due to maternity leave). The actual presence is also calculated, based on number of hours judges are actually present in court (excluding the maternity or sick leave, but including the annual leave). The number of judges in Slovenian judicial system in 2016 was 811,52 according to actual presence calculations.

Nevertheless, we report that 880 professional judges sit in courts (perform judicial function), since the rest of the judges (17 judges - difference to the total of 897 judges) were assigned to other duties (e.g. the Ministry of Justice, the Supreme Court, the Judicial Council) and do not sit in courts.

**Q46 (2015):** At the end of 2015, 912 judicial posts were formally occupied (full-time equivalent method), although some post were de facto vacant (e.g. judge absent due to maternity leave). The actual presence is also calculated, based on number of hours judges are actually present in court (excluding the maternity or sick leave, but including the annual leave). The number of judges in Slovenian judicial system in 2015 was 829,39 according to actual presence calculations.

Nevertheless, we report that 897 professional judges sit in courts (perform judicial function), since some judges were assigned to other duties (they do not sit in courts):

- 11 are appointed to the Supreme Court: General Secretary of the Supreme Court (1), informatisation projects (8), case law (1) and other projects (1),
- 2 are appointed to the Judicial Council and
- ?2 are appointed to the Ministry of Justice.

We reported the Administrative court as the first instance court (Q42 and Q91). However, the law requires for the Administrative court judge to be a higher judge (2nd instance judge), therefore the Administrative court judges are included as the 2nd instance professional judges.

**Q46 (2012):** In 2012, In the previous evaluation cycle the judges of administrative court were included in the number of second instance judges, since they have a position of higher judges. Regarding the fact they judge in first instance administrative cases and to ensure compatibility with the answer for Q42 where Administrative Court is classified as a first instance court, from 2012 they are included in the number of first instance judges. The variation with 2010 is due to this change.

**Q46 (2010):** In 2010, the judges of administrative court were included in the number of second instance judges, since they have a position of higher judges regardless that they deal with first instance cases.

**Q52 (General Comment):** The definitions of categories are as follows: 1. "Rechtspfleger" category includes only the staff (judicial assistants and judicial advisers) with autonomous competence to adopt final decisions (decisions on the merits of the case), set explicitly in procedural laws - currently the Claim Enforcement and Security Act, the Financial Operations, Insolvency Proceedings and Compulsory Windingup Act, the Court Register of Legal Entities Act and the Land Register Act.

2. "Non-judge staff" category includes staff, whose tasks are generally set by the Courts Act. These are judicial assistants (filing applications and statements by parties for the record and, by order of a judge, perform less demanding tasks related to preparation for trial proceedings or other procedural acts, making calculations of costs, preparing drafts of decisions and performing other tasks in judicial proceedings under the orders of a judge) and judicial advisers (performing work connected with the examination of parties, witnesses and experts (outside the main hearings), performing more complex preparatory work for hearings, reporting at panel meetings, drafting decisions, conducting hearings under the guidance of a judge and performing other work by order of a judge.) All the other staff, not mentioned above and not corresponding to 4. "Technical staff" is included in 3. "Administrative staff". The latter includes, along with the court management staff, the office support staff, whose tasks are not specifically set by the law and include case registering, administrative case preparation, court fees, typing and/or recording of court sessions etc.

**Q52 (2017):** Differences with previous evaluation cycles within categories (including male/female ratio):

The number of court staff is reported according to the actual work tasks of the staff. Between years, court staff can be assigned to different departments and tasks and therefore the variation of Rechtspfleger/Non-judge/Administrative staff categories and male/female ratio within categories can change, even though no major hiring or letting go for different categories of court staff had occurred. The relative differences in the Technical staff category are due to the small (absolute) number of staff.

**Q52 (2016):** Differences with previous evaluation cycles within categories (including male/female ratio):

The number of court staff is reported according to the actual work tasks of the staff. Between years, court staff can be assigned to different departments and tasks and therefore the variation of Rechtspfleger/Non-judge/Administrative staff categories and male/female ratio within categories can change, even though no major hiring or letting go for different categories of court staff had occurred. The relative differences in the Technical staff category are due to the small (absolute) number of staff.

**Q52 (2015):** The difference between 2014 and 2015 data is due to the methodology of gathering the data. In this cycle, all the courts were asked to provide the additional data to assure the accuracy of the answer. The reporting method was further improved and some adjustments were made according to the definition of "Rechtspfleger", "Non-judge staff" and „Administrative staff" categories (for updated definitions see below).

1. "Rechtspfleger" category includes only the staff (judicial assistants and judicial advisers) with autonomous competence to adopt final decisions (decisions on the merits of the case), set explicitly in procedural laws - currently the Claim Enforcement and Security Act, the Financial Operations, Insolvency Proceedings and Compulsory Winding-up Act, the Court Register of Legal Entities Act and the Land Register Act.

2. "Non-judge staff" category includes staff, whose tasks are generally set by the Courts Act. These are judicial assistants (filing applications and statements by parties for the record and, by order of a judge, perform less demanding tasks related to preparation for trial proceedings or other procedural acts, making calculations of costs, preparing drafts of decisions and performing other tasks in judicial proceedings under the orders of a judge) and judicial advisers (performing work connected with the examination of parties, witnesses and experts (outside the main hearings), performing more complex preparatory work for hearings, reporting at panel meetings, drafting decisions, conducting hearings under the guidance of a judge and performing other work by order of a judge.)

All the other staff, not mentioned above and not corresponding to 4. "Technical staff" is included in 3. "Administrative staff". The latter includes, along with the court management staff, the office support staff, whose tasks are not specifically set by the law and include case registering, administrative case preparation, court fees, typing and/or recording of court sessions etc.

**Q52 (2014):** In 2014, "Due to restrictions in the BI system regarding human resources, we were not able to provide information on the number of male and female staff, without judges, according to CEPEJ categories. In courts, there were 14,55 % of males and 85,45 % of females (judges included) on 31. 12. 2014.

The difference between 2013 and 2014 data is due to the methodology of gathering the data. In this cycle the reporting method was further improved and some adjustments were made according to the definition of „Administrative" and „Technical" categories of staff."

The Supreme Court's strategic orientation according to this matter is to decrease the number of judges, while increasing the number of staff (corresponding mainly to „non-judge" and „administrative" categories). The Supreme Court can, in order to ensure timeliness of proceedings, distribute additional finances for temporary employment of additional staff to individual courts. The evaluation and distribution of funds is conducted yearly.

**Q52 (2013):** In 2013: The reporting method used in the previous response to this question was improved and more detailed information on the non-judge court staff is available.

Category 1 - 'Rechtspfleger' included court clerks are included but also the independent and higher judicial advisors in the field of commercial (court) register, land register and civil enforcement procedure, as they have the competence to decide on certain kind of cases that are not in the competence of judges. We also included judicial advisers in the field of civil enforcement, who have even slightly broader competences than judicial assistants.

Category 2. Non-judge (judicial) staff included the judicial advisers (except the ones counted in the 1st point), The remaining judicial assistants (except the ones counted in the 1st point) were also included in this category..

Category 3. 'Administrative staff' was also included this year and represented by administrative support to the judge and court management – court director, human resources office, financing-accounting office.

Category 4. 'Technical staff' was including cleaning, security, system administration, drivers, etc.

Category 5. 'Other non-judge staff' – no staff was included in this category (NAP)

**Q52 (2012):** In 2012,:

Category 1 - 'Rechtspfleger' included court clerks,

Category 2 – included judicial advisers.

The other court staff was not further categorised and NA is used.

**Q52 (2010):** In 2010, category 1 - 'Rechtspfleger' included court clerks; other categorisation according to the CEPEJ classification was not made since the division is not clear.

**Q146 (2017):** (Male: 939, 798: female).

## Spain

**Q46 (2010):** The figures presented for 2010 refer to the number of professional judges on active service on 1 January 2011, except for those who were on leave.

It is noteworthy that the observed vertical inconsistencies are justified by the particular category of territorial judges (31, 23 males and 8 females). The peculiarity of the latter consists in the impossibility to classify them in a specific instance. Basically, they are attached to second instance courts but most of them practice in first instance courts. Owing to that, they are included in the total number of professional judges.

Within the frame of an overall reform process in respect of the judicial system, the Council of Ministers approved the creation of 150 new judicial units in 2010: 134 courts, 16 posts for judges (National High Court and Regional High Courts of Justice) and 50 posts for territorial judges. The latter are a new figure foreseen by the Strategic Plan for Modernization of the Justice System, intended to promote occupation of judicial posts by highly qualified professional judges.

**Q52 (General Comment):** The State approach of classification of the Spanish non-judge staff does not coincide with the CEPEJ methodology. Basically, the non-judge staff perform tasks that may be included in different sub-categories or do not exactly coincide with the given description. Accordingly, it is not possible to distribute them among the enumerated sub-categories contemplated in the frame of question 52. The Spanish judicial system distinguishes between three categories of non-judicial staff: Gestor Procesal, Tramitador Procesal and Auxilio Judicial. It is noteworthy that, since 2010 and the reform of the procedural legislation, a new type of judicial entities exists in several regions – Procedural Court Services. These joint services are endowed with judicial competences (such as preliminary appraisal of lawsuits or supervision of judgment enforcement) and work for several courts. The court secretaries carry out the Procedural Court Service on autonomous basis and can issue procedural orders to the practitioners and experts (outside the main hearings), performing more complex preparatory work for hearings, reporting at panel meetings, drafting decisions, conducting hearings under the guidance of a judge and performing other work by order of a judge.) All the other staff,

**Q52 (2018):** 1121 Forensic Doctors

**Q52 (2017):** The figure for other non judge staff includes judicial civil servants who are in charge of the processing of files, communication acts, and other tasks, and are distributed in three categories (called Auxilio Judicial, Tramitación Procesal, Gestión Procesal). Forensic Doctors are a special body (not included in the figure provided in this question). Their total number (Forensic Doctors) at 4 April 2018 is 1003.

For 2017, in contrast with previous cycles, data on number of “other non-judge staff” excludes the civil servants that work in Prosecution Offices.

**Q52 (2016):** The figure for other non judge staff includes judicial civil servants who are in charge of the processing of files, communication acts, and other tasks, and are distributed in three categories (called Auxilio Judicial, Tramitación Procesal, Gestión Procesal). Forensic Doctors are a special body (not included in the figure provided in this question). Their total number (Forensic Doctors) at 4 April 2018 is 1003.

**Q52 (2014):** In 2014, there are 44 896 other non-judge staff (judicial clerks) and 3 667 judicial counsellors (this is the new name for the secretario judiciales since October 1st).

**Q52 (2010):** In 2010, the total number of 'Secretarios Judiciales' (Rechtspfleger or similar bodies) equals the sum of 3 477 professional +979 occasional staff.

**Q146 (2017):** Resident Lawyers (Memory of the General Bar Association 2017)

**Q146 (2016):** Resident Lawyers (31 December 2016)

**Q146 (2015):** In civil cases, mainly the legal representation is for Procuradores. In criminal cases, lawyers can assume legal representation until a Procurador is appointed for the case. In administrative cases legal representation is mostly assumed by lawyers. Graduados sociales' (consultants on labour and social security matters) may represent the parties in labour law proceedings. The responses above are given on the basis that lawyers have a monopoly on practising the defence at Court which, in Spain, is not equivalent to "legal representation".

## Sweden

**Q46 (General Comment):** Owing to the fact that the Supreme Court judges are few, the variations affecting the distribution male/female could appear significant in terms of percentage, while in actual numbers the difference is not that significant (one or two judges). The statistics need to be viewed over a longer period of time.

**Q46 (2017):** The increase in the number of professional judges is due to the fact that the Migration Courts has employed a lot of new people due to an increase of cases.

**Q52 (General Comment):** The numbers do not include staff on leave or Swedish National Courts Administration (SNCA) employees. The SNCA is a government agency responsible for the service organization of courts, namely the overall coordination and joint issues. It has no authority over the courts' judicial business and their verdicts. It also provides support to the courts, rental and tenancy tribunals and legal aid. It deals with issues related to staff development, training and information, development of regulations, instructions and guidance. It ensures that operations are conducted in an effective and accessible way for citizens. In 2012 and 2013, there were about 330 employees with diverse professional backgrounds.

**Q52 (2018):** This category includes Junior Judges and Associate Judges in the judicial training program.

**Q52 (2017):** The increase in the number of some categories of non-judge staff is due to the fact that the Migration Courts has employed a lot of new people due to an increase of cases.

**Q52 (2014):** The figures indicated for the 2014 evaluation cycle do not encompass staff on leave, which was the case in 2012.

Besides, akin to the 2013 exercise and in contrast with the 2012 exercise, for 2014, the staff of the Swedish National Courts Administration (SNCA) is not included within the category "staff in charge of different administrative tasks and of the management of the courts".

**Q52 (2013):** The figures indicated for the 2013 evaluation cycle do not encompass staff on leave, which was the case in 2012.

Besides, in contrast with the 2012 exercise, for 2013, the staff of the Swedish National Courts Administration (SNCA) is not included within the category "staff in charge of different administrative tasks and of the management of the courts", which explains the observed variation between 2012 and 2013.

With regard to the category "technical staff", there is no specific reason explaining the noticed decrease between 2012 and 2013. In respect of the category "other", the number of assistant judges and reporting clerks has increased for the same period.

**Q52 (2012):** Figures provided for 2012 encompass staff on leave.

**Q146 (2015):** Today there are 5 800 members of the Swedish Bar Association ("advokater"; advocates) and 1 900 associate lawyers at law firms (not fully qualified to become advocate, but qualified to represent clients in court and give legal advice). Furthermore there are 20 EU-lawyers (established in Sweden registered and acting under their home professional title) and approx. 1 600 law firms (of which half is sole practitioners).

**Q146 (2014):** By the 1st of January 2014, there were 5 422 members of the Swedish Bar (professional title "advokat"; advocate) and 1 733 associate lawyers (registered at the Swedish Bar Association). The total number of lawyers indicated for the 2014 exercise (5 575) refers to the total number of members of the Swedish Bar Association by the 31st of December 2014.

# Indicator 9: Professionals of justice

## comments provided by the national correspondents

### organised by question no.

*Question 46. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts )*

*Question 52. 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 60) (please give the information in full-time equivalent and for permanent posts actually filled)*

*Question 146. Total number of lawyers practising in your country:*

### Question 46

#### Austria

**(General Comment):** For the all exercises, data have been provided in full time equivalent. The first instance judges sit in District and partly regional courts. The second instance judges sit in partly regional courts and Courts of appeal.

**(2018):** Data in full time equivalent

1.: district and regional Courts + administrative court

2.: courts of appeal

**(2017):** The data also include those of administrative courts.

**(2016):** This cycle administrative courts were taken into account for the first time.

The administrative courts were established January 1st 2014. After their establishment the data of the administrative courts is introduced this cycle for the first time.

**(2015):** The right (not rounded) numbers are:

TotalMalesFemales

Total number of professional judges (1 + 2 + 3)1620,65 - 790,52 - 830,13

1. Number of first instance professional judges1222,95 - 559,08 - 663,87

2. Number of second instance (court of appeal) professional judges 330,35 - 187,75 - 142,60

3. Number of supreme court professional judges 67,35 - 43,69 - 23,66

Data in full time equivalent

1.: district and partly regional courts

2.: partly regional courts and courts of appeal

**(2014):** Besides, in the frame of the 2014 exercise, the numerical values in the table have been rounded in order to comply with the new CEPEJ methodology. The most exact replies for this period would be:

Total number of professional judges: 1 620,04 (789,68 Male, 830,36 Female)

1. Number of first instance professional judges: 1 224,36 (556,01 Male, 668,35 Female)

2. Number of second instance professional judges: 329,63 (190,78 Male, 138,85 Female)

3. Number of supreme court professional judges: 66,05 (42,89 Male, 23,16 Female).

· In 2014, some judges entitled to adjudicate in different law fields have been counted twice which explains the significant increase of the number of second instance judges between 2013 and 2014.



**(2013):** Specifically, the numbers indicated for 2012 and 2013 differ from the previous periods because the different tasks had been more exactly assigned to the full time equivalent judges, distinguishing between dealing with first and second instance court proceedings on the one hand and the administrative tasks (on behalf of the president) on the other hand.

**(2012):** Specifically, the numbers indicated for 2012 and 2013 differ from the previous periods because the different tasks had been more exactly assigned to the full time equivalent judges, distinguishing between dealing with first and second instance court proceedings on the one hand and the administrative tasks (on behalf of the president) on the other hand.

## Belgium

**(2018):** As a result of the reform of the cantons of justice of the peace, the number of places for justices of the peace has decreased by 25.

**(2014):** 2014: the number of professional judges includes the presidents of the courts.

**(2013):** The 2013 data on the number of professional judges reflects the situation as at 18 January 2014.

## Bulgaria

**(General Comment):** Starting from 2013, the number of first instance professional judges encompasses not only judges of the first instance courts (113 district courts, 28 administrative courts and 5 (3 since 2014) military courts) but also judges working in the first instance departments of Provincial/Regional courts - 28 (who were counted as second instance judges before).

**(2017):** P. 1 – The number of first instance professional judges consists of judges in 27 Regional courts within regional centres; 86 out of regional centres; 28 Administrative courts; 1 Specialized Criminal Court; 3 Military courts; and the number of the first instance judges in District courts has been added to them;  
P.2 – The number of the second instance judges consists of judges in 27 District courts; Sofia City Court; 5 Courts of Appeal; 1 Military court of appeal and 1 Appealate Specialized Criminal Court. This number does not include the second instance judges who have adjudicated in first instance pannels.  
P.3- The number of working judges in the Supreme Court of Cassation and Supreme Administrative Court at 31.12.2017

**(2016):** P. 1 – The number of first instance professional judges consists of judges in 27 Regional courts within regional centres; 86 out of regional centres; 28 Administrative courts; 1 Specialized Criminal Court; 3 Military courts; and the number of first instance judges in District courts has been added to them;  
P.2 – The number of second instance judges consists of judges in 27 District courts; Sofia City Court; 5 Courts of Appeal; 1 Military court of appeal and 1 Appealate Specialized Criminal Court. This number does not include the second instance judges who have served in first instance courts. P.3- The number of working judges in the Supreme Court of Cassation and Supreme Administrative Court at 31.12.2016

**(2015):** 1. The figure 1760 includes the number of judges, employed at the 1st instance courts ((113 regional courts (27 Regional courts in the district centers and 86 regional courts outside the district centers); 28 Administrative courts; 1 Specialized criminal court; 3 Military courts) including the number of the first instance judges` (524) working in the first instance court formations in the District courts as from 31.12.2015. The number of Military courts has been reduced after decision under protocol ? 44/13.12.2013 of the Supreme Judicial Council from 5 to 3.

2. The number of judges, employed at the 2nd instance courts as from 31.12.2015 and the Courts of Appeal is 277. This figure is a result from the addition of the judges in the 28 District courts; 6 Courts of appeal and 1 Specialized criminal court of appeal – 801 judges in total, where the number of the first instance judges in the District courts (524) have been deducted.

3. The number of judges, employed in the Supreme Court of Cassation and the Supreme Administrative courts as from 31.12.2015 is 188.

**(2014):** In 2014, the number 1753 shows the number of judges employed in the first instance courts (113 regional, 28 administrative and 3 military courts) and 550 first instance judges, working in the district courts. The number of military courts was reduced from 5 to 3 following a decision of the SJC protocol 44/13.11.2013. The number of second instance judges is 277 and does not encompass first instance judges, working in the first instance chambers of the district courts.

## **Croatia**

**(General Comment):** In the total number of judges, only data on actually working judges is presented ( the total does not include judges on unpaid leave; judges on maternity leave; judges suspended after disciplinary procedure; judges transferred to other State body- for example to Ministry of Justice or Judicial Academy). Moreover, two judges working half-time (for the reason of care for a child with special needs) are counted as 1 judge.

**(2018): Source:** Ministry of Justice of the Republic of Croatia

The number of court presidents is included in the number of judges provided, but the data does not include the number of judges who are on unpaid leave, judges who are in non-active status, judges who work part-time in accordance with the Maternity and Parental Benefits Act, judges who are on maternity leave or on parental leave, judges suspended after disciplinary proceedings, judges working part time in order to time care for a child with special needs, judges transferred in another state body (Ministry of Justice, Judicial Academy, State Judicial Council) and international institutions and missions.

**(2017):** The number of court presidents is included in the number of judges provided, but the data does not include the number of judges who are on unpaid leave, judges who are in non-active status, judges who work part-time in accordance with the Maternity and Parental Benefits Act, judges who are on maternity leave or on parental leave, judges suspended after disciplinary proceedings, judges working part time in order to time care for a child with special needs, judges transferred in another state body (Ministry of Justice, Judicial Academy, State Judicial Council) and international institutions and missions.

**(2016): Source:** Ministry of Justice of the Republic of Croatia

The number of court presidents is included in the number of judges provided, but the data does not include the number of judges who are on unpaid leave, judges who are in non-active status, judges who work part-time in accordance with the Maternity and Parental Benefits Act, judges who are on maternity leave or on parental leave, judges suspended after disciplinary proceedings, judges working part time in order to time care for a child with special needs, judges transferred in another state body (Ministry of Justice, Judicial Academy, State Judicial Council) and international institutions and missions.

**(2015):** The Republic of Croatia submits correct numbers of professional judges sitting in courts for previous cycles (2013 and 2014), because in the previous cycles this number did not include court presidents, while there were excluded in the separate questions. Therefore, the correct numbers for these cycles are as follows:

2013.	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1.912,059	1.013	21,0
1. Number of first instance professional judges	1.366,037	998	7,0
2. Number of second instance (court of appeal) professional judges	506,018	9,031	7,0
3. Number of supreme court professional judges	40,023	0	17,0

2014.	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	1.875,058	1.029	2,0
1. Number of first instance professional judges	1.343,037	7,096	6,0
2. Number of second instance (court of appeal) professional judges	489,018	0	309,0
3. Number of supreme court professional judges	43,026	0	17,0

The total number of judges does not include: judges on unpaid leave, judges who work part-time, judges who are on maternity leave or on parental leave, judges suspended after disciplinary proceedings, judges working in a shortened working time care of a child with special needs, judges transferred in another state body (Ministry of Justice and Judicial Academy).

**(2014):** In 2014, the number of professional judges in first instance courts includes judges of municipal, commercial, administrative and misdemeanour courts. The number of judges in second instance courts includes judges of the county courts, High Commercial Court, High Misdemeanour Court and High Administrative Court. The number of 3rd instance judges refers to the Supreme Court of the Republic of Croatia.

According to the Act on Territorial Jurisdiction and Seats of the Courts adopted in 2010, four first instance administrative courts were established. The mentioned Act came into force on 1st January 2012, when the mentioned four courts became operational. Moreover, the Act on Amendments to the Act on Courts from 2011 prescribes that the Administrative Court of the Republic of Croatia, starting from 1 January 2012 continues its work as the High Administrative Court of the Republic of Croatia.

**(2010):** In 2010, the number of professional judges in first instance courts included judges of municipal, commercial and misdemeanour courts. The number of judges in second instance courts included judges of the county courts, High Commercial Court, High Misdemeanour Court and Administrative Court of the Republic of Croatia.

## Cyprus

**(General Comment):** Cyprus has a two tier system. The Supreme Court is the second and final instance court. All judges of the Supreme Court hear appeals.

**(2015):** From 2014, following the retirement of male judges at last instance, female judges were appointed.

## Czech Republic

**(General Comment):** The Czech Republic has a four-tier system. The number of judges of the two High Courts is included in the number of second instance judges. This methodology of presentation of data is applied since 2013, while for the previous evaluations, magistrates of the High Courts were considered as third instance judges.

**(2016):** The Czech Republic has a four-tier system. The number of judges of the two High Courts is included in the number of second instance judges.

## Denmark

**(2017):** The figures above show the numbers of appointed judges in the Danish judicial system. Thus, the figures also include the Court of Greenland, the High Court of Greenland and the court of the Faroe Islands.

## Estonia

**(2014):** In 2014, one male judge left and a female judge was appointed.

**(2012):** In 2010, there were 3 female professional judges at the Supreme Court. At the beginning of 2012, one female judge of the Supreme Court became the judge representing Estonia in the European Human Rights Court.

## France

**(2018):** With regard to administrative justice, in 2018, it should be noted that the number of judges sitting in specialised courts increased due to the very sharp increase in the number of appeals to the National Court of Asylum (CNDA) and the creation of the Commission du contentieux du stationnement payant (CCSP).

In the area of judicial justice, the increase is due to the filling of vacancies in the courts and the decrease in the number of departures of judges.

**(2014):** The 2014 data on number of judges of courts of law subsumes also the presidents appointed by 31 December 2014.

**(2013):** In 2013, in first instance, there are 161 presidents of ordinary courts of law and 42 presidents of administrative courts. In second instance, there are 37 first presidents of courts of law and 8 presidents of administrative courts. They are encompassed in the indicated figures. However, presidents of administrative courts of appeal are not included (being members of the State Council, they are included within the number of Supreme court judges).

**(2012):** The 2012 data is expressed in FTE, for positions actually filled on 31 December 2012 within courts of law and administrative courts. For the latter, data in FTE concerning the distribution between men and women is not available. Out of the 1377 first instance and appeal judges, there are 816 men and 561 women. Data on men-women distribution for the State Council is not available in FTE: there were 105 men and 47 women. For courts of law, there were in FTE: total: 5771 FTE (2066 men/3705 women); first instance professional judges (1326 men/2804 women); appeal court professional judges (622 men/795 women); Supreme court professional judges (118 men/106 women). The State Council used different calculation methods for 2010 and 2012.

**(2010):** The 2010 data refers to judges of courts of law and administrative courts appointed by 31 December 2010. The data concerning only judges of courts of law is as follows: total - 5855 2188 3667; first instance professional judges: 4128 1362 2766; appeal court professional judges - 1504 707 797; Supreme court professional judges: 223 119 104.

## Germany

**(General Comment):** The information relates to manpower percentages. There are no absolute figures for the number of persons. As to the information regarding manpower percentages, a judge working full-time is counted as 1. A judge who works part-time is counted as a portion of 1, depending upon his work hours as a percentage of full-time (e.g. 0.5 for a judge who works half of the full-time working hours).

As to items 46.1 and 46.2, the information is based upon summaries of the staff. This data is derived from a complex calculation key as an annual average value of the actual personnel deployed (for example, excluding employees who were not present more than 20 working days during a quarter for reasons other than holiday and/or training). As to item 46.3, the number of professional judges at the highest courts of law is based upon judicial statistics. This data is collected every two years and compiled into an overview. It is noteworthy that figures for the Federal courts (judges) are included in the frame of question 46.

**(2018):** The number of supreme court professional judges is based on judicial statistics. These data are collected and collated every two years (last updated 31/12/2018).

**(2017):** Comment - Please provide any useful comment for interpreting the data above: The information provided counts the number of full-time equivalent staff. There are no absolute figures for the number of persons making up this staff. A judge working full hours is counted as a full-time equivalent (i.e. 1). A judge working part-time is counted as a fraction of 1. This fraction corresponds to the number of hours worked in relation to a full-time equivalent (e.g. 0.5 for a judge working half the usual number of hours). Re 1 and 2: Information based on staffing overviews. These data are ascertained according to a complex calculation mechanism as an annual average of the actual personnel deployed (for example: minus the number of staff absent for more than 20 working days in a single quarter for reasons other than vacation and/or further-training). Re 3: The number of supreme court professional judges is based on judicial statistics. These data are collected and collated every two years (last updated 31/12/2016).

**(2016):** The information provided counts the number of full-time equivalent staff. There are no absolute figures for the number of persons making up this staff. A judge working full hours is counted as a full-time equivalent (i.e. 1). A judge working part-time is counted as a fraction of 1. This fraction corresponds to the number of hours worked in relation to a full-time equivalent (e.g. 0.5 for a judge working half the usual number of hours). Re 1 and 2: Information based on staffing overviews. These data are ascertained according to a complex calculation mechanism as an annual average of the actual personnel deployed (for example: minus the number of staff absent for more than 20 working days in a single quarter for reasons other than vacation and/or further-training). Re 3: The number of supreme court professional judges is based on judicial statistics. These data are collected and collated every two years (last updated 31/12/2016).

**(2015):** The data refer to the year 2014. At present, no more recent data are available. This information relates to manpower percentages. There are no absolute figures for the number of persons. As to the information regarding manpower percentages, a judge working full-time is counted as 1. A judge who works part-time is counted as a portion of 1, depending upon his work hours as a percentage of full-time (e.g. 0.5 for a judge who works half of the full-time working hours).

As to 1. and 2.: The information is based upon summaries of the staff. This data is derived from a complex calculation key as an annual average value of the actual personnel deployed (for example, excluding employees who were not present more than 20 working days during a quarter for reasons other than holiday and/or training).

As to 3.: The number of professional judges at the highest courts of law is based upon judicial statistics. This data is collected every two years and compiled into an overview (most recent: 31 December 2014).

## **Greece**

**(2018):** There is not a specific reason for the discrepancy of point 3. The number 243 is a result of the subtraction of points 1 and 2 from the total number of professional judges (1+2+3), just as last year.

**(2016):** Previous data concerning the number of second instance judges did not, inadvertently, include all the ranks for penal, political and administrative justice. Accordingly, this year the number is higher and explains also the variation in the total. It should be mentioned that the number of judges at the courts of Peace, which on 31/12/2016 was 880, is not taken into consideration since they have a separate procedure entering the judiciary and they are a separate category within it.

**(2014):** Data provided for 2014 are accurate. The variation observed in respect of the number of second instance judges, namely the decrease between 2013 and 2014, is due to the fact that in contrast with the previous exercise, administrative judges are not counted in this category for 2014.

**(2013):** In 2013, justices of peace are included, while Court of Auditors' judges are not considered in the total.

**(2012):** For the 2012 evaluation, the total number subsumed judicial officials of the civil-penal and administrative courts. It should be noticed that 688 magistrates were not included, as well as Court of Auditors' judges.

**(2010):** In the frame of the 2010 evaluation, the total number of judges (3 313) was detailed in the following way: 2041 associate judges (first instance, second instance and Supreme Court judges); 159 judicial officials of the Council of State; 551 magistrates; 562 first instance, second instance and Supreme Court presidents.

## **Hungary**

**(General Comment):** Since 2012 and the establishment of the National Office for the Judiciary, the data collection methodology is the same. Accordingly, the number of first instance professional judges includes judges of the District Courts and the Administrative and Labour Courts. As second instance judges are counted judges of the Regional Courts and the Regional Courts of Appeal. As concerns the Regional Courts, the distribution of first and second instance cases is based on the bylaws which are renewed every year by the president of each court after consultation with the judicial council and the professional department of the court. The number of Supreme Court judges is indicated in item 46.3.

**(2018):** There are additional 48 judges assigned to the National Office for the Judiciary (for work in accordance with judicial administration) and to the Ministry of Justice (to help the legislative work of the ministry). These judges do not hear cases while they are assigned.

**(2017):** There are additional 34 judges assigned to the National Office for the Judiciary (for work in accordance with judicial administration), and 4 judges assigned to the Ministry of Justice (to help the legislative work of the ministry). These judges do not hear cases during their assignment.

**(2016):** There are additional 35 judges assigned to the National Office for the Judiciary (for work in accordance with judicial administration), and 9 judges assigned to the Ministry of Justice (to help the legislative work of the ministry). These judges do not hear cases while they are assigned.

**(2014):** In 2014, 26 judges were assigned to the National Office for the Judiciary (for work in accordance with the judicial administration) and 7 judges were assigned to the Ministry of Justice (to contribute to the legislative work of the ministry). These judges do not hear cases when carrying out their specific missions within the NOJ and the Ministry of Justice.

**(2013):** The number of Supreme Court female judges decreased between 2010 and 2012, while the number of Supreme Court male judges increased between 2012 and 2013. There is no specific reason in this respect, as the vacant positions are filled through an open application process, where the gender of the applicants is not taken into consideration in any way.

**(2012):** The number of Supreme Court female judges decreased between 2010 and 2012, while the number of Supreme Court male judges increased between 2012 and 2013. There is no specific reason in this respect, as the vacant positions are filled through an open application process, where the gender of the applicants is not taken into consideration in any way.

## **Ireland**

**(2018):** Number of first instance professional judges refers to ordinary judges of the District Court, ordinary and specialist judges of the Circuit Court and ordinary judges of the High Court - including Court Presidents.

**(2017):** Number of first instance professional judges refers to ordinary judges of the District Court, ordinary and specialist judges of the Circuit Court and ordinary judges of the High Court - including Court Presidents. As at 31 December 2017 there were three serving female Supreme Court judges.

**(2016):** Number of first instance professional judges refers to ordinary judges of the District Court, ordinary and specialist judges of the Circuit Court and ordinary judges of the High Court - including Court Presidents. As regards the number of Supreme Court judges, the figures reflect a reduction in the actual number of judges compared to the number reported in the previous reporting cycle.

**(2015):** The discrepancy between the total figures and the figures for gender is explained by vacancies in the judiciary's establishment, as follows: Supreme Court: 1; High Court: 1; Circuit Court: 2.

First instance judges are judges of the High Court, Circuit Court and District Court. The High Court and Circuit Court also exercise appellate jurisdiction.

Numbers above include Court Presidents.

**(2014):** In 2014 Category 2 (2nd instance judges) was included since the new Court of Appeal was established only in 2014.

## Italy

**(General Comment):** The specialized first instance courts that are not administered and financed by the Ministry of Justice (regional administrative courts, regional audit commissions, local tax commissions and military courts) are not taken into consideration at question 46.

**(2018):** The above figures include 6634 ordinary judges and 381 administrative judges.

**(2017):** An upward trend in respect of the number of female judges in the Supreme Court: in Italy, the High Council of the Judiciary is competent for the transfers of judges from one office to another. This transfer procedure generally takes place once or twice a year. The number of open positions for each court is proportional to the percentage of vacancies in that particular court. During the last few years, there were occasions where the positions made available at the court of cassation were a bit higher than number one would have expected according to the percentage of vacancies. Hence, more judges applied for the vacancies at the court of cassation compared to other courts. To date the vacancies at the court of cassation are about 4% of the total number of positions. As a matter of fact the penetration of female judges shows a positive trend. In first and second instance courts the penetration is already over 50%. At court of cassation level there is much room for improvement.

**(2015):** The overall reduction of judges between 2014 and 2015 is partly due to the effect of the recent labor reform that lowered the mandatory retirement age for judges from 75 to 70.

**(2013):** In the frame of the 2013 exercise, it has been specified that in the last few competitive exams held in Italy the percentage of women was higher than this of men. Owing to that, a positive variation can be observed in respect of the number of female judges between 2010 and 2013.

## Latvia

**(2017):** The changes in the number of judges at the Supreme Court are the outcome of the court reform developing pure three instance level court system. Until 2014 there were both appellate and cassation courts within the Supreme Court. Until end of 2014 and 2016 respectively there were additional appellate chambers dealing with criminal and civil cases. Since beginning of 2017 the number of judges at Supreme Court (cassation instance) is stable – 36.

**(2014):** The number of male judges in the Supreme Court decreased per 5 judges between 2012 and 2014 due to various reasons: three male judges retired (having reached maximum age to hold an office of a judge, which is 70 years in Latvia); two male judges returned to regional courts (because they worked in the Supreme Court temporarily, during the vacancy of a judge); one male judge passed away in 2014; one new male judge came to work in the Department of Civil Cases of the Supreme Court.

## Lithuania

**(General Comment):** The methodology of presentation of data reflects the peculiarities of the Lithuanian court system. Namely, as the regional courts function not only as courts of appeal, but also as courts of first instance (Article 19 of the Law on Courts of the Republic of Lithuania), the number of judges of these courts is included in the 1st section. Accordingly, the latter indicates the number of judges of district courts, regional courts and regional administrative courts. Likewise, given that the Supreme Administrative Court is the court of appeal (although the rulings of the Supreme Administrative Court of Lithuania are final and not subject to appeal) the number of judges of this court is encompassed in the 2nd section. The latter indicates the number of judges of the Court of Appeal of Lithuania and the Supreme Administrative Court of Lithuania. The 3rd section indicates the number of judges of the Supreme Court of Lithuania.

**(2017):** Please see general comments.

**(2010):** The increase of the number of judges between 2008 and 2010 may be explained by the filling existing free places for judges, i.e. only the number of working judges increased and not the number of judges determined by law.

## Luxembourg

**(General Comment):** Item 1 "number of first instance professional judges" comprises judges of district courts, the administrative tribunal and justices of peace. Item 2 "number of second instance professional judges" encompasses judges of the court of appeal of the Superior Court of Justice and the administrative court. Item 3 "number of Supreme Court professional judges" refers solely to the Court of cassation judges.

**(2018):** The staff of the judicial and administrative courts has grown steadily in the recent years, as established by the amended law of 7 March 1980 on judicial organization. This explains the significant variations observed between 2016 and 2018 in the judiciary and non-judge staff. According to the judicial organisation of Luxembourg, there is a Superior Court of Justice, composed of the Court of Cassation and the Court of Appeal. The judges of the Superior Court of Justice belong to both the Court of Cassation and the Court of Appeal. If, legally speaking, these are separate positions, in practice the five judges of the Superior Court of Justice occupy two positions and they are therefore counted among the judges of the Court of Appeal as well as at the level of the Superior Court of Justice .

The figures differ from those indicated in the last data collection campaigns on two points. 1) concerning the number of judges at the highest level: starting with 2016, we have distinguished between the judges sitting at the court of appeal and those of the Cour de cassation, which is the highest court in Luxembourg. Until 2016, and as the two courts taken together form the Cour supérieure de Justice (which as such has some very specific competences), we indicated only the total of the judges affected to the Cour supérieure. It might be useful for statistical purposes to distinguish between the two levels. 2) concerning the number of judges at the first level: the figures indicated until 2016 were superior to the real figures, as, erroneously, the prosecutors (which by law are also magistrates affected to these courts) had been included. We corrected this error in 2016.

There has been a major modification in June 2017, by the law of 27th of June 2017 adopting a multiannual program of recruitment into the judiciary and amending the amended law of 7th of March 1980 on judicial organisation, programming the future changes in the staff at the different entities. This law provides for a multiannual program of recruitment of judges and prosecutors during the years 2017-2020. It entered into force in July 2017.

**(2017):** The Act of 27 June 2017 introducing a multiannual programme for recruitment to the judiciary and amending the amended Act of 7 March 1980 on the organisation of the judiciary, defines the number of posts in the various instances. The indicated data correspond to the number of permanent positions actually held in 2017.

**(2016):** The figures differ from those indicated in the last data collection campaigns on two points.

1) concerning the number of judges at the highest level: starting with 2016, we have distinguished between the judges sitting at the court of appeal and those of the Cour de cassation, which is the highest court in Luxembourg. Until 2016, and as the two courts taken together form the Cour supérieure de Justice (which as such has some very specific competences), we indicated only the total of the judges affected to the Cour supérieure. It might be useful for statistical purposes to distinguish between the two levels.

2) concerning the number of judges at the first level: the figures indicated until 2016 were superior to the real figures, as, erroneously, the prosecutors (which by law are also magistrates affected to these courts) had been included. This error has now been corrected.

**(2015):** In 2014, the judges of the Administrative Court were included in the number of judges in the Supreme Court but in 2015 these judges were accounted as second instance judges.

**(2014):** In 2014, the judges of the Administrative Court were included in the number of judges in the Supreme Court but in 2015 these judges were accounted as second instance judges.

**(2013):** To the total number of judges, should be added 4 trainees ("attachés de justice"). The increase in the number of female judges at all instances between 2010 and 2013 is explained by the special attraction for a profession that allows to combine work and family life. Judges of second instance and those of the Court of Cassation are all part of the Superior Court of Justice.

**(2012):** 2012: The total number of professional judges indicated (212) does not correspond to the sum of the number of judges before each instance (227) because some judges have jurisdiction in two courts. For example, the Constitutional Court is composed of judges of the Court of Cassation and the Administrative Court.

**(2010):** For 2010, the total number of professional judges includes magistrates of the Court of Appeal as well as those of the Court of Cassation (both courts form together the Superior Court of Justice) and judges of the Administrative Court. Judges of the Constitutional Court are not counted because they are all under another main jurisdiction.

## Malta



**(General Comment):** In Malta there is no Supreme Court, the Court of Appeal being the Court of second instance. The Constitutional Court, then, is presided over by the 3 judges who compose the Court of second instance also known as the Court of Appeal in its Superior Jurisdiction. It is interesting to notice that 2 judges presiding over the Second Instance Courts also preside over the Civil Court, First Hall and the family Court (which are specialised 1st instance courts). The number of 1st Instance 'judges' also includes magistrates that preside over 1st Instance Courts.

**(2017):** Despite the categorical manner in which the Maltese judiciary have been classified for the purpose of this exercise, it is important to note that the roles of some of the judges are very fluid. Hence, some of the 1st Instance judges preside, when the need arises, over 2nd Instance courts, whilst 2nd Instance judges hear cases at 1st Instance such as at the Civil Court, First Hall or the Civil Court, Family Section.

Throughout 2017, 1 male 1st Instance Judge passed away at the beginning of the year, whilst another 2nd Instance Judge retired towards the end of the year. 1 female Magistrate has been appointed. Care is being taken in order to ensure an equal gender representation in the appointments of the judiciary.

**(2016):** Despite the categorical manner in which the Maltese judiciary have been classified for the purpose of this exercise, it is important to note that the roles of some of the judges are very fluid. Hence, some of the 1st Instance judges sit, when the need arises, in 2nd Instance courts, whilst 2nd Instance judges hear cases at 1st Instance such as at the Civil Court, First Hall or the Civil Court, Family Section.

There has been an increase of 3 female judges at 1st instance since 2014. There was an increase from 15 to 17 female judges at 1st instance in 2015 and a further increase of 1 female judge at 1st instance in 2016. Care is being taken in order to ensure an equal gender representation in the appointments of the judiciary.

**(2015):** Regarding the number of judges, the high percentage variations that might be observed results from the small absolute number of judges that Malta has. Malta has been trying, and there are still on-going efforts, at increasing the number of judges. If between 2010 and 2015 the number of male judges decreased (by 1), this was complemented by an increase in the number of female judges (also by 1).

**(2010):** On the occasion of the 2010 exercise, it was explained that in the past ten to fifteen years, the authorities had promoted the appointment of women in the judicial field.

## Netherlands

**(General Comment):** Since 2010 the provided numbers include court presidents. The number of first instance judges encompasses judges 'overig RA' that cannot be assigned solely to 1st or 2nd instance.

**(2018):** We did not receive information on the number of judges (in fte) working at the High Court. There are 33 judges at the High Court (people, not fte), 20 male / 13 female. Since this concerns only 1% of all judges, we'd suggest to work with these numbers (and accept the small deviation in the calculated total number)

**(2017):** these are number of people (posts); the total number of fte is 2315, this can not be separated for 1st and 2nd instances

NB: data on the number of Supreme Court judges is provided in fte. More precisely, according to the annual report of the Council of State <https://jaarverslag.raadvanstate.nl/2017/> the number was 37.9 fte in 2017.

**(2016):** All data in number of persons. FTE data are only available for the total: 2148.  
Supreme Court NA

**(2015):** Number of deputy judges courts in 2015 = 1.100

The numbers provided in the table are posts. The FTE is available only for the total and it is 2.169. Other categories are NA.

**(2014):** In 2014, the number of first instance judges did not include judges of the Trade and Industry Tribunal, the Supreme Court and the Council of State. The number of second instance judges included magistrates of the Trade and Industry Appeals Tribunal and the Administrative High Court, excluding these of the Supreme Court and the Council of State.

**(2013):** In 2013, the total (1+2+3, and men+women) in fte was 2 181. This was excluding the Supreme Court. The number of first instance judges excluded judges of the Trade and Industry Appeals Tribunal, the Supreme Court and the Council of State. The number of second instance judges included magistrates of the Trade and Industry Appeals Tribunal and the Administrative High Court, excluding these of the Supreme Court and the Council of State.

**(2012):** In 2012, the total (1+2+3, and men+women) in fte was 2 194. This was excluding the Supreme Court. The number of first instance judges excluded judges of the Trade and Industry Appeals Tribunal, the Supreme Court and the Council of State. The number of second instance judges included magistrates of the Trade and Industry Appeals Tribunal and the Administrative High Court, excluding these of the Supreme Court and the Council of State.

**(2010):** In 2010, the total (1+2+3, and men+women) in fte was 2 273. The number of first instance judges did not include judges of the Trade and Industry Appeals Tribunal. The number of second instance judges did not subsume magistrates of the Council of State (Raad van State). The number of 3rd instance judges included one president and 6 vice-presidents.

## Poland

**(General Comment):** The Polish court structure is characterized by four levels of courts but only three instances. Basically, there are district courts which are first instance courts, regional courts which are first and second instance courts, and appellate courts which are second instance courts. The highest instance courts are the Supreme Court, the Supreme Administrative Court and the Constitutional tribunal. Owing to this peculiarity, some judges sit as first and second instance magistrates. According to the methodology of presentation of data that has been chosen, judges of regional courts are counted as first instance judges together with judges of district courts. Only judges of appellate courts are considered as second instance magistrates.

## Portugal

**(General Comment):** For all of the last three exercises, the total includes judges from courts of 1st, 2nd and 3rd instances, except the Constitutional Court.

**(2018):** The number of Supreme Court Judges has been decreasing since 2015. In absolute terms the decrease from 2016 to 2018 is from 82 to 71 judges, which is not significant in absolute terms, but acquires a more relevant expression in relative terms.

**(2017):** As concerns the increase in the number of female Supreme Court judges: the numbers are small, therefore the variation seems important.

**(2014):** In the frame of the 2014 exercise it has been explained that the increase of the number of Supreme Court females professional judges is due to the general tendency of increase of female judges in the last decade at first instance courts. It is natural that gradually the proportion of female judges in the higher courts will tend to grow as a result of their career progression.

## Romania

**(General Comment):** Comment valid for 2010-2016 exercises

The variation of the number of judges at first instance and second instance courts between different CEPEJ evaluation cycles is the result of different method of calculation along the different reports. In Romania there are 4 court levels: first instance courts (judecatorii), tribunals (tribunale), courts of appeal (curti de apel) and the High Court of Cassation and Justice. First instance courts have a general jurisdiction and most of the cases start at this level. The appeals against the decisions of the first instance courts in civil matters are decided at the tribunals. The appeals in criminal matters against the decisions of the first instance courts are decided at the courts of appeal. More important cases may start at tribunals or at the courts of appeal and the appeals against the decisions at these courts are decided by higher courts.

The methodology of presentation of data was the same for 2010, 2012, 2014 and 2016. Namely, judges within courts of first instance (having full competence for judging in first instance) were counted in the category "first instance professional judges", while judges within tribunals and courts of appeal were counted in "second instance professional judges". By contrast, in 2013, judges within tribunals were considered in "first instance professional judges".

**(2018):** In Romania there are four level of courts (first instance courts, tribunals, courts of appeal and the High Court of Cassation and Justice). In line with our previous reports in this matters, in the table above judges from tribunals and courts of appeal shall be included in the category "second instance professional judges", even if according to the procedural provisions in terms of competences tribunals may judge both as first and instance court and for certain procedural circumstances (material and personal) even the courts of appeal may judge in first instance. Moreover even the High Court can judge in first instance for example in criminal cases according to the personal competence rules of procedure.

**(2017):** The number of professional judges sitting in second instance courts (point 2) includes both the number of judges within the courts of appeal and the number of judges within the tribunals.

**(2016):** In Romania there are four level of courts (first instance courts, tribunals, courts of appeal and the High Court of Cassation and Justice). In the table above the judges from tribunals are included in the category "second instance professional judges".

**(2014):** For 2014, in contrast with the 2013 evaluation and akin to the 2010 and 2012 exercises, judges mentioned at 46.1 are judges within first instance courts, while judges mentioned at 46.2 are judges within tribunals and courts of appeal.

**(2013):** On the occasion of the 2013 exercise, it has been specified that after entering into force of the new Codes, in the Romanian judicial system there are three levels of jurisdiction in civil matters and two levels of jurisdiction in criminal matters. Thus, in civil matters, the first instance courts (Judecatorii) rule in first instance. The tribunals rule generally in first instance, but also in appeal (appeal on the merits) and in second appeal (appeal on the law) while the courts of appeal rule, generally, on the appeals, but they may also rule in first instance and in second appeal in the cases expressly provided by law. In criminal matters, the first instance courts rule in first instance. The tribunals rule, generally, as first instance courts while the courts of appeal generally rule on appeal, but sometimes also in first instance. In such situation, judges mentioned at 46.1 are judges within first instance courts and tribunals (first level of jurisdiction), while judges mentioned at 46.2 are judges within courts of appeal.

The increase of the number of Supreme Court judges between 2012 and 2013 is due to the fact that in 2012 and 2013, the Superior Council of Magistracy brought important changes to the Regulation for the promotion of judges to the High Court of Cassation and Justice and 19 judges were promoted.

**(2012):** In the frame of the 2010 and 2012 exercise, judges were categorized according to the following hierarchical system in terms of courts organization: courts of first instance (judecatorii) judging in first instance; tribunals, which are generally courts of appeal on the merits (judge in appeal), but are also ruling in some cases in first instance and in second appeal (appeal on the law/"recurs"); courts of appeal, which are second appeal courts (appeal on the law /"recurs"), but are also ruling in some cases in first instance and in appeal on the merits; the High Court of Cassation and Justice, unique and supreme court, mainly ruling the appeals declared against the judgments of the courts of appeal and of other judgments, in the cases stipulated by law. Thus, at 46.1 were mentioned judges within courts of first instance (having full competence for judging in first instance), while at 46.2 were mentioned judges within tribunals and courts of appeal.

**(2010):** In the frame of the 2010 and 2012 exercise, judges were categorized according to the following hierarchical system in terms of courts organization: courts of first instance (judecatorii) judging in first instance; tribunals, which are generally courts of appeal on the merits (judge in appeal), but are also ruling in some cases in first instance and in second appeal (appeal on the law/"recurs"); courts of appeal, which are second appeal courts (appeal on the law /"recurs"), but are also ruling in some cases in first instance and in appeal on the merits; the High Court of Cassation and Justice, unique and supreme court, mainly ruling the appeals declared against the judgments of the courts of appeal and of other judgments, in the cases stipulated by law. Thus, at 46.1 were mentioned judges within courts of first instance (having full competence for judging in first instance), while at 46.2 were mentioned judges within tribunals and courts of appeal.

## Slovakia

**(General Comment):** The provided total corresponds to the number of judges actually performing their functions. Put differently, judges who are temporary assigned to other institutions (Ministry of Justice, Judicial Academy, other judicial institutions), judges granted maternity leave etc. are not considered in the provided figure. Total number including judges temporary not performing their functions is 1427 (521 men, 906 women).

**(2018):** The provided total corresponds to the number of judges actually performing their functions. Put differently, judges who are temporary assigned to other institutions (Ministry of Justice, Judicial Academy, other judicial institutions including international courts), judges granted maternity leave etc. are not considered in the provided figures. Total number including judges temporary not performing their functions is 1427 (521 men, 906 women).

**(2017):** The increase in the total number of judges is caused by filling the previously designed vacant posts of judges.

**(2015):** The total number of the judges in the records of the Ministry of justice is 1337 (499 males, 838 females) including also judges temporary assigned to the other institution (Ministry of justice, Judicial Academy, other judicial institutions including European and other international courts), the judges at the maternity leave etc.

The decrease in the number of judges in comparison with the previous cycle has been caused by the retirement of the judges whose posts have not been filled yet. The selection procedures for the vacant posts are under way.

**(2014):** In 2014, the total number of judges in the records of the Ministry of justice was 1366 (503 males, 863 females), including judges temporary assigned to other institutions, judges granted maternity leave etc.

**(2013):** In 2013, the total number of judges in the records of the Ministry of justice was 1385 (511 males, 874 females), including judges temporary assigned to other institutions, judges granted maternity leave etc.

**(2012):** In 2012, the total number of judges in the records of the Ministry of justice was 1344 (497 males, 847 females), including judges temporary assigned to other institutions, judges granted maternity leave etc.

**(2010):** In 2010, the total number of judges in the records of the Ministry of justice was 1387, including judges temporary assigned to other institutions, judges granted maternity leave etc.

## Slovenia

**(General Comment):** The provided total number of judges corresponds to the number of de facto occupied judicial posts performing their functions. The number of actual active judges excludes the ones that are on maternity or sick leave, but includes those on annual leave. Some judges are assigned to other duties (eg. to the Judicial council, Ministry of Justice, Supreme court) and are not included in the numbers (figures in comment to the question). The number of full time equivalent based on working hours is also available.

**(2018):** At the end of 2018, 890 judicial posts were formally occupied (FTE), although some posts were de facto vacant (e.g. judge absent due to maternity leave). Nevertheless, we report that 867 professional judges sit in courts (perform judicial function), since the rest of the judges (23 judges - difference to the total of 890 judges) were assigned to other duties (e.g. the Ministry of Justice, the Supreme Court, the Judicial Council) and do not sit in courts. The actual presence is also calculated, based on number of hours judges are actually present in court (excluding the maternity or sick leave, but including the annual leave).

The number of judges in the Slovenian judicial system in 2018 was 796 according to actual presence calculations.

**(2017):** At the end of 2017, 889 judicial posts were formally occupied (FTE), although some posts were de facto vacant (e.g. judge absent due to maternity leave). Nevertheless, we report that 869 professional judges sit in courts (perform judicial function), since the rest of the judges (20 judges - difference to the total of 889 judges) were assigned to other duties (e.g. the Ministry of Justice, the Supreme Court, the Judicial Council) and do not sit in courts.

The actual presence is also calculated, based on number of hours judges are actually present in court (excluding the maternity or sick leave, but including the annual leave)

The number of judges in the Slovenian judicial system in 2016 was 795,54 according to actual presence calculations.

**(2016):** At the end of 2016, 897 judicial posts were formally occupied (full-time equivalent method), although some post were de facto vacant (e.g. judge absent due to maternity leave). The actual presence is also calculated, based on number of hours judges are actually present in court (excluding the maternity or sick leave, but including the annual leave). The number of judges in Slovenian judicial system in 2016 was 811,52 according to actual presence calculations.

Nevertheless, we report that 880 professional judges sit in courts (perform judicial function), since the rest of the judges (17 judges - difference to the total of 897 judges) were assigned to other duties (e.g. the Ministry of Justice, the Supreme Court, the Judicial Council) and do not sit in courts.

**(2015):** At the end of 2015, 912 judicial posts were formally occupied (full-time equivalent method), although some post were de facto vacant (e.g. judge absent due to maternity leave). The actual presence is also calculated, based on number of hours judges are actually present in court (excluding the maternity or sick leave, but including the annual leave). The number of judges in Slovenian judicial system in 2015 was 829,39 according to actual presence calculations.

Nevertheless, we report that 897 professional judges sit in courts (perform judicial function), since some judges were assigned to other duties (they do not sit in courts):

- 11 are appointed to the Supreme Court: General Secretary of the Supreme Court (1), informatisation projects (8), case law (1) and other projects (1),
- 2 are appointed to the Judicial Council and
- ?2 are appointed to the Ministry of Justice.

We reported the Administrative court as the first instance court (Q42 and Q91). However, the law requires for the Administrative court judge to be a higher judge (2nd instance judge), therefore the Administrative court judges are included as the 2nd instance professional judges.

**(2012):** In 2012, In the previous evaluation cycle the judges of administrative court were included in the number of second instance judges, since they have a position of higher judges. Regarding the fact they judge in first instance administrative cases and to ensure compatibility with the answer for Q42 where Administrative Court is classified as a first instance court, from 2012 they are included in the number of first instance judges. The variation with 2010 is due to this change.

**(2010):** In 2010, the judges of administrative court were included in the number of second instance judges, since they have a position of higher judges regardless that they deal with first instance cases.

## Spain

**(2010):** The figures presented for 2010 refer to the number of professional judges on active service on 1 January 2011, except for those who were on leave.

It is noteworthy that the observed vertical inconsistencies are justified by the particular category of territorial judges (31, 23 males and 8 females). The peculiarity of the latter consists in the impossibility to classify them in a specific instance. Basically, they are attached to second instance courts but most of them practice in first instance courts. Owing to that, they are included in the total number of professional judges.

Within the frame of an overall reform process in respect of the judicial system, the Council of Ministers approved the creation of 150 new judicial units in 2010: 134 courts, 16 posts for judges (National High Court and Regional High Courts of Justice) and 50 posts for territorial judges. The latter are a new figure foreseen by the Strategic Plan for Modernization of the Justice System, intended to promote occupation of judicial posts by highly qualified professional judges.

## Sweden

**(General Comment):** Owing to the fact that the Supreme Court judges are few, the variations affecting the distribution male/female could appear significant in terms of percentage, while in actual numbers the difference is not that significant (one or two judges). The statistics need to be viewed over a longer period of time.

**(2017):** The increase in the number of professional judges is due to the fact that the Migration Courts has employed a lot of new people due to an increase of cases.

## Question 52

### Austria

**(General Comment):** The category "other non-judge staff" includes Kanzlei responsible for handling of case files.

**(2018):** Handling of case files ("Kanzlei")

**(2017):** The data also include those of administrative courts.

**(2016):** This cycle administrative courts were taken into account for the first time.

The administrative courts were established January 1st 2014. After their establishment the data of the administrative courts is introduced this cycle for the first time.

**(2015):** The right (not rounded) numbers are:

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) 4734,55 - 1407,08 - 3327,47

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal 798,11 - 331,63 - 466,48
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) 19,05 - 1 - 18,05
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) 439,56 - 155,86 - 283,70
4. Technical staff 21,70 - 9,85 - 11,85
5. Other non-judge staff 3456,13 - 908,74 - 2547,39

**(2014):** As previously specified, in the frame of the 2014 exercise, the numerical values in the table have been rounded in order to comply with the new CEPEJ methodology. The most exact replies for this period would be:

Total non-judge staff working in courts: 4 704,51 (1 388 Male, 3 316,51 Female)

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to Appeal: 784,78 (320,21 Male, 464,57 Female)
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions): 19,18 (1 Male, 18,18 Female)
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management): 438,97 (159,85 Males, 279,12 Females)
4. Technical staff: 23,05 (9,95 Males, 13,10 Females)
5. Other non-judge staff: 3 438,53 (896,99 Males, 2 541,54 Females)

**(2010):** On the occasion of the 2010 exercise, it was specified that some persons of the cleaning staff were – still - employed by the courts and were counted in the category “technical staff”. In the case of retirements, the posts were not filled in any longer because usually this kind of work is done by external cleaning companies.

## Belgium

**(2013):** The number of women per category is as follows: Total: 3839,45; category 2: 1212,62; category 3: 2031,93; category 4: 594,90.

**(2012):** 2012: The 2d category "non-judge staff whose task is to assist the judges such as registrars" covers clerks and referendaries; the 3d category "staff in charge of different administrative tasks" includes HRM staff, seconded staff to specific authorities of the judicial organisation and administrative staff of the court registry. This distribution can be presented with the following figures: Total: 5457,95 (3930,35 women); 2: 1707,72 (1166,52 women); 3: 2766,23 (2075,73 women); 5: 984 (688,10 women).

## Bulgaria

**(General Comment):** Since 2012, the category “other” encompasses the number of non-judge staff employees working in the recreational field, while in 2010 it subsumes the number of court assistants.

**(2017):** These are the staff employed in the recreational establishments of the Supreme Administrative Court and the Supreme Court of Cassation such as: manager of the training center, chefs, worker in the kitchen, bartender, waiter, tendant.

**(2015):** Unlike the previous evaluation cycles, now we indicate the figure 502 – technical staff (it includes drives, cleaning staff, guards, etc.), which reduce the number of the employees engaged with administrative tasks and court management under number 3.

Other non-judge staff includes 55 court servants working in recreation department.

**(2013):** The number of non-judge staff assisting judges includes the number of all court staff from the so called specialized administration supporting judges, including court secretaries and court assistance, while for 2010 it subsumes only court secretaries. The category “staff in charge of different administrative tasks” subsumes the number of non – judge staff of general administration.

**(2012):** The number of non-judge staff assisting judges includes the number of all court staff from the so called specialized administration supporting judges, including court secretaries and court assistance, while for 2010 it subsumes only court secretaries.

## Croatia

**(General Comment):** The total number of non-judicial staff is a result of a deduction and subsumes only actually working staff. Thus, the total does not include staff on unpaid leave; staff on maternity leave; staff suspended after disciplinary procedures; staff transferred to other State bodies (for example the Ministry of Justice or Judicial Academy). Besides, two non-judicial officials working half-time (for the reason of care for a child with special needs) are counted as 1 non-judicial official. The reason for fluctuation and differences in the number of Rechtspflegers in Republic of Croatia is that they work for 2 years, then prolonged 5 years and then they get a permanent post or not.

**(2015):** The Republic of Croatia submits correct numbers of non-judge staff who are working in courts for previous cycles (2012, 2013 and 2014), because in the previous cycles this number included the staff working for public prosecutors. Therefore, the correct numbers for these cycles are as follows:

### 2012.TotalMalesFemales

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)6 2348705 364

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal31165246
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)4 6484214 227
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)544105439
4. Technical staff  
731  
279  
452

### 5. Other non-judge staff

### 2013.TotalMalesFemales

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)6 2228735 349

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal28563222
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)4 6434244 219
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)562107455
4. Technical staff  
732  
279  
453

### 5. Other non-judge staff

**(2014):** On the occasion of the 2014 exercise, it has been explained that in 2013, the number of “Rechtspfleger” included judicial advisors because they work autonomously on cases, on the one hand, and staff who are not judges, but who can enact decisions (land registry officials and court registry officials), on the other hand. In 2014, the interpretation changed and judicial advisors were moved to category 2 “non-judicial staff whose task is to assist the judges” since they work autonomously but their decision must be signed by a judge. The other category of staff who are not judges, but who can enact decisions are still included in Rechtspfleger.

**(2013):** In the frame of the 2013 exercise, it has been indicated that the significant variations that can be noticed for the period 2012-2013 in respect of certain sub-categories are due only to a different methodology of classification followed in 2012 and 2013. In other words, the total is slightly different for the two years. More specifically, in 2013, with regard to the sub-category "staff in charge of administrative tasks" within item no 3 staff in charge of various administrative tasks and management of courts was counted, and in item no 2, the Ministry of Justice counted in this item the staff working as clerk of the court, who also simultaneously work in the capacity of clerks in court management in smaller courts, where the president of the court is also a judge. This was shown as increase in comparison to 2012, when the clerks of the court were counted within item "non-judicial staff assisting judges". Following everything said above, the real increase did not occur.

## Cyprus

**(General Comment):** The total number of non-judge staff includes clerical staff and also court bailiffs.

**(2018):** Court bailiffs are included in category Other.

**(2017):** court bailiffs

**(2016):** court bailiff

in 2014 the correct number for male no judge staff assisting the judge should be 9

Question 52: if we change the number of male non judge staff assisting the judge for 2014 from 23 to 9, we must also change the number of non-judge staff assisting judges from 143 to 129 and also the total from 462 to 448. Do you agree on up-dating in this way 2014 data in order to ensure the consistency of the table? the numbers for 2014 must also be changed

**(2015):** Between 2014 and 2015, there was a change in the distribution of non-judge staff. In 2014, in the category "staff in charge of administrative tasks", only the number of high-level administrative staff was included. The other administrative staff were included in the category "other non judge staff". Whereas in 2015, all administrative staff were included in the category "staff in charge of administrative tasks". This change of distribution leads to significant variations.

**(2014):** Variations concerning data on different categories of non-judge staff are due to different methodology of presentation of data used for 2014 and the previous evaluations.

## Czech Republic

**(General Comment):** The category "other" encompasses for 2010 judicial trainees or staff in charge of court documentation. For 2012, 2013 and 2014, besides the already mentioned components, it subsumes also press centre and telephone exchange.

**(2017):** Other - judicial trainees, staff in charge of court documentation, press centre and telephone exchange.

**(2016):** Other - judicial trainees, staff in charge of court documentation, press centre and telephone exchange.

**(2015):** In 2015, compared to 2014, the number of non-judge staff increased due to a project financed from the European social fund and state budget: "Project on improvement of the efficiency of courts by strengthening of the administrative capacities". The project is running until 30th December 2015.

**(2014):** In 2014, the number of non-judge staff increased due to a project financed from the European social fund and State budget: "Project on improvement of the efficiency of courts by strengthening of the administrative capacities". The project is running until 30th December 2015.

## Denmark

**(2017):** "other non judge staff" - in 2017 there was no staff to fit into this category.



**(2016):** The 2016 data on the number of rechtspflegers is correct. The discrepancy that occurs compared to 2014 data is due to a mistake in the 2014 numbers.

## Estonia

**(General Comment):** A pilot project has been introduced in 2013 in one county court consisting in providing each judge with a personal legal assistant. After the first year of the pilot project, the average proceeding times in civil cases in that particular court dropped from 201 days to 160 days; after the second year the average proceeding times dropped further to 132 days. In 2015, the project has been extended to all first and second instance courts.

Basically, the differences in figures in the sub-categories between 2010 and the following years are due to the different categorisation of court staff.

**(2018):** Court interpreters are in the category "other non-judge staff".

**(2017):** The increase in the number of male staff in charge of administrative tasks is due to the general movement of personnel.

"Other non-judge staff": Court interpreters.

**(2016):** The observed variations in the numbers with regard to the different sub-categories are due to a general movement of staff.

In 2015, a reform of the Land Registry and Registration Department was carried out, during which the four districts were brought together registry and land registry departments to the Tartu County Court, thus establishing one land registry department and one registry office. The reform involved significant optimization of work processes and dossiers which resulted in the reduction of staff working in the registers. The objectives and results of the reform were largely achieved because registries are kept electronically, and individuals can largely interact with the registers, transmit and receive documents receive electronically.

**(2015):** Other non-judge staff is court interpreters.

**(2014):** On the occasion of the 2014 evaluation, the attention was drawn on the pilot project introduced in 2013 in one county court consisting in providing each judge with a personal legal assistant who had to have a master's degree in law and whose salary was increased to 50% of the judge's salary. As a result, judges could delegate more functions to assistants and the quality of the support provided by their assistants increased.

After the first year of the pilot project, the average proceeding times in civil cases in that particular court dropped from 201 days to 160 days; after the second year the average proceeding times dropped further to 132 days.

At present, the project has been introduced in all first and second instance courts too.

**(2013):** Since 2013, the second category includes a new position among court staff – judicial clerk. The latter was established in order to raise the qualification level of the non-judge staff working in the courts and thus improve the quality and efficiency of the performance of the courts. Judicial clerks have to have a master's degree in law and their salary represents 50% of the judge's salary. They assist judges in the administration of justice, participating in the preparation of the court cases or in the court proceedings to the extent prescribed by law. In the course of efficiency raising projects in first and second instance courts, judicial clerks replace step by step former consultants. As a result of the project, there is one judicial clerk for every judge as a personal assistant.

In 2013, the efficiency raising project was implemented in the largest court of general jurisdiction as a pilot (Harju County Court) and therefore the increase in the number of non-judge staff (category 2) can be seen. After the first year of implementation, the average proceeding times in civil cases in that particular court dropped from 201 days to 160 days; after the second year the average proceeding times dropped further to 132 days.

In 2015, the project has been introduced in all first and second instance courts too.

**(2012):** For the period 2010-2012, a significant variation is observed with regard to the item "non-judge staff assisting the judges". In this respect, it is noteworthy that the overall number of court staff has not changed much during the last years: 976 (2010), 957 (2012) and 990 (2013). Basically, the differences in figures in the sub-categories between 2010 and 2012 are due to the different categorization of court staff.

## Finland

**(General Comment):** The Finnish court staff organisation does not correspond to the CEPEJ subcategories. Therefore, only the total of non-judge staff can be provided for the question 52. Office staff has tasks mentioned in the categories 2-5. Summoners' tasks are for example to serve summons, subpoenas and other documents. Trainee judges have the same responsibility as judges but they do not have competence to deal with difficult cases. They are always appointed for a fixed term period (one year). In the courts of appeal, the administrative courts, the Supreme Court, the Supreme Administrative Court, the Labour Court and the Market Court a referendary prepares and presents a case to the judges but the final judgment is decided by the judges. The tasks of trainee judges and referendaries correspond to the categories 1 and 2.

**(2018):** The total non-judge staff includes office staff 1435, summoners 263, trainee district judges 136 and referendaries 297.

**(2017):** Office staff 1440, summoners 263, trainee judges 122, referendaries 312

**(2016):** office staff 1473, summoners 248, trainee district judges 136, junior district judges 1, referendaries 312

**(2015):** office staff 1428, summoners 265, trainee district judges 138, junior district judges 5, referendaries 309

**(2014):** For the 2014 exercise the total of 2 161 subsumes 1 434 office staff, 266 summoners, 136 trainee district judges, 7 junior district judges and 318 referendaries.

**(2013):** For 2013, the total of 2 196 subsumes 1445 office staff, 265 summoners, 133 trainee district judges, 7 junior district judges, 346 referendaries.

**(2012):** For 2012, the total of 2 214 subsumes 1447 office staff, 264 summoners, 129 trainee district judges, 9 junior district judges, 365 referendaries.

**(2010):** For 2010, the total of 2 285 subsumes 1479 office staff, 272 summoners, 130 trainee district judges, 15 junior district judges, 389 referendaries.

## France

**(2018):** With the exception of heading 5 "Other non-judge staff", the distinction between staff attached to judges and staff attached to prosecutors is not possible

At the date of 31/12/2018, 1,173 category A and B staff (including 1,003 women) were in initial training at the National School of Registries, most of whom were on practical training in the courts. These staff will join the courts in 2019 or 2020, which will significantly increase the number of staff working in the courts and regional administrative services.

"Other non-judge staff" includes specialised assistants and assistant lawyers who assist non-judge prosecutors in their duties.

The detail by function and gender is as follows:

Categories Total Male Female

Specialized assistants 23 13 10 10

Assistant lawyers 245 53 192

Total 268 66 202

**(2017):** The distinction between staff attached to judges and staff attached to prosecutors is not possible. Namely, the sub-category 2 encompasses specialised assistants (31) and assistant lawyers (242), who assist civil and penal judges or prosecutors in the preparation of case files.

**(2016):** No distinction is possible between staff attached to courts and staff attached to public prosecution services. The category "Other non-judge staff" refers to specialized assistants (18) and legal assistants (111) who work in civil and penal courts.

**(2015):** It should be noted that as of 31 December 2015, 1013 categories A and B staff (including 886 women) were in initial training at the Ecole nationale des greffes (French National School for Registrars), most of them in practical training in courts. This high volume of staff has joined the courts in 2016 or will do so in 2017, which will increase the number of staff actually working in the courts and regional administrative offices.

The distinction between staff in charge of assisting judges and staff in charge of assisting prosecutors is not possible. The latter are therefore part of the figures provided.

**(2013):** The 2013 data relating to court staff comprises the staff appointed to judges and public prosecutors. It is not possible to separate them.

Significant recruitments are ongoing in the judiciary. On 31 December 2013, 1064 agents of categories A and B (among which 931 women) were in initial training. These agents joined the judicial jurisdictions in 2014 or will do in 2015.

Among the 21946 non-judge staff, 1911 were appointed to the administrative jurisdictions, that is to say 476 (among which 351 women) in category 2, 1326 (among which 991 women) in category 3 and 109 (among which 72 women) in category 4.

The size of the administrative order is bigger than in 2012 (+132 FTE), because the field was specified. If the size of the courts and courts of appeal are stable (1499), on the contrary the 274 agents of the State Council counted in 2012 were appointed to a support function; they are therefore excluded from the 2013 figures. However, the size of the litigation section of the State Council (juridict section strictly speaking) represents 87 FET. The number of staff of the national court for asylum right has also been taken into account in categories 2, 3 and 4 for a total of 325 FET, while this specialised administrative jurisdiction was not counted until now.

The share of women in the total staff is:

1. Total number of non-judge female staff working in courts: 18215
2. Staff in charge of assisting judges in the manner of registrars: 15662
3. Staff in charge of tasks relating to administration and management of courts: 2300
4. Technical staff: 253

In 2013, the State Council distributed non-judge staff which was before included in the category "other non-judge staff" in the proposed categories.

This is especially the reason why there is an increase of the staff in charge of administrative tasks between 2012 and 2013. It is explained by the redistribution of the category "other non-judge staff" carried out in 2013 to the category "staff in charge of administrative and management of the court tasks".

**(2012):** On 31 December 2012, 1039 staff in Categories A and B were in initial training at the National School for Registrars, most of them in practical training in the courts. This important volume of agents joined the jurisdictions in 2013 or will do so by 2014, which will increase the number of agents actually in office in courts and regional administrative services.

The data of the administrative courts are classified as "other non-judge staff". Because of the versatility of non-judges of administrative courts and administrative courts of appeal, non-judge staff cannot be integrated in any of the categories mentioned. This concerns 1,505.5 FTE. Also for the State Council, the number of FTEs of these non-judge staff: 274 FTE (151 women / 130 men, not available FTE for the male / female distribution) (source: General Secretariat of the State Council). This categorisation due to the versatility of the staff in administrative justice can explain the difference found in the "other non-judge staff" between 2010 and 2012.

**(2010):** The total includes civil servants working in administrative courts as well as the staff attached to judges and public prosecutors. It also subsumes the staff in charge of tasks related to administration and management of 1st and 2d instance administrative courts. The category "other" includes judicial assistants who are non-permanent staff assigned to assist judges in decision making (237,62 FTE) and seasonal contracts (250,92 FTE).

## Germany

**(General Comment):** - The information relates to job shares of employees who were released for training and further training with no remuneration claim; who were released to work in staff representations and representations of persons with serious disabilities, and as equality commissioners; employees in a special facility, in the entry and security service, in telephone exchanges, in the car pool, in the area of cleaning and other wage-earners.

- The information relates to job shares for employees without a judicial office from personnel deployment. The information in personnel deployment is not collected according to key dates. The annual average of four quarters is formed. There are no absolute figures for the number of persons. The information on the job shares counts a judge working full-time as 1. A judge working part-time is counted as the fraction of 1 which corresponds to the proportion of his/her working hours to full-time (e.g. 0.5 for a judge working half the usual number of hours). - Figures for the Federal Courts are not included.

**(2017):** This figures denotes the number of staff (full-time equivalent) who are:

- granted unpaid leave for training/further-training purposes,
- released to work in staff representation bodies, as representatives for staff with disabilities, and as gender equality commissioners,
- employed in a special facility,
- employed as reception/security staff,
- employed by the court switchboard,
- motorpool staff,
- cleaners and other non-salaried personnel

**(2016):** This figures denotes the number of staff (full-time equivalent) who are:

- granted unpaid leave for training/further-training purposes,
- released to work in staff representation bodies, as representatives for staff with disabilities, and as gender equality commissioners,
- employed in a special facility,
- employed as reception/security staff,
- employed by the court switchboard,
- motorpool staff,
- cleaners and other non-salaried personnel

Comments:

These are personnel-deployment figures denoting the number of full-time equivalent employees not exercising judicial office. Personnel-deployment figures are not collected according to reference date. Instead, an annual average is calculated over four quarters. There are no absolute figures for the number of persons making up this staff. An employee working full hours is counted as a full-time equivalent (i.e. 1). An employee working part-time is counted as a fraction of 1. This fraction corresponds to the number of hours worked in relation to a full-time equivalent (e.g. 0.5 for an employee working half the usual number of hours). Figures for the federal courts are not included.

**(2014):** The 2013 and 2014 data are the same due to the impossibility to obtain data for 2014. The trend observed since 2010 reveals stable figures.

## Greece

**(2016):** Previous data did not, inadvertently, exclude staff working for the public prosecution services.

**(2010):** On the occasion of the 2010 exercise, it has been indicated that there is no differentiation between staff assisting judges and staff assisting prosecutors.

## Hungary

**(General Comment):** • Court secretaries („bírószági titkár”) are employees of the court that are similar to Rechtspfleger. They are lawyers, who after acquiring a degree at a law faculty have made the bar exam (which requires at least 3 years professional practice). They are enabled to perform duties of judges in cases specifically defined by law.

According to the Constitution when a court secretary is dealing with a case he/she has the same independence as a judge. In criminal cases they can make out of trial decisions (e.g. order an expert to be included in the case), or they can hear witnesses on request of another court. This practically means they assist the judges in pre-trial phase of the case. In misdemeanour cases they adjudicate the case - this is an area of law in which mostly court secretaries deal with cases of first instance. In civil and labour cases they can make any decision that can be made without hearing the case. This practically means they assist the judges in pre-trial phase of the case. In administrative non-litigious cases they can make any decision that can be made without hearing the case. In company registry cases they can make every decision, as well in insolvency cases (with some exceptions).

• From 2012, the category "non-judge staff assisting judges" includes only staff directly assisting judges. • Other non-judge staff includes staff in charge of different administrative tasks and of the management of the courts (3) and technical staff (4).

**(2018):** Other non-judge staff includes staff in charge of different administrative tasks and of the management of the courts (3) and technical staff (4).

**(2017):** Other non-judge staff includes staff in charge of different administrative tasks and of the management of the courts (3) and technical staff (4).

**(2016):** Other non-judge staff includes Staff in charge of different administrative tasks and of the management of the courts (3) and technical staff (4).

**(2015):** For the gender ratio we are only able to provide the total figures.

Other non-judge staff (5) includes Staff in charge of different administrative tasks and of the management of the courts (3) and technical staff (4).

**(2014):** In 2014, the category "other non-judge staff" includes "staff in charge of different administrative tasks and of the management of the courts" and "technical staff".

As to the category "other" and the observed variation between 2013 and 2014, it is due to different methodologies of presentation of data. Some of those judicial employees who in 2012 were counted as non-judge staff whose task is to assist the judges such as registrars are taken into account for 2014 in the category "other non-judge staff".

**(2013):** The resort to a different methodology of presentation of data in 2013 gave the impression of a decrease in the number of non-judge staff assisting judges. Some of those judicial employees who in 2012 year were included in the category "non-judge staff whose task is to assist the judges such as registrars" were taken into account in the category "other non-judge staff".

The category "other non-judge staff" included in 2013 the total number of "staff in charge of different administrative tasks and of the management of the courts" and "technical staff" because these numbers could not be separated within the national database.

**(2012):** In 2012, it has been specified that court secretaries are enabled to perform duties of judges in cases specifically defined by law. In connection with this, it has been explained that the increase of the number of Rechtspfleger between 2010 and 2012 was mainly due to the expanding scope of their authority according to the amended procedural codes. One of the main strategic goals of the NOJ was to rationalize the courts human resources and so to decrease the administrative workload of judges. Year by year more administrative tasks and cases of lesser difficulties (e.g. misdemeanor cases) are dealt by Rechtspfleger.

The difference in the number of non-judge staff assisting judges was the result of a different interpretation of the question. In 2012, this category included only staff directly assisting judges while in 2010, it encompassed other staff as well. In 2012, staff whose task does not consist in directly assisting judges was included in the item "other".

## Ireland

**(General Comment):** Staff numbers in the Irish Courts Service are computed on the basis of "Full-time equivalent" resources, requiring that staff numbers include decimal points, reflecting part-time, work-sharing and other reduced time working arrangements. As decimal points are not imputable to this question in the data base, it has been necessary to round up or round down figures.

**(2017):** As concerns the increase observed in the number of female staff in charge of different administrative tasks, additional staff have been employed since the last reporting cycle.

**(2016):** With regard to the category "staff in charge of different administrative tasks", additional staff have been employed since the last reporting cycle.

**(2015):** Figures have rounded up or down to adjust for the fact that actual personnel resource numbers are calculated to decimal points to reflect employment of part of a full-time personnel resource (e.g. where work-sharing arrangements are in place).

**(2013):** 2013: The reduction in the number of Rechtspfleger and similar positions since 2012 reflects in part the appointment of number of County Registrars falling within the Rechtspfleger category as Specialist Judges of the Circuit Court. There were also a number of vacant posts at the end of 2013.

## Italy

**(General Comment):** The category “other non-judge staff” encompasses assistants, receptionists, porters and other judicial staff. As a general remark, it should be stressed that the high percentage of “other non-judge staff” in Italy is due to a very strict interpretation of the definition of the main categories. · Besides, it should be emphasized that between 2010 and 2012 the way of distributing the professional figures among the categories proposed by the CEPEJ has been changed. Owing to that, figures before and after 2010 are not comparable. · The specialized first instance courts that are not administered and financed by the Ministry of Justice (regional administrative courts, regional audit commissions, local tax commissions and military courts) are not taken into consideration at question 52.

**(2018):** The above figures include court staff belonging to both Ordinary and Administrative Justice.

**(2016):** According to the data provided for 2014, 2015 and 2016, we can notice a downward trend as concerns the number of technical staff (a decrease of 28% between 2014 and 2015 and a decrease of 26% between 2015 and 2016), especially the number of female staff (a decrease of 33% between 2014 and 2015 and of 32% between 2015 and 2016). An explanation of these variations is not available at this stage.

**(2015):** 'Other non-judge staff' includes: assistants, receptionists, porters and other judicial staff. The high percentage of “other non judge staff” in Italy is due to a very strict interpretation of the definition of the main categories.

## Latvia

**(2018):** Discrepancy due to court reform (Land Registry offices integrated in general jurisdiction courts and historically high turnover rate).

**(2017):** Other non-judge staff- this staff is for Supreme Court - Staff of Division of case-law and research staff, Division of provision of regime of secrecy staff, the Supreme Court of Latvia consultants and Secretariat of the Council for the Judiciary

Starting from 2015 till March, 2018 there were introduced court reform where the judicial map was revised. In the course of the court reform, several courts were merged, legally creating one larger court. On the other hand, in this new territory, the existing courts continue operating as the new body of the joint court, providing the opportunity for citizens to submit the documents at any place of the court. The court reform affected also the changes in the number of court staff, some positions were combined, some positions changed.

**(2014):** For the last three evaluations (2012, 2013 and 2014), the category “other” includes employees from the Division of Provision of Secrecy Regime and the Supreme Court Division of Case-Law. The latter is a unit of the Supreme Court responsible for the compilation, analysis and publication of court opinions, as well as for summarizing, selecting, processing and publishing in the case-law database court rulings which are important for promotion of coordination, research and development of court practice. For 2014, the category “other” also subsumes consultants of the Supreme Court.

**(2013):** For the last three evaluations (2012, 2013 and 2014), the category “other” includes employees from the Division of Provision of Secrecy Regime and the Supreme Court Division of Case-Law. The latter is a unit of the Supreme Court responsible for the compilation, analysis and publication of court opinions, as well as for summarizing, selecting, processing and publishing in the case-law database court rulings which are important for promotion of coordination, research and development of court practice. For 2014, the category “other” also subsumes consultants of the Supreme Court.

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**(2010):** In the frame of the 2010 exercise, it has been specified that the category “non-judge staff whose task is to assist the judge” includes assistants to judges, court hearing secretaries, court interpreters. The category “staff in charge of different administrative tasks” encompasses assistants to chief judges, head of Chancellery, deputy head of Chancellery, court secretaries, archivists, administrators and consultants. The category “technical staff” subsumes court couriers, physical work performers.

## Lithuania

**(General Comment):** The category “other” includes translators. From 2014 it also subsumes five court psychologists (for 2010 it encompasses also other helping staff (civil servants and working under the labour agreement)).

**(2018):** Other non-judge staff – translators and psychologists.

**(2017):** Other staff – translators and psychologists.

**(2016):** In 2015 the number of technical staff has decreased while at the same time the number of staff assisting judges has increased.

**(2014):** For 2014 the number of non-judge staff by gender is not available. The National Courts Administration has never collected data on statistics of court personnel according to the gender. The data, which was provided in earlier evaluation cycles, was preliminary data, manually gathered by considering name and surname data, which is a too big effort.

**(2010):** The following clarifications have been provided in the frame of the 2010 evaluation:

“staff in charge of different administrative tasks” – chancellors and their support, advisors of the chairman of the court, financiers, secretaries of administration of the courts, IT specialists, accountants, etc.;

“technical staff” - employees working under labour agreements, i.e. cleaners, drivers, etc.;

“other” – other helping staff (civil servants and working under the labour agreement).

The number of non-judicial staff was taken from the line of “Staff in charge of different administrative tasks and of the management of the courts” since in 2010 there already were 6 chancellors in Lithuania, who under the legislation, are responsible for the administrative tasks.

## Luxembourg

**(General Comment):** With regard to question 52, all the non-judge staff is in charge to assist the judges (except at the administrative courts). Therefore for the year 2017, we did no longer distinguish between staff of administrative tasks and the staff assisting the judges. Only at the administrative courts are 6 persons not assisting the judges.

**(2018):** Regarding the category "other non-judge staff", it includes non-judge staff working for administrative courts. The increase of the non-judge staff is due to the fact that we no longer distinguish between the staff in charge of administrative tasks and the staff assisting the judges as court clerks, since all the non-judge staff is in charge of assisting the judges. We interpreted this differently in the previous years. Previously some of the staff was considered as not assisting the judges, because of their statute, this appeared as not correct since none of them is limited to administrative tasks, except at the administrative courts, where six persons are in charge of purely administrative tasks. The revised 2017 data shows an increase of the total non-judge staff assisting the judges of 9.95%.

**(2017):** With regard to question 52, all the non-judge staff is in charge to assist the judges (except at the administrative courts). Therefore for the year 2017, we did no longer distinguish between staff of administrative tasks and the staff assisting the judges. Only at the administrative courts are 6 persons not assisting the judges.

**(2016):** Last year the separation of the sections 1, 2 and 3 was not done correctly. This year this task was made by the parquet general RH office.

**(2014):** The overall administrative tasks concerning ordinary courts are centralized at the level of the Prosecutor General Office. The same applies to technical staff. Among the 192 non-judge staff assisting judges, 117 are women. The category "staff in charge of different administrative tasks" (3 women, 2 men) and the category "technical staff" (1) refer exclusively to the Administrative Court (which was not the case for 2012). The 2014 data reflects the administrative reality, the staff that cannot be categorized to one specific task being attached to the State Prosecutor General. The total remains stable; slight variations are due to temporary replacements. The category "other" does not subsume external staff hired on contractual basis, e.g. in IT matters (as in 2012).

**(2013):** The overall administrative tasks concerning ordinary courts are centralized at the level of the Prosecutor General Office. The same applies to technical staff. Among the 192 non-judge staff assisting judges, 117 are women. The category "staff in charge of different administrative tasks" (3 women and 2 men) and the category "technical staff" (1) refer exclusively to the Administrative Court staff. The 2013 data reflects the administrative reality, the staff that cannot be categorized to one specific task being attached to the State Prosecutor General. The total remains stable; slight variations are due to temporary replacements. The category "other" does not subsume any more external staff intervening on contractual basis, for example in IT matters.

**(2012):** 2012: With the exception of categories 1 ('Rechtspfleger') and 2 (non-judge staff whose task is to assist the judges such as registrars), all others carry on their work in the interest of the whole judicial system, that is to say, both for judges and prosecutors.

**(2010):** 2010: The number of personnel in charge of administrative tasks is 108; it includes those who carry out their duties full time as well as those who are also responsible for other tasks.

As reported in 2008, the number of technical staff also includes temporary staff with fixed-term employment contracts. These include the maintenance and cleaning staff.

The registry of the Constitutional Court has no specific staff, these tasks are performed by the registry of the Superior Court of Justice. The figure provided does not include IT staff, which report to the State Computer Centre [Centre informatique de l'Etat (CTIE)]. It should also be noted that the work of some clerks also includes administrative tasks, especially for the chief clerks (6 units).

## Malta

**(2018):** Other non-judge staff include:

- Director Civil Courts and staff
- Director Criminal Court and staff
- Registry Criminal Court
- Chief Marshal
- Senior Marshal
- Marshals
- Judiciary Drivers
- Subasti Personnel

**(2017):** Other non-judge staff includes:

- Director Civil Courts and staff
- Director Criminal Court and staff
- Registry Criminal Court
- Chief Marshal
- Senior Marshal
- Marshals
- Judiciary Drivers
- Subasti staff

**(2016):** Other non-judge staff includes:

- Director Civil Courts and staff
- Director Criminal Court and staff
- Registry Criminal Court
- Chief Marshal
- Senior Marshal
- Marshals
- Judiciary Drivers
- Subasti staff

Concerning "Technical Staff", 2 technical staff were employed. Between 2014 and 2015, there was a decrease in the number of tradesman employed with the court administration.



**(2015):** In the 2015 data, the category 'Non-judge staff whose task is to assist the judges' includes 13 Court Attorneys that have been introduced for the first time in October 2015. This staff is meant to assist the judges in the drafting of the sentences and other related matters. However the Court Attorneys are not autonomous and the responsibility for the sentences that they draft ultimately lies with the presiding judge.

The differences noted between 2014 and the previous regarding the categories "staff in charge of administrative tasks" and "other non-judge staff" is due to a change in the distribution. After 2014, some non-judge staff who were included in the category "staff in charge of administrative tasks" were integrated in "other non-judge staff".

The decrease between 2014 and 2015 in the number of "technical staff" is due to a decrease in the number of tradesman.

**(2014):** The differences noted between 2014 and the previous regarding the categories "staff in charge of administrative tasks" and "other non-judge staff" is due to a change in the distribution.

**(2013):** In 2013, the number of non-judge staff was detailed in the following way:

staff assisting judges – deputy registrars (67), court messengers (19), judicial assistants (30), clerical staff (141), ushers (25), senior court recorders (12), court recorder in charge (1), and Children's advocate (2);

staff in charge of administrative tasks – Directorate Support Services (86), Directors and staff (12), Asset Management unit (3), Archives (3), One stop shop (7), Subasti (3), Library (1), Publications (3);

technical staff – tradesmen (7), Bookbinder (1);

"other" – cleaners (8), Chief Marshal (1), Marshals (20).

An exercise at beefing up the Court administration staff was undertaken by the Government in 2013, following its election as a result of which, the numbers for different sub-categories have increased considerably.

**(2012):** In 2012, the number of non-judge staff was detailed in the following way:

staff assisting judges – deputy registrars (65), court messengers (19), judicial assistants (30), clerical staff (59), ushers (25), senior court recorders (12), court recorder in charge (1), and Children's advocate (2);

staff in charge of administrative tasks – Directorate Support Services (83), Directors and staff (13), Asset Management unit (3), Archives (3), One stop shop (4), Subasti (2), Library (1), Publications (2);

technical staff – tradesmen (7), Bookbinder (1);

"other" – cleaners (7), Chief Marshal (1), Marshals (20).

## **Netherlands**

**(General Comment):** Only the total of non-judge staff working in courts is available.

**(2017):** the number given is the number of people (posts), the fte is 6719; these can not be separated by gender or line in the table

**(2016):** Number of FTE = 6530.

**(2015):** FTE in 2015 is 6.497

**(2014):** According to 2013 data, the figure 7.287 pertains to persons, data in fte is 6.495.

**(2013):** According to 2013 data, the figure 7.287 pertains to persons, data in fte is 6.495.

## **Poland**

**(2018):** Other non-judge staff:

- professional probation officers

- employed in Consultative Team of Judicial Specialists

**(2017):** Other non-judge staff -5790

of which:

Professional probation officers - 5188

Employed in Consultative Team of Judicial Specialists - 602.

**(2016):** Other non-judge staff - 5859

of which:

Professional probation officers - 5212

Employed in Consultative Team of Judicial Specialists - 647.

**(2010):** In the frame of the 2010 exercise it has been indicated that the category "other non-judge staff" encompasses assistants of judges whose role is strictly connected to the judge's judicial function (ex. preparation of judgment and justification drafts) - they do not perform any administrative tasks.

## Portugal

**(General Comment):** The variations in the number of non-judge staff over the different evaluation cycles seem high due to the small numbers.

**(2018):** In 2018, as in 2017 there were no other non-judge staff.

**(2017):** "other non judge staff" - this category includes all staff with a non-specified category or non-specific functions. As this is a residual category, the numbers tend to be small.

**(2014):** In the frame of the 2014 exercise, it has been explained that the decrease of the number of staff in charge of administrative tasks is linked to the staff that went to retirement and that was not replaced by new one as well as to the continuous IT modernization.

**(2013):** In the ambit of the 2013 exercise, it has been noticed that the number of judicial staff is decreasing owing to the retirements that have been occurring since 2010. In addition, due to the reform of the Public Administration that is taking place since 2009 and the financial constraints of the past few years, the number of public servants has decreased.

## Romania

**(General Comment):** Comment valid for 2010-2016 exercises

The number indicated for the category "non-judge staff assisting judges" encompasses clerks with judicial tasks; the number indicated for "staff in charge of administrative tasks" concerns registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants; the number indicated for "technical staff" includes IT staff, contractual personnel and other personnel (drivers, ushers, procedural agents etc.). The category "other" subsumes assistance magistrates, judicial assistants and probation counselors. o Assistance magistrates work only within the High Court of Cassation and Justice. They participate in the trial sessions, have a consultative vote in deliberations and write the minutes of the sessions, as well as the decisions. o Judicial assistants work only within tribunals and are part, together with the judges, of the panels which judge, in first instance, cases regarding labor and social insurances litigations (the panel is composed of 1 judge and 2 judicial assistants; the latter participate in the deliberations with a consultative vote and sign the decisions). o The probation counselors have, in principle, the following attributions: support the activity of judges by elaborating certain evaluation documents in criminal cases with juvenile offenders; support the activity of the judge delegated with enforcing decisions in criminal matters; cooperate with public institutions in order to execute the measure to force a minor to carry out an unpaid activity in an institution of public interest; initiate and carry on special programs of social reinsertion for persons convicted to prison and for minors who committed offences provided by the criminal law; carry out, at request, activities of individual counseling of offenders, with regard to the social, group and individual behavior; initiate and carry out special programmes of protection, social and judicial assistance of minors and youngsters who committed offences.

**(2018):** 6402 represents the number of clerks with judicial tasks ( - 163 work only within the High Court of Cassation and Justice); 1645 - the number of registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants ( - 17 work only within the High Court of Cassation and Justice); 1772 - number of IT staff, contractual personnel and other personnel / drivers, ushers, procedural agents ( -101 work only within the High Court of Cassation and Justice).

Other categories of personnel which function within the Romanian courts (843):

Assistance magistrates: 110 Judicial assistants: 176 Probation counselors: 557

**(2017):** Other categories of personnel which function within the Romanian courts (852): Assistance magistrates: 112 Judicial assistants: 176 Probation counselors: 564

The increase observed in the category "other" between 2016 and 2017 is explained by the employment of the respective number of probation counselors.

**(2016):** 6191 represents the number of clerks with judicial tasks ( - 165 work only within the High Court of Cassation and Justice); 1621 - the number of registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants ( - 9 work only within the High Court of Cassation and Justice); 1822 - number of IT staff, contractual personnel and other personnel / drivers, ushers, procedural agents ( - 109 work only within the High Court of Cassation and Justice).

Other categories of personnel which function within the Romanian courts (663):  
Assistance magistrates: 113 Judicial assistants: 173 Probation counselors: 377

**(2015):** 6149 represents the number of clerks with judicial tasks ( - 149 work only within the High Court of Cassation and Justice); 1615 - the number of registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants ( - 9 work only within the High Court of Cassation and Justice); 1844 - number of IT staff, contractual personnel and other personnel / drivers, ushers, procedural agents ( - 109 work only within the High Court of Cassation and Justice).

Other categories of personnel which function within the Romanian courts: Assistance magistrates: 115 ; Judicial assistants: 176 ; Probation counselors: 352

**(2014):** In 2014, there were 6072 clerks with judicial tasks (153 work only within the High Court of Cassation and Justice); 1585 registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants (9 work only within the HCCJ); 1854 IT staff, contractual personnel and other personnel / drivers, ushers, procedural agents (96 work only within the HCCJ). The category "other" subsumed 101 Assistance magistrates, 175 Judicial assistants and 360 Probation counselors.

**(2013):** In 2013, there were 5743 clerks with judicial tasks; 1563 registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants; 1784 IT staff, contractual personnel and other personnel (drivers, ushers, procedural agents). The category "other" subsumed 92 Assistance magistrates, 176 Judicial assistants and 281 Probation counselors.

**(2012):** In 2012, there were 5489 clerks with judicial tasks; 1486 registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants; 1762 IT staff, contractual personnel and other personnel (drivers, ushers, procedural agents). The category "other" subsumed 90 Assistance magistrates; 175 Judicial assistants; 281 Probation counselors.

**(2010):** In 2010, there were 5325 clerks with judicial tasks; 1427 registering clerks, documentary clerks, statistician clerks, archivist clerks and public servants; 1729 IT staff, contractual personnel and other personnel (drivers, ushers, procedural agents). The category "other" subsumed 83 Assistance magistrates, 169 Judicial assistants and 292 Probation counselors.

## Slovakia

**(General Comment):** The Department of Human Resources Development of the Ministry of Justice keeps records of the number of staff for all courts, including for the Supreme Court. The latter has also its own records on the number of staff. It should be highlighted that the records of the Ministry of Justice sorts all non-judge staff to various categories which differ from the categories listed in the CEPEJ questionnaire. For the purpose of this questionnaire the numbers include:

1. Rechtspfleger: includes higher judicial officers.

2. This category includes at the level of district and regional courts the court assistants (clerks) and the court secretaries. At the level of the Supreme court it includes Judicial assistants (lawyers helping judges in legal research, drafting decisions and providing legal support) and court clerks. 5. In this category we included the rest of total number of non-judge court staff. This include civil servants responsible for court administration, supervision of non-judge staff, employees responsible for contact with the public (information centre, filing office), archives, technical staff, drivers etc.

Due to different categorisation of non-judge staff in the records of the central court management institution (Ministry of Justice) it was not possible to divide the rest of non-judge staff to categories 3.and 4.

**(2018):** See general comment.

There are no special explanation related to discrepancies in gender composition of court staff

**(2017):** The slight increase in the number of male non-judge staff originates at the Supreme court of the Slovak republic. The position of the "Judicial assistant" has been established and filled. The assistant helps the judge with legal research, drafting of decisions etc. Out of 86 assistants there are 29 male.

**(2014):** In 2014, the category "Rechtspfleger" subsumes 967 higher judicial officers and 63 mediation and probation officers. The category "staff assisting judges" includes assistants of judges and court secretaries. The category "staff in charge of different administrative tasks" encompasses court staff responsible for court administration, contact with the public (information centre, filing office), archives and technical staff.

In 2010, 2012 and 2014, due to the different categorisation, it was not possible to extract the accurate number of "technical staff" and "other non-judge staff" from the number "staff in charge of different administrative tasks".

**(2013):** In 2013, the category "Rechtspfleger" includes 975 judicial officers, 45 legal assistants at the Supreme Court and 63 mediation and probation officers. The category "non-judge staff assisting judges" includes 1348 assistants and 752 judicial secretaries. Due to the different categorization of the rest of non-judge staff, it was not possible to identify the number of court management staff and the number of technical staff. Owing to that, the rest of the non-judge staff (excluding "Rechtspfleger" and "non-judge staff assisting judges") was subsumed in the category "other".

On the occasion of the 2013 exercise, it has been stressed that within the years 2011 and 2012, the Ministry of Justice decided to increase the total number of the judicial officers with the intention to improve the disposition of certain court agendas.

**(2012):** In 2012, the category "Rechtspfleger" includes 982 judicial officers and 64 mediation and probation officers. In 2010, 2012 and 2014, due to the different categorisation, it was not possible to extract the accurate number of "technical staff" and "other non-judge staff" from the number "staff in charge of different administrative tasks".

**(2010):** In 2010, the category "Rechtspfleger" includes 738 higher court officers and 75 mediation and probation officers. In 2010, 2012 and 2014, due to the different categorisation, it was not possible to extract the accurate number of "technical staff" and "other non-judge staff" from the number "staff in charge of different administrative tasks".

## Slovenia

**(General Comment):** The definitions of categories are as follows: 1. "Rechtspfleger" category includes only the staff (judicial assistants and judicial advisers) with autonomous competence to adopt final decisions (decisions on the merits of the case), set explicitly in procedural laws - currently the Claim Enforcement and Security Act, the Financial Operations, Insolvency Proceedings and Compulsory Windingup Act, the Court Register of Legal Entities Act and the Land Register Act.

2. "Non-judge staff" category includes staff, whose tasks are generally set by the Courts Act. These are judicial assistants (filing applications and statements by parties for the record and, by order of a judge, perform less demanding tasks related to preparation for trial proceedings or other procedural acts, making calculations of costs, preparing drafts of decisions and performing other tasks in judicial proceedings under the orders of a judge) and judicial advisers (performing work connected with the examination of parties, witnesses and experts (outside the main hearings), performing more complex preparatory work for hearings, reporting at panel meetings, drafting decisions, conducting hearings under the guidance of a judge and performing other work by order of a judge.) All the other staff, not mentioned above and not corresponding to 4. "Technical staff" is included in 3. "Administrative staff". The latter includes, along with the court management staff, the office support staff, whose tasks are not specifically set by the law and include case registering, administrative case preparation, court fees, typing and/or recording of court sessions etc.

**(2017):** Differences with previous evaluation cycles within categories (including male/female ratio):

The number of court staff is reported according to the actual work tasks of the staff. Between years, court staff can be assigned to different departments and tasks and therefore the variation of Rechtspfleger/Non-judge/Administrative staff categories and male/female ratio within categories can change, even though no major hiring or letting go for different categories of court staff had occurred. The relative differences in the Technical staff category are due to the small (absolute) number of staff.

**(2016):** Differences with previous evaluation cycles within categories (including male/female ratio):

The number of court staff is reported according to the actual work tasks of the staff. Between years, court staff can be assigned to different departments and tasks and therefore the variation of Rechtspfleger/Non-judge/Administrative staff categories and male/female ratio within categories can change, even though no major hiring or letting go for different categories of court staff had occurred. The relative differences in the Technical staff category are due to the small (absolute) number of staff.

**(2015):** The difference between 2014 and 2015 data is due to the methodology of gathering the data. In this cycle, all the courts were asked to provide the additional data to assure the accuracy of the answer. The reporting method was further improved and some adjustments were made according to the definition of "Rechtspfleger", "Non-judge staff" and "Administrative staff" categories (for updated definitions see below).

1. "Rechtspfleger" category includes only the staff (judicial assistants and judicial advisers) with autonomous competence to adopt final decisions (decisions on the merits of the case), set explicitly in procedural laws - currently the Claim Enforcement and Security Act, the Financial Operations, Insolvency Proceedings and Compulsory Winding-up Act, the Court Register of Legal Entities Act and the Land Register Act.

2. "Non-judge staff" category includes staff, whose tasks are generally set by the Courts Act. These are judicial assistants (filing applications and statements by parties for the record and, by order of a judge, perform less demanding tasks related to preparation for trial proceedings or other procedural acts, making calculations of costs, preparing drafts of decisions and performing other tasks in judicial proceedings under the orders of a judge) and judicial advisers (performing work connected with the examination of parties, witnesses and experts (outside the main hearings), performing more complex preparatory work for hearings, reporting at panel meetings, drafting decisions, conducting hearings under the guidance of a judge and performing other work by order of a judge.)

All the other staff, not mentioned above and not corresponding to 4. "Technical staff" is included in 3. "Administrative staff". The latter includes, along with the court management staff, the office support staff, whose tasks are not specifically set by the law and include case registering, administrative case preparation, court fees, typing and/or recording of court sessions etc.

**(2014):** In 2014, "Due to restrictions in the BI system regarding human resources, we were not able to provide information on the number of male and female staff, without judges, according to CEPEJ categories. In courts, there were 14,55 % of males and 85,45 % of females (judges included) on 31. 12. 2014.

The difference between 2013 and 2014 data is due to the methodology of gathering the data. In this cycle the reporting method was further improved and some adjustments were made according to the definition of "Administrative" and "Technical" categories of staff."

The Supreme Court's strategic orientation according to this matter is to decrease the number of judges, while increasing the number of staff (corresponding mainly to "non-judge" and "administrative" categories). The Supreme Court can, in order to ensure timeliness of proceedings, distribute additional finances for temporary employment of additional staff to individual courts. The evaluation and distribution of funds is conducted yearly.

**(2013):** In 2013: The reporting method used in the previous response to this question was improved and more detailed information on the non-judge court staff is available.

Category 1 - 'Rechtspfleger' included court clerks are included but also the independent and higher judicial advisors in the field of commercial (court) register, land register and civil enforcement procedure, as they have the competence to decide on certain kind of cases that are not in the competence of judges. We also included judicial advisers in the field of civil enforcement, who have even slightly broader competences than judicial assistants.

Category 2. Non-judge (judicial) staff included the judicial advisers (except the ones counted in the 1st point), The remaining judicial assistants (except the ones counted in the 1st point) were also included in this category..

Category 3. 'Administrative staff' was also included this year and represented by administrative support to the judge and court management – court director, human resources office, financing-accounting office.

Category 4. 'Technical staff' was including cleaning, security, system administration, drivers, etc.

Category 5. 'Other non-judge staff' – no staff was included in this category (NAP)

**(2012):** In 2012,:

Category 1 - 'Rechtspfleger' included court clerks,

Category 2 – included judicial advisers.

The other court staff was not further categorised and NA is used.

**(2010):** In 2010, category 1 - 'Rechtspfleger' included court clerks; other categorisation according to the CEPEJ classification was not made since the division is not clear.

## Spain

**(General Comment):** The State approach of classification of the Spanish non-judge staff does not coincide with the CEPEJ methodology. Basically, the non-judge staff perform tasks that may be included in different sub-categories or do not exactly coincide with the given description. Accordingly, it is not possible to distribute them among the enumerated sub-categories contemplated in the frame of question 52. The Spanish judicial system distinguishes between three categories of non-judicial staff: Gestor Procesal, Tramitador Procesal and Auxilio Judicial. It is noteworthy that, since 2010 and the reform of the procedural legislation, a new type of judicial entities exists in several regions – Procedural Court Services. These joint services are endowed with judicial competences (such as preliminary appraisal of lawsuits or supervision of judgment enforcement) and work for several courts. The court secretaries carry out the Procedural Court Service on autonomous basis and can issue procedural orders to the proceurces office, financing-accounting office.

Category 4. 'Technical staff' was including cleaning, security, system administration, drivers, etc.

### **(2018):** 1121 Forensic Doctors

**(2017):** The figure for other non judge staff includes judicial civil servants who are in charge of the processing of files, communication acts, and other tasks, and are distributed in three categories (called Auxilio Judicial, Tramitación Procesal, Gestión Procesal). Forensic Doctors are a special body (not included in the figure provided in this question). Their total number (Forensic Doctors) at 4 April 2018 is 1003.

For 2017, in contrast with previous cycles, data on number of “other non-judge staff” excludes the civil servants that work in Prosecution Offices.

**(2016):** The figure for other non judge staff includes judicial civil servants who are in charge of the processing of files, communication acts, and other tasks, and are distributed in three categories (called Auxilio Judicial, Tramitación Procesal, Gestión Procesal). Forensic Doctors are a special body (not included in the figure provided in this question). Their total number (Forensic Doctors) at 4 April 2018 is 1003.

**(2014):** In 2014, there are 44 896 other non-judge staff (judicial clerks) and 3 667 judicial counsellors (this is the new name for the secretario judiciales since October 1st).

**(2010):** In 2010, the total number of ‘Secretarios Judiciales’ (Rechtspfleger or similar bodies) equals the sum of 3 477 professional +979 occasional staff.

## Sweden

**(General Comment):** The numbers do not include staff on leave or Swedish National Courts Administration (SNCA) employees. The SNCA is a government agency responsible for the service organization of courts, namely the overall coordination and joint issues. It has no authority over the courts’ judicial business and their verdicts. It also provides support to the courts, rental and tenancy tribunals and legal aid. It deals with issues related to staff development, training and information, development of regulations, instructions and guidance. It ensures that operations are conducted in an effective and accessible way for citizens. In 2012 and 2013, there were about 330 employees with diverse professional backgrounds.

**(2018):** This category includes Junior Judges and Associate Judges in the judicial training program.

**(2017):** The increase in the number of some categories of non-judge staff is due to the fact that the Migration Courts has employed a lot of new people due to an increase of cases.

**(2014):** The figures indicated for the 2014 evaluation cycle do not encompass staff on leave, which was the case in 2012. Besides, akin to the 2013 exercise and in contrast with the 2012 exercise, for 2014, the staff of the Swedish National Courts Administration (SNCA) is not included within the category “staff in charge of different administrative tasks and of the management of the courts”.

**(2013):** The figures indicated for the 2013 evaluation cycle do not encompass staff on leave, which was the case in 2012. Besides, in contrast with the 2012 exercise, for 2013, the staff of the Swedish National Courts Administration (SNCA) is not included within the category “staff in charge of different administrative tasks and of the management of the courts”, which explains the observed variation between 2012 and 2013.

With regard to the category “technical staff”, there is no specific reason explaining the noticed decrease between 2012 and 2013. In respect of the category “other”, the number of assistant judges and reporting clerks has increased for the same period.

**(2012):** Figures provided for 2012 encompass staff on leave.

## Question 146

### Austria

**(2017):** Statistic from the Austrian Bar (Österreichischer Rechtsanwaltskammertag) of 31st December 2017 (available at [www.rechtsanwaelte.at](http://www.rechtsanwaelte.at)).

The data only includes lawyers registered in the list of Austrian lawyers (6.238), lawyers registered in the list of established European lawyers (87) registered by 31st of December 2017. It does not include solicitors nor legal advisors as such professions/types of service providers do not exist in Austria.

**(2016):** Statistic from the Austrian Bar (Österreichischer Rechtsanwaltskammertag) of 31st December 2016 (available at [www.rechtsanwaelte.at](http://www.rechtsanwaelte.at)).

The data only includes lawyers registered in the list of Austrian lawyers (6.132), lawyers registered in the list of established European lawyers (84) registered by 31st of December 2016. It does not include solicitors nor legal advisors as such professions/types of service providers do not exist in Austria.

**(2015):** Statistic from the Austrian Bar (Österreichischer Rechtsanwaltskammertag) of 31st December 2015 (available at [www.rechtsanwaelte.at](http://www.rechtsanwaelte.at)). The data only includes lawyers registered in the list of Austrian lawyers (6.057), lawyers registered in the list of established European lawyers (81) registered by 31st of December 2015. It does not include solicitors nor legal advisors as such professions/types of service providers do not exist in Austria. (and see Mail from Oct 5th 2016)

**(2014):** Data provided for 2014 includes lawyers registered in the list of Austrian lawyers (5940), lawyers registered in the list of established European lawyers (80) and trainee lawyers (2072) registered by 31 December 2014. It does not encompass solicitors or legal advisors as such professions/types of service providers do not exist in Austria.

### Belgium

**(2018):** 8002 for the French and German-speaking Bar Association  
10656 for the Flemish Bar Association (OVV)

**(2017):** 7 939 lawyers for the French and German-speaking Bar Association on 1 December 2017  
10 665 lawyers at the Flemish Bar (OVV)

**(2016):** 7,930 lawyers for the French- and German-speaking Bar Association on 1 December 2016  
10,602 lawyers at the Flemish Bar (OVV)

**(2015):** As at 1 December 2015, there were 7,882 French-speaking and German-speaking lawyers ([avocats.be](http://avocats.be)) and 10,520 Dutch-speaking lawyers (Orde van Vlaamse balies).

### Czech Republic

**(2018):** Data to: 31.12. 2018

**(2017):** There are 11587 active lawyers and 1496 inactive.

**(2015):** From the above mentioned number of lawyers there are 11011 active practising and 1289 temporary inactive.

**(2013):** In the frame of the 2013 exercise, it is specified that 10 255 lawyers are practicing in an active manner, while 1 141 lawyers discontinued their practicing.

#### **Denmark**

**(2013):** In the frame of the 2013 exercise, it has been indicated that the figure provided for 2013 corresponds to the statistical data for September 2014.

**(2012):** In the frame of the 2012 exercise it has been specified that the indicated number does not include assistant attorneys.

#### **Finland**

**(General Comment):** The number of lawyers indicated for 2012, 2013 and 2014 refers to members of the Finnish Bar Association who are entitled to use the professional title 'attorney-at-law'.

Until the end of the year 2013, any lawyer (in Finland a person who has a Master's Degree in law completed in Finland is called 'a lawyer') could represent a client in court. As of 2014, only attorneys-at-law, public legal aid lawyers and licenced legal counsels are allowed to represent a client in court. In addition, in-house lawyers can represent their company in court. Lawyers working for trade unions can represent a client in a district court and in the Labour Court in disputes regarding employment relationship. Lawyers working for public authorities can represent the public authority in court.

In order to qualify as an attorney-at-law, a lawyer needs to have at least four years of work experience and must pass the demanding three-part professional qualification test known as the bar examination. The titles of attorney-at-law and attorney's office are protected by law and can only be used by lawyers accepted into the Finnish Bar Association. Attorney's offices employ also associate lawyers, that is lawyers who are not yet members of the bar.

**(2018):** In 2018, the total number of 3965 lawyers includes 2143 attorneys-at-law, 1603 licensed legal counsels and 219 public legal aid lawyers. These lawyers can represent a client in court. The title of attorney-at-law is protected by law and can only be used by lawyers accepted into the Finnish Bar Association.

In addition, in-house lawyers can represent their company in court. Lawyers working for trade unions can represent a client in a district court and in the Labour Court in disputes regarding employment relationship. Lawyers working for public authorities can represent the public authority in court. The total number of these in-house lawyers, trade union lawyers and lawyers working for public authorities is not available.

**(2017):** The total number of lawyers 3,846 includes 2,137 members of the Finnish Bar Association, 1,588 licensed lawyers and 228 public legal aid lawyers. 107 legal aid lawyers were also members of the Finnish Bar Association.

**(2016):** The number of lawyers indicated for 2012, 2013 and 2014 refers to members of the Finnish Bar Association who are entitled to use the professional titles advokat (advocate). Law firms (firms owned by members of the Bar) employ also associates. Besides, legal aid offices employ also legal advisers who are not all members of the Bar Association. Till 2014, jurists (persons who have a Master's Degree in law) could offer similar legal services than members of the Bar. From the beginning of the year 2014, only advocates, public legal aid attorneys and counsels who have obtained the license referred to in the Licensed Counsel Act are allowed to represent a client in the court.

In 2016, the total number of lawyers 3,791 includes 2,119 members of the Finnish Bar Association, 1,540 licensed lawyers and 229 public legal aid lawyers (97 public legal aid lawyers are also members of the Finnish Bar Association). Only members of the Finnish Bar Association are entitled to use the professional title "advocate".

#### **France**

**(2018):** data at the date of 1st of January 2018

**(2017):** Data as at 1 January 2018

**(2016):** data as at 1 January 2017



**(2014):** 2014: the data concern the number of lawyers on 1 January 2015 by prospective application and economy of professions of the directorate for civil cases and the Ministry of Justice.

**(2012):** 2012: the data concern the number of lawyers on January 2012.

### **Greece**

**(2018):** The number is indicative and constantly changing, in the absence of restrictions on the number of positions.  
Source: Plenary Session of the Presidents of Hellenic Bar Associations

**(2013):** The figure provided for 2013 corresponds to the total number until the end of December 2013.

### **Hungary**

**(2018):** A new act on the attorneys (Act LXXXVIII of 2017) entered into force on 1 January 2018.  
[https://njt.hu/translated/doc/J2017T0078P\\_20180101\\_FIN.pdf](https://njt.hu/translated/doc/J2017T0078P_20180101_FIN.pdf)

**(2017):** A new act on the attorneys entered into force, as of January 1, 2018. The next year's report will reflect the changes.

**(2016):** A new act on the attorneys will enter into force, as of January 1, 2018. The next year's report will reflect the changes.

### **Ireland**

**(2018):** This figure represents the current membership of the Bar Council of Ireland and the Law Society of Ireland.

**(2017):** This figure represents the total number of barristers practising as members of the Law Library/Bar of Ireland and the total number of solicitors who held practising certificates for 2017.

**(2016):** This figure represents the current membership of the Bar Council of Ireland and the Law Society of Ireland.

**(2014):** The figure of lawyers comprises Solicitors and Barristers at end December 2014.

### **Italy**

**(2013):** For the 2013 exercise, the number of practicing lawyers was not available. The provided figure corresponds to the number of lawyers in 2012, assuming that data should be almost the same for both years.

### **Latvia**

**(2017):** This number includes sworn advocates and assistants to sworn advocates.

**(2013):** In the frame of the 2013 exercise, it has been indicated that there were 1 336 sworn lawyers in Latvia on December 31, 2013, of which 70 - assistants to lawyers and 13 - lawyers from other countries. 116 State legal aid providers have been concluded contracts with the Legal Aid Administration about State-guaranteed legal assistance in civil cases, administrative cases, cross-border disputes and provision of out of court legal assistance.

It is noteworthy that State provided legal assistance in criminal matters in Latvia is provided by sworn lawyers, not by legal aid providers.

### **Lithuania**

**(2018):** Lawyers' assistants who provide legal service are also included in the numbers above.

**(2017):** The number is provided by the Lithuanian Bar Association (the number of practising lawyers (advocats) - 2207. Also there are 925 lawyers' assistants who provide legal service).

**(2016):** The number is provided by the Lithuanian Bar Association (the number of practising lawyers (advocats). Also there are 870 lawyers' assistants who provide legal service also.

**(2015):** Numbers are taken from the List of Practising Advocates of Lithuania. The list is regulated by the Law on the Bar and administered by Lithuanian Bar Association. The assistants of advocates is not presented in the data.

## **Luxembourg**

**(2015):** The number indicated includes the number of lawyers, trainee lawyer, lawyers practising under their home-country professional titles and independent lawyers at September 1st, 2016.

## **Malta**

**(2017):** The number of lawyers quoted in this answer refers to the number of warranted lawyers at the end of 2017. This data is based on a list of warranted lawyers practicing in Malta, compiled by the Department of Justice. Work on this list is ongoing but it is important to note that the figure quoted above, reflects a more faithful representation of the number of warranted lawyers in Malta.

**(2016):** The number of lawyers quoted in this answer refers to the number of warranted lawyers who are also members of the Chamber of Advocates, at the end of 2016. Throughout 2016, the Chamber of Advocates has been updating their list of members in order to clear the names of the lawyers who have either retired or have passed away. Furthermore, it is important to note that at present membership with the Chamber of Advocates, which is the sole Bar Association in Malta, is not mandatory. Hence over the past few months, the Department of Justice is drawing up the first complete list of warranted and non-warranted lawyers in Malta. Work is still underway so it is important to note that the figure quoted above, which is less than that submitted in the previous evaluation, reflects a more faithful representation of the number of warranted lawyers in Malta.

**(2015):** The number of lawyers quoted in this answer refers to the number of warranted lawyers on the list of advocates at the end of 2015. It is possible that some of these lawyers have retired so whilst the warrant remains valid, it does not necessarily mean that all 1569 lawyers are practising the profession. At present there does not exist any mechanism wherein lawyers register once they are given the Warrant to practice, and membership with the Chamber of Advocates, which is the sole Bar Association in Malta, is not mandatory to practice as a lawyer.

## **Netherlands**

**(2017):** Annual report NOVA 2017

## **Poland**

**(2012):** In the frame of the 2012 evaluation, it has been stressed that since 2010, the part-deregulation (carried out in 2007/2008) of the lawyer's profession has been implemented and resulted in a major change in the number of lawyers.

## **Slovakia**

**(2016):** The number represents all lawyers registered in the list of the Slovak Bar Association. Out of this number 848 lawyers have their practise suspended.

**(2012):** On the occasion of the 2012 exercise, the attention was drawn on the fact that the number of practising lawyers was increasing constantly.

## **Slovenia**

**(2017):** (Male: 939, 798: female).

## **Spain**

**(2017):** Resident Lawyers (Memory of the General Bar Association 2017)

**(2016):** Resident Lawyers (31 December 2016)

**(2015):** In civil cases, mainly the legal representation is for Procuradores. In criminal cases, lawyers can assume legal representation until a Procurador is appointed for the case. In administrative cases legal representation is mostly assumed by lawyers. Graduados sociales' (consultants on labour and social security matters) may represent the parties in labour law proceedings. The responses above are given is on the basis that lawyers have a monopoly on practising the defence at Court which, in Spain, is not equivalent to "legal representation".

## **Sweden**

**(2015):** Today there are 5 800 members of the Swedish Bar Association ("advokater"; advocates) and 1 900 associate lawyers at law firms (not fully qualified to become advocate, but qualified to represent clients in court and give legal advice). Furthermore there are 20 EU-lawyers (established in Sweden registered and acting under their home professional title) and approx. 1 600 law firms (of which half is sole practitioners).

**(2014):** By the 1st of January 2014, there were 5 422 members of the Swedish Bar (professional title "advokat"; advocate) and 1 733 associate lawyers (registered at the Swedish Bar Association). The total number of lawyers indicated for the 2014 exercise (5 575) refers to the total number of members of the Swedish Bar Association by the 31st of December 2014.

# **Indicator 10: The methods, sources and efficiency of national data collection**

**Table 10.1: Centralised institution responsible for collecting statistical data regarding the functioning of the courts and judiciary in 2012 to 2018 (Q80)**

States	2012	2013	2014	2015	2016	2017	2018
Austria							
Belgium							
Bulgaria							
Croatia							
Cyprus							
Czech Republic							
Denmark							
Estonia							
Finland							
France							
Germany							
Greece							
Hungary							
Ireland							
Italy							
Latvia							
Lithuania							
Luxembourg							
Malta							
Netherlands							
Poland							
Portugal							
Romania							
Slovakia							
Slovenia							
Spain							
Sweden							
<b>Yes</b>	27	25	27	26	27	27	27
<b>No</b>	0	0	0	0	0	0	0
<b>No answer</b>	0	2	0	1	0	0	0

**Table 10.2: Publication of statistics on the functioning of each court on the internet in 2012 to 2018 (Q80.1)**

States	2012	2013	2014	2015	2016	2017	2018
Austria							
Belgium							
Bulgaria							
Croatia							
Cyprus							
Czech Republic							
Denmark							
Estonia							
Finland							
France							
Germany							
Greece							
Hungary							
Ireland							
Italy							
Latvia							
Lithuania							
Luxembourg							
Malta							
Netherlands							
Poland		-		-			
Portugal							
Romania							
Slovakia							
Slovenia							
Spain		-					
Sweden							
<b>Yes</b>	24	23	25	25	25	25	25
Only on intranet	2	2	2	1	1	1	1
<b>No</b>	1	0	0	0	1	1	1
No answer	0	2	0	1	0	0	0

**Table 10.3: Requirement for individual courts to prepare activity report in 2012 to 2018 (Q81)**

States	2012	2013	2014	2015	2016	2017	2018
Austria							
Belgium							
Bulgaria							
Croatia							
Cyprus							
Czech Republic							
Denmark							
Estonia							
Finland							
France							
Germany							
Greece							
Hungary							
Ireland							
Italy							
Latvia							
Lithuania							
Luxembourg							
Malta							
Netherlands							
Poland							
Portugal							
Romania							
Slovakia							
Slovenia							
Spain							
Sweden							
<b>Yes</b>	23	21	24	22	21	21	20
Only on intranet	4	3	0	0	0	0	0
<b>No</b>	0	1	3	4	6	6	7
<b>No answer</b>	0	2	0	1	0	0	0

# Indicator 10: The methods, sources and efficiency of national data collection

## comments provided by the national correspondents

### organised by country

*Question 80. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?*

*Question 80-1. Does this institution publish statistics on the functioning of each court:*

#### Austria

**Q80 (General Comment):** The centralised institution responsible for collecting statistical data regarding the functioning of the courts and the judiciary is the Federal Computing Centre of Austria (Bundesrechenzentrum GmbH) acting on behalf of the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice of the Republic of Austria.

**Q80 (2017):** Federal Computing Center of Austria (Bundesrechenzentrum GmbH)

on behalf of

Federal Ministry of Justice of the Republic of Austria

Museumstraße 7

1070 Wien

#### Belgium

**Q80 (General Comment):** Satisfaction surveys are conducted in Belgium by the Permanent Bureau of Statistics and Workload Measurement. <http://vbsw-bpsm.just.fgov.be/fr>

**Q80 (2018):** The College of Courts and Tribunals, through its support service, is in charge of the development (based on a specific methodology) and publication of statistics on the activity of courts and tribunals. These statistics relate to incoming cases, pending cases and resolved cases by calendar year. The nature of the case and the way in which the cases are closed are also part of the developed statistics.

**Q80 (2017):** The support service of the College of Courts and Tribunals is responsible for collecting statistical data from courts and tribunals and its publication.

**Q80 (2016):** The "Collège des Cours" and courts.

**Q80 (2015):** The College of courts and tribunals (statistics office)

**Q80-1 (2018):** Statistics are published by calendar year. In 2019, the 2018 statistics have not been published, following the revision of statistics as part of the development of high quality statistics for all jurisdictions. It is planned to resume the publication of the annual statistics in 2020 retroactively (thus including the 2018 data).

#### Bulgaria

**Q80 (General Comment):** The centralized institution responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Supreme Judicial Council of the Republic of Bulgaria.

**Q80 (2018):** Supreme Judicial Council - 1000 Sofia, 12 Ekzarh Yosif Str.

**Q80 (2015):** Supreme Judicial Council; Sofia, 1000; Ekzarh Yosif str. 12

#### Croatia

**Q80 (General Comment):** The centralized institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Ministry of Justice of the Republic of Croatia.



## Cyprus

**Q80 (General Comment):** Supreme Court of Cyprus <http://www.supremecourt.gov.cy/>

**Q80 (2018):** Supreme Court

**Q80 (2016):** Supreme Court

**Q80-1 (2016):** statistics are not at present published on the internet

## Czech Republic

**Q80 (General Comment):** The centralised institution responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Ministry of Justice.

## Denmark

**Q80 (General Comment):** The centralized institution responsible for collecting statistical data on the functioning of the courts and the judiciary is the Danish Court Administration.

**Q80 (2017):** The centralized institution responsible for collecting statistical data on the functioning of the courts and the judiciary is the Danish Court Administration.

**Q80-1 (General Comment):** Yes, number of incoming and finalized cases and turnover time.

**Q80-1 (2017):** The Danish Court Administration works out general statistical data on case flows, target attainment, turnover time, weighted cases and productivity and numbers of staff. It is then expected that the individual courts work out a report where they explain the development in the court, plans they might have to deal with problems and challenges and the main occurrences during the year.

## Estonia

**Q80 (General Comment):** The Ministry of Justice collects statistical data on 1st and 2nd instance courts, while the Supreme Court collects data on the Supreme Court.

**Q80 (2017):** Ministry of Justice, Supreme Court

## Finland

**Q80 (General Comment):** The Ministry of Justice collects statistical data regarding the functioning of the courts. The Ministry of Justice collects data via automated case management systems of the courts and different automated statistics systems. The Ministry of Justice publishes the annual operational statistics. Until 2014 such data was also collected by Statistics Finland.

**Q80 (2018):** The Ministry of Justice collects statistical data regarding the functioning of the courts and publishes the annual operational statistics.

**Q80 (2017):** Statistics Finland no longer collects statistical data regarding the functioning of the courts and judiciary. The Ministry of Justice collects data and publishes the annual operational statistics, see:  
[http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160698/OMTH\\_11\\_2018\\_Tuomioistuinten\\_ty%c3%b6tilastoja\\_2017.pdf?sequence=4&isAllowed=y](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160698/OMTH_11_2018_Tuomioistuinten_ty%c3%b6tilastoja_2017.pdf?sequence=4&isAllowed=y)

**Q80 (2016):** Statistics Finland no longer collects statistical data regarding the functioning of the courts and judiciary. The Ministry of Justice collects data and publishes the annual operational statistics, see:  
[http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79563/OMTH\\_19\\_2017\\_Tuomioistuinten\\_tyotilastoja.pdf?sequence=1](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79563/OMTH_19_2017_Tuomioistuinten_tyotilastoja.pdf?sequence=1)

**Q80 (2015):** The Ministry of Justice collects data and publishes the annual operational statistics, see  
<http://www.oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1459753681075.html>

**Q80-1 (2018):** Please see for example courts' statistics 2018 (in Finnish): <http://urn.fi/URN:ISBN:978-952-259-745-8>

## France

**Q80 (General Comment):** The centralised institution responsible for collecting statistical data regarding the functioning of the civil and criminal courts is the Sub-Directorate of Statistics and Studies of the Ministry of Justice. Concerning the administrative courts, it is the General Secretariat of the State Council and the Office of analysis and forecasting of the Directorate of prospective and Finance of the State Council.

**Q80 (2017):** Subdirectorate of Statistics and Studies - ministerial statistical service of justice for civil and criminal courts and general secretariat of the Council of State for administrative courts.

## Germany

**Q80 (General Comment):** It is noteworthy that in 1965 the Conference of Justice Ministers established a nationwide committee for judicial statistics. The permanent Chair is held by the Bavarian justice administration department. All of the Land justice administration departments comprise the voting members of the committee. Invited guests are representatives of the Federal Office of Justice, the Federal Statistical Office, and the Land Statistical Offices of Bavaria, Baden-Württemberg, Lower Saxony, and North-Rhine/Westphalia.

The committee is responsible for the introduction and revision of statistics regarding the business of the justice system. This involves the uniform nationwide coordinated collection of statistical data regarding courts of general jurisdiction, the public prosecution offices, and courts of specialized jurisdiction. The collected statistical data is used for the distribution of business, calculation of personnel requirements, supervision, draft legislation, monitoring efficiency as a result of statutory amendments, and public work. Against this background, it is necessary for the committee to regularly examine the statistics regarding the justice system and conform it to the above-named requirements and current information needs. At the same time this ensures that the collected information can be compared at the federal level. The collection documentation is prepared by the courts and public prosecution offices. The evaluation takes place centrally at each Land Statistical Office. The latter summarizes the significant results of the statistics and publishes them annually.

In addition to the collections named above the workload in respect of non-contentious proceedings is encompassed in national reviews of business. The results are collected by each Lander and after that compiled by the Federal Office of Justice at the federal level. All courts and public prosecution offices maintain national personnel data. The effective date for collection of the data is 31 December and the information encompasses the position, gender, and percentage of time for which existing personnel are employed. In addition thereto, the deployment of personnel in the significant business branches of the justice system is collected as an average. The annual results are collected by the Lander justice administration departments. The Federal Office of Justice then creates an overview of the significant results from the Landers overviews.

**Q80 (2016):** Federation:

Federal Statistical Office, Wiesbaden ([www.destatis.de](http://www.destatis.de)), [rechtspflegestatistik@destatis.de](mailto:rechtspflegestatistik@destatis.de).

See also C.4 below.

**Q80 (2014):** In 2014, most of the Landers answered that there is a centralized institution responsible for collecting statistical data except for one Lander.

**Q80 (2012):** For 2010 and 2012, most of the Lander answered that there was a centralized institution responsible for collecting statistical data except for two Lander and another one (Bavaria) answered that there was one institution for ordinary courts but that there was no institution for the specialized jurisdictions.

**Q80 (2010):** For 2010 and 2012, most of the Lander answered that there was a centralized institution responsible for collecting statistical data except for two Lander and another one (Bavaria) answered that there was one institution for ordinary courts but that there was no institution for the specialized jurisdictions.

**Q80-1 (2013):** In the frame of the 2013 exercise, the reply with regard to the Federation was positive, while most of the Landers answered negatively.

## Greece

**Q80 (General Comment):** Although courts collect data, each one in its respective jurisdiction, the centralized institution responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Ministry of Justice, Transparency and Human Rights.

**Q80 (2018):** Ministry of Justice, Transparency and Human Rights (Mesogeion Avenue 96, 11527, Athens)

**Q80 (2017):** Ministry of Justice, Transparency and Human Rights, 96 Mesogeion Av., 11527, Athens ([www.ministryofjustice.gr](http://www.ministryofjustice.gr))  
Furthermore, data is collected by the Council of State, the Supreme Court and the General Commission of the State for ordinary Administrative courts, each for cases of ones competence.

**Q80 (2016):** Ministry of Justice, Transparency and Human Rights (Mesogeion Avenue 96, 11527, Athens)

**Q80-1 (2018):** [www.ministryofjustice.gr](http://www.ministryofjustice.gr)

**Q80-1 (2017):** [www.ministryofjustice.gr](http://www.ministryofjustice.gr)

**Q80-1 (2016):** [www.ministryofjustice.gr](http://www.ministryofjustice.gr)

## Hungary

**Q80 (General Comment):** The centralised institution responsible for collecting statistical data regarding the functioning of the courts and judiciary is the National Office for the Judiciary (Department of Statistical Data Analyses).

**Q80 (2017):** The National Office for the Judiciary - Department of Statistical Data Analysis

## Ireland

**Q80 (General Comment):** Information Officer  
The Courts Service  
15 - 24 Phoenix Street North  
Smithfield  
Dublin 7

**Q80 (2017):** Courts Service

**Q80-1 (General Comment):** Annual statistics are also published in the Courts Service Annual Report.

## Italy

**Q80 (General Comment):** Department of Statistics and Organizational Analysis within the Ministry of Justice (for the ordinary justice).  
Bureau of the Administrative Justice Council (for the administrative justice).

**Q80 (2017):** Department of Statistics and Organizational Analysis within the Ministry of Justice

**Q80 (2015):** Direzione Generale di Statistica e Analisi Organizzativa – Ministero della Giustizia - Via Arenula 70 - Roma  
Department of Statistics and Organizational Analysis - Ministry of Justice

**Q80-1 (General Comment):** The Department of Statistics and Organizational Analysis publishes all its reports and tables on its public website:

<https://webstat.giustizia.it/SitePages/StatisticheGiudiziarie/Statistiche%20giudiziarie.aspx>

Specific reports regarding the activity of each court are published on a quarterly basis here  
[https://webstat.giustizia.it/\\_layouts/15/start.aspx#/SitePages/Monitoraggio%20trimestrale.aspx](https://webstat.giustizia.it/_layouts/15/start.aspx#/SitePages/Monitoraggio%20trimestrale.aspx)  
as well as on the website of the Ministry of Justice:

[https://www.giustizia.it/giustizia/it/mg\\_1\\_14.page?all=true&facetNode\\_1=4\\_26&selectedNode=2\\_8](https://www.giustizia.it/giustizia/it/mg_1_14.page?all=true&facetNode_1=4_26&selectedNode=2_8)

## Latvia

**Q80 (General Comment):** The centralized institution responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Court Administration.

**Q80 (2018):** Court Administration of Latvia, Antonijas street 6, Riga, Latvia

**Q80-1 (2018):** Available at <https://dati.ta.gov.lv/>

## Lithuania

**Q80 (General Comment):** The centralized institution responsible for collecting statistical data regarding the functioning of the courts is the National Courts Administration.

**Q80-1 (General Comment):** The National Courts Administration publishes statistics on the functioning of each court on the internet, but it should be noted that statistics are published not on each court, but summarized for different instances of courts (the statistics of the first instance courts, courts of appeal).

## Luxembourg

**Q80 (General Comment):** The centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary is the General Prosecutor's Office of the Grand Duchy of Luxembourg (Cité Judiciaire, CR building, L - 2080 Luxembourg). The Statistical Service of Justice (SSJ) is attached to the Public Prosecutor's Office.

**Q80-1 (2016):** The SSJ started publishing figures a first time in 2017 by publishing a report on the year 2016. This report is available on the internet site of the judiciary (<http://www.justice.public.lu/fr/publications/justice-en-chiffres/La-justice-en-chiffres-2016.pdf>)

## Malta

**Q80 (General Comment):** The Court Administration has an in-house database and case management system that collects statistical information regarding all civil courts, and aspects of criminal procedure. This system is accessed daily by the court officers, but its upkeep and technical back-up are entrusted to the Malta Information Technology Agency (MITA) which is a government agency specialising in ICT services for government entities and departments, who are subcontracted by the Ministry for Justice, Culture and Local Government to provide and manage the IT infrastructure at the Law Courts. This data is then analysed and evaluated by the Department of Justice.

More specifically, the Malta Information Technology and Training Services Limited (MITTS) was set up in 2000 in order to establish the national IT strategy. In 2008, MITA was established as a government agency tasked with the implementation of the ICT roadmap. It incorporated the functions of MITTS and also took on some other functions that previously fell within the remit of the IT Ministry. Malta Information and Technology Agency (MITA):

Address: Gattard House, National Road, Blata I-Bajda, HMR9010, Malta

Webpage: <http://www.mita.gov.mt>

**Q80 (2018):** The Court Administration has an in-house database and case management system that collects statistical information regarding all civil courts, and aspects of criminal procedure. This system is accessed daily by the court officers, but its upkeep and technical back-up are entrusted to the Malta Information Technology Agency (MITA) which is a government agency specialising in ICT services for government entities and departments, who are subcontracted by the Ministry for Justice, Culture and Local Government to provide and manage the IT infrastructure at the Law Courts. This data is then analysed and evaluated by the Department of Justice.

More specifically, the Malta Information Technology and Training Services Limited (MITTS) was set up in 2000 in order to establish the national IT strategy. In 2008, MITA was established as a government agency tasked with the implementation of the ICT roadmap. It incorporated the functions of MITTS and also took on some other functions that previously fell within the remit of the IT Ministry. Malta Information and Technology Agency (MITA):

Address: Gattard House, National Road, Blata I-Bajda, HMR9010, Malta

Webpage: <http://www.mita.gov.mt>

The analysis of this data is then carried out by the Department of Justice.

**Q80 (2017):** The Court Administration has an in-house database and case management system that collects statistical information regarding all civil courts, and aspects of criminal procedure. This system is accessed daily by the court officers, but its upkeep and technical back-up are entrusted to the Malta Information Technology Agency (MITA). MITA is a government agency specialising in ICT services for government entities and departments, and they are subcontracted by the Ministry for Justice, Culture and Local Government to provide and manage the IT infrastructure at the Law Courts. This data is then analysed and evaluated by the Department of Justice.

More specifically, the Malta Information Technology and Training Services Limited (MITTS) was set up in 2000 in order to establish the national IT strategy. In 2008, MITA was established as a government agency tasked with the implementation of the ICT roadmap. It incorporated the functions of MITTS and also took on some other functions that previously fell within the remit of the IT Ministry. Malta Information and Technology Agency (MITA):

Address: Gattard House, National Road, Blata I-Bajda, HMR9010, Malta

Webpage: <http://www.mita.gov.mt>

**Q80-1 (2017):** These statistics are published on a monthly basis for both the civil and criminal courts at every instance.

## Netherlands

**Q80 (General Comment):** The Council of the Judiciary collects data, both for internal planning and control, and communication with the Department of Justice. Also the Dutch Central Bureau of Statistics collects data directly from the courts or from the Council of the Judiciary in respect of some instances.

**Q80 (2016):** Council for the Judiciary

## Poland

**Q80 (General Comment):** The centralized institution responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Ministry of Justice (Department of Organisation for 2010, Department of Strategy and Deregulation for 2012 and Department of Strategy and European Funds for 2014).

## Portugal

**Q80 (General Comment):** The centralized institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Directorate-General for Justice Policy (Ministry of Justice). Directorate General for Justice Policy (Ministry of Justice)

**Q80 (2017):** Directorate-General for Justice Policy (Ministry of Justice)

## Romania

**Q80 (2018):** There are also statistics departments in the Ministry of Justice and Prosecutors' Office by the High Court of Cassation and Justice. Each court implements in a shared application its own statistical information. Such data is centralized automatically in the statistics server managed by the Ministry of Justice. The access to the information is ensured to an equal extent also to the Judicial Statistics Unit within the Superior Council of Magistracy.

**Q80 (2017):** The centralised institution that is responsible for collecting statistical data regarding the functioning of courts and judiciary is the The Superior Council of Magistracy.

There are also statistics departments in the Ministry of Justice and Prosecutors' Office by the High Court of Cassation and Justice. Each court implements in a shared application its own statistical information. Such data is centralized automatically in the statistics server managed by the Ministry of Justice. The access to the information is ensured to an equal extent also to the Judicial Statistics Unit within the Superior Council of Magistracy.

**Q80 (2016):** There are also statistics departments in the Ministry of Justice and Prosecutors' Office by the High Court of Cassation and Justice. Each court implements in a shared application its own statistical information. Such data is centralized automatically in the statistics server managed by the Ministry of Justice. The access to the information is ensured to an equal extent also to the Judicial Statistics Unit within the Superior Council of Magistracy.

**Q80 (2013):** Statistics departments are functioning in the Superior Council of Magistracy, Ministry of Justice and Prosecutors' Office by the High Court of Cassation and Justice. Each court introduces in a shared application its own statistical information. Such information is centralized automatically in the statistics server managed by the Ministry of Justice. The access to the information is ensured to an equal extent also to the Judicial Statistics Unit within the Superior Council of Magistracy.

**Q80-1 (2018):** Detailed statistical information is available on intranet for judges and general information is being published in the reports on the activity of the courts which are published on internet.

**Q80-1 (2017):** Detailed statistical information is available on intranet for judges and general information is being published in the reports on the activity of the courts which are published on internet.

**Q80-1 (2016):** Detailed statistical information is available on intranet for judges and general information is being published in the reports on the activity of the courts which are published on internet.

**Q80-1 (2013):** The Superior Council of Magistracy (SCM) publishes the annual report on the Judiciary which includes statistical data. The report is public and is accessible to any person on the website of the SCM. The SCM also publishes statistical data on intranet website for the courts.

## Slovakia

**Q80 (General Comment):** The centralized institution responsible for collecting statistical data regarding the functioning of the courts and the judiciary is the Ministry of Justice of the Slovak Republic, Župné námestie 13, 813 11 Bratislava  
[www.justice.gov.sk](http://www.justice.gov.sk)

**Q80-1 (2017):** Statistical data are published on internet as an interactive dashboard for each court. The summary statistics are published by regions and for all judiciary.

## Slovenia

**Q80 (General Comment):** Ministry of Justice,  
Županciceva 3, 1000 Ljubljana  
T: +386 (0)1 369 5342  
F: +386 (0)1 369 5783  
[gp.mp@gov.si](mailto:gp.mp@gov.si)  
<http://www.mp.gov.si/>

The data for Court statistic, published by Ministry of Justice is obtained from the Supreme Court's Data warehouse.

**Q80 (2018):** The data for Court statistic, published by Ministry of Justice is obtained from the Supreme Court's Data warehouse.

**Q80 (2017):** The data for Court statistic, published by Ministry of Justice is obtained from the Supreme Court's Data warehouse (PSP Project).

**Q80 (2016):** The data for Court statistic, published by Ministry of Justice is obtained from the Supreme Court's Data warehouse (PSP Project).

## Spain

**Q80 (2018):** National Commission for Judicial Statistics

**Q80 (2017):** National Judicial Statistics Commission

**Q80-1 (2012):** On the occasion of the 2012 exercise, it has been indicated that the Statistic Service of the General Council of the Judiciary publishes an annual report 'Justice data to data', which contains relevant information about financial budgetary, personal resources, case flow, among others.

## Sweden

**Q80 (General Comment):** The centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Swedish National Courts Administration.

The Swedish courts use the same case management system with regard to all categories of cases, but with different set-ups. Information is shared when a case is appealed to a higher instance court. The system also provides data on a daily basis. In criminal cases, it communicates with the National Police Board and the prosecutors' offices. The statistics are encapsulated in ready-made reports accessible to all courts and persons employed by the latter. The system contains operational statistics, as well as historical data. The statistics database and reports are updated every night. The statistics are mainly used for analysis and follow-ups with regard to all courts and the National Courts Administration, annual reports addressed to the government, official statistics (annual publication), inquiries from media, different authorities and the public, as well as for the distribution of budgetary resources between different courts.

# Indicator 10: The methods, sources and efficiency of national data collection

## comments provided by the national correspondents organised by question no.

*Question 80. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?*

*Question 80-1. Does this institution publish statistics on the functioning of each court:*

*Question 81. 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 80

#### Austria

**(General Comment):** The centralised institution responsible for collecting statistical data regarding the functioning of the courts and the judiciary is the Federal Computing Centre of Austria (Bundesrechenzentrum GmbH) acting on behalf of the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice of the Republic of Austria.

**(2017):** Federal Computing Center of Austria (Bundesrechenzentrum GmbH)  
on behalf of  
Federal Ministry of Justice of the Republic of Austria  
Museumstraße 7  
1070 Wien

#### Belgium

**(General Comment):** Satisfaction surveys are conducted in Belgium by the Permanent Bureau of Statistics and Workload Measurement. <http://vbsw-bpsm.just.fgov.be/fr>

**(2018):** The College of Courts and Tribunals, through its support service, is in charge of the development (based on a specific methodology) and publication of statistics on the activity of courts and tribunals. These statistics relate to incoming cases, pending cases and resolved cases by calendar year. The nature of the case and the way in which the cases are closed are also part of the developed statistics.

**(2017):** The support service of the College of Courts and Tribunals is responsible for collecting statistical data from courts and tribunals and its publication.

**(2016):** The "Collège des Cours" and courts.

**(2015):** The College of courts and tribunals (statistics office)

#### Bulgaria

**(General Comment):** The centralized institution responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Supreme Judicial Council of the Republic of Bulgaria.

**(2018):** Supreme Judicial Council - 1000 Sofia, 12 Ekzarh Yosif Str.

**(2015):** Supreme Judicial Council; Sofia, 1000; Ekzarh Yosif str. 12

#### **Croatia**

**(General Comment):** The centralized institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Ministry of Justice of the Republic of Croatia.

#### **Cyprus**

**(General Comment):** Supreme Court of Cyprus <http://www.supremecourt.gov.cy/>

**(2018):** Supreme Court

**(2016):** Supreme Court

#### **Czech Republic**

**(General Comment):** The centralised institution responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Ministry of Justice.

#### **Denmark**

**(General Comment):** The centralized institution responsible for collecting statistical data on the functioning of the courts and the judiciary is the Danish Court Administration.

**(2017):** The centralized institution responsible for collecting statistical data on the functioning of the courts and the judiciary is the Danish Court Administration.

#### **Estonia**

**(General Comment):** The Ministry of Justice collects statistical data on 1st and 2nd instance courts, while the Supreme Court collects data on the Supreme Court.

**(2017):** Ministry of Justice, Supreme Court

#### **Finland**

**(General Comment):** The Ministry of Justice collects statistical data regarding the functioning of the courts. The Ministry of Justice collects data via automated case management systems of the courts and different automated statistics systems. The Ministry of Justice publishes the annual operational statistics. Until 2014 such data was also collected by Statistics Finland.

**(2018):** The Ministry of Justice collects statistical data regarding the functioning of the courts and publishes the annual operational statistics.

**(2017):** Statistics Finland no longer collects statistical data regarding the functioning of the courts and judiciary. The Ministry of Justice collects data and publishes the annual operational statistics, see: [http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160698/OMTH\\_11\\_2018\\_Tuomioistuinten\\_ty%c3%b6tilastoja\\_2017.pdf?sequence=4&isAllowed=y](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160698/OMTH_11_2018_Tuomioistuinten_ty%c3%b6tilastoja_2017.pdf?sequence=4&isAllowed=y)



**(2016):** Statistics Finland no longer collects statistical data regarding the functioning of the courts and judiciary. The Ministry of Justice collects data and publishes the annual operational statistics, see: [http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79563/OMTH\\_19\\_2017\\_Tuomioistuinten\\_tyotilastoja.pdf?sequence=1](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79563/OMTH_19_2017_Tuomioistuinten_tyotilastoja.pdf?sequence=1)

**(2015):** The Ministry of Justice collects data and publishes the annual operational statistics, see <http://www.oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1459753681075.html>

## France

**(General Comment):** The centralised institution responsible for collecting statistical data regarding the functioning of the civil and criminal courts is the Sub-Directorate of Statistics and Studies of the Ministry of Justice. Concerning the administrative courts, it is the General Secretariat of the State Council and the Office of analysis and forecasting of the Directorate of prospective and Finance of the State Council.

**(2017):** Subdirectorate of Statistics and Studies - ministerial statistical service of justice for civil and criminal courts and general secretariat of the Council of State for administrative courts.

## Germany

**(General Comment):** It is noteworthy that in 1965 the Conference of Justice Ministers established a nationwide committee for judicial statistics. The permanent Chair is held by the Bavarian justice administration department. All of the Land justice administration departments comprise the voting members of the committee. Invited guests are representatives of the Federal Office of Justice, the Federal Statistical Office, and the Land Statistical Offices of Bavaria, Baden-Württemberg, Lower Saxony, and North-Rhine/Westphalia.

The committee is responsible for the introduction and revision of statistics regarding the business of the justice system. This involves the uniform nationwide coordinated collection of statistical data regarding courts of general jurisdiction, the public prosecution offices, and courts of specialized jurisdiction. The collected statistical data is used for the distribution of business, calculation of personnel requirements, supervision, draft legislation, monitoring efficiency as a result of statutory amendments, and public work. Against this background, it is necessary for the committee to regularly examine the statistics regarding the justice system and conform it to the above-named requirements and current information needs. At the same time this ensures that the collected information can be compared at the federal level. The collection documentation is prepared by the courts and public prosecution offices. The evaluation takes place centrally at each Land Statistical Office. The latter summarizes the significant results of the statistics and publishes them annually.

In addition to the collections named above the workload in respect of non-contentious proceedings is encompassed in national reviews of business. The results are collected by each Lander and after that compiled by the Federal Office of Justice at the federal level. All courts and public prosecution offices maintain national personnel data. The effective date for collection of the data is 31 December and the information encompasses the position, gender, and percentage of time for which existing personnel are employed. In addition thereto, the deployment of personnel in the significant business branches of the justice system is collected as an average. The annual results are collected by the Lander justice administration departments. The Federal Office of Justice then creates an overview of the significant results from the Landers overviews.

**(2016):** Federation:  
Federal Statistical Office, Wiesbaden ([www.destatis.de](http://www.destatis.de)), [rechtspflegestatistik@destatis.de](mailto:rechtspflegestatistik@destatis.de).  
See also C.4 below.

**(2014):** In 2014, most of the Landers answered that there is a centralized institution responsible for collecting statistical data except for one Lander.

**(2012):** For 2010 and 2012, most of the Lander answered that there was a centralized institution responsible for collecting statistical data except for two Lander and another one (Bavaria) answered that there was one institution for ordinary courts but that there was no institution for the specialized jurisdictions.

**(2010):** For 2010 and 2012, most of the Lander answered that there was a centralized institution responsible for collecting statistical data except for two Lander and another one (Bavaria) answered that there was one institution for ordinary courts but that there was no institution for the specialized jurisdictions.

## Greece

**(General Comment):** Although courts collect data, each one in its respective jurisdiction, the centralized institution responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Ministry of Justice, Transparency and Human Rights.

**(2018):** Ministry of Justice, Transparency and Human Rights (Mesogeion Avenue 96, 11527, Athens)

**(2017):** Ministry of Justice, Transparency and Human Rights, 96 Mesogeion Av., 11527, Athens ([www.ministryofjustice.gr](http://www.ministryofjustice.gr))  
Furthermore, data is collected by the Council of State, the Supreme Court and the General Commission of the State for ordinary Administrative courts, each for cases of ones competence.

**(2016):** Ministry of Justice, Transparency and Human Rights (Mesogeion Avenue 96, 11527, Athens)

## Hungary

**(General Comment):** The centralised institution responsible for collecting statistical data regarding the functioning of the courts and judiciary is the National Office for the Judiciary (Department of Statistical Data Analyses).

**(2017):** The National Office for the Judiciary - Department of Statistical Data Analysation

## Ireland

**(General Comment):** Information Officer  
The Courts Service  
15 - 24 Phoenix Street North  
Smithfield  
Dublin 7

**(2017):** Courts Service

## Italy

**(General Comment):** Department of Statistics and Organizational Analysis within the Ministry of Justice (for the ordinary justice).  
Bureau of the Administrative Justice Council (for the administrative justice).

**(2017):** Department of Statistics and Organizational Analysis within the Ministry of Justice

**(2015):** Direzione Generale di Statistica e Analisi Organizzativa – Ministero della Giustizia - Via Arenula 70 - Roma  
Department of Statistics and Organizational Analysis - Ministry of Justice

## Latvia

**(General Comment):** The centralized institution responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Court Administration.

**(2018):** Court Administration of Latvia, Antonijas street 6, Riga, Latvia

## Lithuania

**(General Comment):** The centralized institution responsible for collecting statistical data regarding the functioning of the courts is the National Courts Administration.

## Luxembourg

**(General Comment):** The centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary is the General Prosecutor's Office of the Grand Duchy of Luxembourg (Cité Judiciaire, CR building, L - 2080 Luxembourg). The Statistical Service of Justice (SSJ) is attached to the Public Prosecutor's Office.

## Malta

**(General Comment):** The Court Administration has an in-house database and case management system that collects statistical information regarding all civil courts, and aspects of criminal procedure. This system is accessed daily by the court officers, but its upkeep and technical back-up are entrusted to the Malta Information Technology Agency (MITA) which is a government agency specialising in ICT services for government entities and departments, who are subcontracted by the Ministry for Justice, Culture and Local Government to provide and manage the IT infrastructure at the Law Courts. This data is then analysed and evaluated by the Department of Justice.

More specifically, the Malta Information Technology and Training Services Limited (MITTS) was set up in 2000 in order to establish the national IT strategy. In 2008, MITA was established as a government agency tasked with the implementation of the ICT roadmap. It incorporated the functions of MITTS and also took on some other functions that previously fell within the remit of the IT Ministry. Malta Information and Technology Agency (MITA):

Address: Gattard House, National Road, Blata I-Bajda, HMR9010, Malta

Webpage: <http://www.mita.gov.mt>

**(2018):** The Court Administration has an in-house database and case management system that collects statistical information regarding all civil courts, and aspects of criminal procedure. This system is accessed daily by the court officers, but its upkeep and technical back-up are entrusted to the Malta Information Technology Agency (MITA) which is a government agency specialising in ICT services for government entities and departments, who are subcontracted by the Ministry for Justice, Culture and Local Government to provide and manage the IT infrastructure at the Law Courts. This data is then analysed and evaluated by the Department of Justice.

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Address: Gattard House, National Road, Blata I-Bajda, HMR9010, Malta

Webpage: <http://www.mita.gov.mt>

## Netherlands

**(General Comment):** The Council of the Judiciary collects data, both for internal planning and control, and communication with the Department of Justice. Also the Dutch Central Bureau of Statistics collects data directly from the courts or from the Council of the Judiciary in respect of some instances.

**(2016):** Council for the Judiciary

## Poland

**(General Comment):** The centralized institution responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Ministry of Justice (Department of Organisation for 2010, Department of Strategy and Deregulation for 2012 and Department of Strategy and European Funds for 2014).

## Portugal

**(General Comment):** The centralized institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Directorate-General for Justice Policy (Ministry of Justice). Directorate General for Justice Policy (Ministry of Justice)

**(2017):** Directorate-General for Justice Policy (Ministry of Justice)

## Romania

**(2018):** There are also statistics departments in the Ministry of Justice and Prosecutors' Office by the High Court of Cassation and Justice. Each court implements in a shared application its own statistical information. Such data is centralized automatically in the statistics server managed by the Ministry of Justice. The access to the information is ensured to an equal extent also to the Judicial Statistics Unit within the Superior Council of Magistracy.

**(2017):** The centralised institution that is responsible for collecting statistical data regarding the functioning of courts and judiciary is the The Superior Council of Magistracy.

There are also statistics departments in the Ministry of Justice and Prosecutors' Office by the High Court of Cassation and Justice. Each court implements in a shared application its own statistical information. Such data is centralized automatically in the statistics server managed by the Ministry of Justice. The access to the information is ensured to an equal extent also to the Judicial Statistics Unit within the Superior Council of Magistracy.

**(2016):** There are also statistics departments in the Ministry of Justice and Prosecutors' Office by the High Court of Cassation and Justice. Each court implements in a shared application its own statistical information. Such data is centralized automatically in the statistics server managed by the Ministry of Justice. The access to the information is ensured to an equal extent also to the Judicial Statistics Unit within the Superior Council of Magistracy.

**(2013):** Statistics departments are functioning in the Superior Council of Magistracy, Ministry of Justice and Prosecutors' Office by the High Court of Cassation and Justice. Each court introduces in a shared application its own statistical information. Such information is centralized automatically in the statistics server managed by the Ministry of Justice. The access to the information is ensured to an equal extent also to the Judicial Statistics Unit within the Superior Council of Magistracy.

## Slovakia

**(General Comment):** The centralized institution responsible for collecting statistical data regarding the functioning of the courts and the judiciary is the Ministry of Justice of the Slovak Republic, Župné námestie 13, 813 11 Bratislava  
[www.justice.gov.sk](http://www.justice.gov.sk)

## Slovenia

**(General Comment):** Ministry of Justice,  
Županciceva 3, 1000 Ljubljana  
T: +386 (0)1 369 5342  
F: +386 (0)1 369 5783  
[gp.mp@gov.si](mailto:gp.mp@gov.si)  
<http://www.mp.gov.si/>

The data for Court statistic, published by Ministry of Justice is obtained from the Supreme Court's Data warehouse.

**(2018):** The data for Court statistic, published by Ministry of Justice is obtained from the Supreme Court's Data warehouse.

**(2017):** The data for Court statistic, published by Ministry of Justice is obtained from the Supreme Court's Data warehouse (PSP Project).

**(2016):** The data for Court statistic, published by Ministry of Justice is obtained from the Supreme Court's Data warehouse (PSP Project).

### Spain

**(2018):** National Commission for Judicial Statistics

**(2017):** National Judicial Statistics Commission

### Sweden

**(General Comment):** The centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary is the Swedish National Courts Administration.

The Swedish courts use the same case management system with regard to all categories of cases, but with different set-ups. Information is shared when a case is appealed to a higher instance court. The system also provides data on a daily basis. In criminal cases, it communicates with the National Police Board and the prosecutors' offices. The statistics are encapsulated in ready-made reports accessible to all courts and persons employed by the latter. The system contains operational statistics, as well as historical data. The statistics database and reports are updated every night. The statistics are mainly used for analysis and follow-ups with regard to all courts and the National Courts Administration, annual reports addressed to the government, official statistics (annual publication), inquiries from media, different authorities and the public, as well as for the distribution of budgetary resources between different courts.

### Question 80-1

### Belgium

**(2018):** Statistics are published by calendar year. In 2019, the 2018 statistics have not been published, following the revision of statistics as part of the development of high quality statistics for all jurisdictions. It is planned to resume the publication of the annual statistics in 2020 retroactively (thus including the 2018 data).

### Cyprus

**(2016):** statistics are not at present published on the internet

### Denmark

**(General Comment):** Yes, number of incoming and finalized cases and turnover time.

**(2017):** The Danish Court Administration works out general statistical data on case flows, target attainment, turnover time, weighted cases and productivity and numbers of staff. It is then expected that the individual courts work out a report where they explain the development in the court, plans they might have to deal with problems and challenges and the main occurrences during the year.

### Finland

**(2018):** Please see for example courts' statistics 2018 (in Finnish): <http://urn.fi/URN:ISBN:978-952-259-745-8>

### Germany

**(2013):** In the frame of the 2013 exercise, the reply with regard to the Federation was positive, while most of the Landers answered negatively.

## Greece

(2018): [www.ministryofjustice.gr](http://www.ministryofjustice.gr)

(2017): [www.ministryofjustice.gr](http://www.ministryofjustice.gr)

(2016): [www.ministryofjustice.gr](http://www.ministryofjustice.gr)

## Ireland

(General Comment): Annual statistics are also published in the Courts Service Annual Report.

## Italy

(General Comment): The Department of Statistics and Organizational Analysis publishes all its reports and tables on its public website:

<https://webstat.giustizia.it/SitePages/StatisticheGiudiziarie/Statistiche%20giudiziarie.aspx>

Specific reports regarding the activity of each court are published on a quarterly basis here

[https://webstat.giustizia.it/\\_layouts/15/start.aspx#/SitePages/Monitoraggio%20trimestrale.aspx](https://webstat.giustizia.it/_layouts/15/start.aspx#/SitePages/Monitoraggio%20trimestrale.aspx)

as well as on the website of the Ministry of Justice:

[https://www.giustizia.it/giustizia/it/mg\\_1\\_14.page?all=true&facetNode\\_1=4\\_26&selectedNode=2\\_8](https://www.giustizia.it/giustizia/it/mg_1_14.page?all=true&facetNode_1=4_26&selectedNode=2_8)

## Latvia

(2018): Available at <https://dati.ta.gov.lv/>

## Lithuania

(General Comment): The National Courts Administration publishes statistics on the functioning of each court on the internet, but it should be noted that statistics are published not on each court, but summarized for different instances of courts (the statistics of the first instance courts, courts of appeal).

## Luxembourg

(2016): The SSJ started publishing figures a first time in 2017 by publishing a report on the year 2016. This report is available on the internet site of the judiciary (<http://www.justice.public.lu/fr/publications/justice-en-chiffres/La-justice-en-chiffres-2016.pdf>)

## Malta

(2017): These statistics are published on a monthly basis for both the civil and criminal courts at every instance.

## Romania

(2018): Detailed statistical information is available on intranet for judges and general information is being published in the reports on the activity of the courts which are published on internet.

(2017): Detailed statistical information is available on intranet for judges and general information is being published in the reports on the activity of the courts which are published on internet.

(2016): Detailed statistical information is available on intranet for judges and general information is being published in the reports on the activity of the courts which are published on internet.

**(2013):** The Superior Council of Magistracy (SCM) publishes the annual report on the Judiciary which includes statistical data. The report is public and is accessible to any person on the website of the SCM. The SCM also publishes statistical data on intranet website for the courts.

#### **Slovakia**

**(2017):** Statistical data are published on internet as an interactive dashboard for each court. The summary statistics are published by regions and for all judiciary.

#### **Spain**

**(2012):** On the occasion of the 2012 exercise, it has been indicated that the Statistic Service of the General Council of the Judiciary publishes an annual report 'Justice data to data', which contains relevant information about financial budgetary, personal resources, case flow, among others.

#### **Question 81**

#### **Belgium**

**(2018):** The report covers the general functioning of the court/public prosecutor's office (staff resources, logistical resources, organisation, consultation structures, statistics, changes in workload, changes in the judicial backlog).

**(2017):** The report covers the general functioning of the court/public prosecutor's office (staff resources, logistical resources, organisation, consultation structures, statistics, evolution in workload, evolution in the judicial backlog). The reports on functioning are transmitted to the head of the immediately superior court, the Minister of Justice, the High Council of Justice and the presidents of the Federal Legislative Chambers.

**(2016):** The report deals with the general functioning of the court/public prosecution (staff resources, logistical means, organisation, consultation structures, statistics, evolution of the workload, evolution of the judicial backlog). The operating reports are transmitted to the head of the immediately superior court, the Minister of Justice, the High Council of Justice and the presidents of the federal legislative chambers.

#### **Croatia**

**(2016):** The reason for change in answer is that since 2016 the Ministry of Justice has access to all data through eFile and other court systems, and courts no longer have the obligation to submit reports.

#### **Cyprus**

**(General Comment):** The Supreme Court prepares an activity report on the reserved judgments and the period for which they are reserved. There is no report prepared by each court on the number of cases.

**(2016):** The report is sent to the Supreme Court

#### **Denmark**

**(General Comment):** The Danish Court Administration works out general statistical data on case flows, target attainment, turnover time, weighted cases and productivity and numbers of staff. It is then expected that the individual courts work out a report where they explain the development in the court, plans they might have to deal with problems and challenges and the main occurrences during the year.

**(2018):** The content is very much up to the courts. But case flow, goals attainments and an essay of what happened and influenced the court during the year is being examined.

**(2017):** It is intended for the general public. The content is prosa and tables with figures. It may be short or long. This is up to the individual court.

## Estonia

**(2017):** It is done by the system, i.e. it is a part of our court information system. The Ministry of Justice and the courts can generate the necessary reports if needed.

**(2016):** The reporting system has changed. There is no longer obligation to present reports to the Ministry of Justice. It only applies to cases older than 2 years.

## Finland

**(General Comment):** The annual report should include information on the court's activities such as number of incoming cases, number of decisions given and average length of the proceedings. The report is intended to the government as a part of the budgetary information as well as to the general public and the media.

**(2017):** The report is intended to the government as a part of the budgetary information as well as to the public.

**(2016):** The report is intended to the government as a part of the budgetary information as well as to the public.

## France

**(2016):** Civil and criminal courts provide oral activity counts in the frame of the solemn hearings on the occasion of the judicial re-entry in January, in compliance with the provisions of the Code of Judicial Organisation, or by means of management tools, but this is not an activity report in the precise sense of the term. As for the administrative courts, they make an activity report which is intended only for the Vice-President of the State Council (Conseil d'Etat). Activity reports may be prepared, but this is not an obligation.

## Greece

**(General Comment):** Individual courts are asked to prepare an annual activity report but it is not required by law.

**(2017):** Civil and Criminal courts have the Duty to provide the supreme Court and the Administrative tribunals the General Commission of the state, every three months, with a report containing Information about cases flow. After complete implementation of the respective integrated management systems for the penal and Civil courts on the one hand and the Administrative on the other, there will be the possibility to follow cases flow via ICT possibilities. More specifically, the above systems refer to the development of central Information monitoring systems of the Legal cases influx in each jurisdiction, which will lead to two separate Inter-functional computerized Programmes connecting the courts of each jurisdiction.

## Hungary

**(General Comment):** The president of each court has to present an annual report about the performance of the court that is presented at the conference of judges and made available on the intranet site of the court.

Furthermore, the presidents of the Regional Courts and Regional Courts of Appeal have to present their reports to the NOJ as well. The President of the Supreme Court (Kúria) has to present the annual report to the Parliament and make it available on the website of the Kúria.

## Ireland

**(General Comment):** The Courts Service is required by statute to provide an annual report on its activity during the year concerned. The report would include data on caseload for each court jurisdiction.

**(2017):** The Courts Service is required by statute to provide an annual report on its activity during the year concerned. The report would include data on caseload for each court jurisdiction.



**(2015):** With regard to Questions 70 to 77, quarterly reports are provided to the Courts Service's Senior Management Team by the Operational Directorates administering the various court jurisdictional areas on caseload volume and waiting times to trial.

The Courts Service provides and publishes in its Annual report a range of caseload data including (a) average length of time of proceedings from issue to conclusion, (b) volume of incoming cases and cases determined by the courts or notified to the courts as resolved in each year and (c) waiting times to trial for various categories of proceedings and applications for the various jurisdictions see Chapter 3 (Statistics) of its Annual Report for 2015, and in particular pages 59 to 62 and 69 to 71 thereof:

[http://www.courts.ie/Courts.ie/library3.nsf/\(WebFiles\)/A9CCBEE01757C58280257FF00031EEBE/\\$FILE/Courts%20Service%20Annual%20Report%202015.pdf](http://www.courts.ie/Courts.ie/library3.nsf/(WebFiles)/A9CCBEE01757C58280257FF00031EEBE/$FILE/Courts%20Service%20Annual%20Report%202015.pdf)

## Italy

**(2017):** In Italy each court is required to prepare an annual activity report which includes among other elements: incoming, resolved, pending cases, age of proceedings, the number of judges and administrative staff, targets and assessment of the activity, etc. The activity reports of first instance courts (i.e. Tribunals) are addressed to the appeal courts. The appeal courts include such data in their own activity reports, which are eventually published.

## Latvia

**(General Comment):** There are publicly available statistical reports on all courts and cases at <https://dati.ta.gov.lv/>.

**(2017):** There are publicly available statistical reports on all courts and cases at <http://tis.ta.gov.lv>

**(2016):** Court Administration provides statistics for most of the courts with the exception for Supreme court, that provides data individually. Individual court reports are made by its staff for the purpose of planing their day-to-day work. It is not required by law or Court Administration. These courts however use data provided by Court Administration that is available online.

## Lithuania

**(2017):** It is the annual report of the court activity that is intended not only to the courts, but also to all the publicity.

**(2016):** It is the annual report of the court activity that is intended not only to the courts, but also to all the publicity.

## Luxembourg

**(2018):** The report is public and available in its integrity.

<https://justice.public.lu/dam-assets/fr/publications/rapport-activites-judiciaires/Rapport-juridictions-judiciaires-2018.pdf>  
A condensed version is published in the series "Les chiffres de la Justice".

**(2017):** All the services of the judiciary report to the Prosecutor general who assembles the data in a general report that is transmitted to the Ministry of Justice. The report contains figures as well as comments and remarks on these figures and also general considerations on the functioning of the judiciary. The report is published on the internet site of the judiciary (<http://www.justice.public.lu/fr/publications/index.html>).

In addition please note that since 2017, a summary is published in a separate (paper and digital) booklet "Les chiffres de la Justice".

**(2016):** All the services of the judiciary report to the Prosecutor general who the assembles the data in a general report that is transmitted to the Ministry of Justice. The report contains figures as well as comments and remarks on these figures and also general considerations on the functioning of the judiciary. The report is published on the internet site of the judiciary (<http://www.justice.public.lu/fr/publications/index.html>).

**(2015):** The activity reports of the courts and prosecutors's offices can be found at following URL:

<http://www.justice.public.lu/fr/publications/index.html>

#### **Malta**

**(2017):** All the individual courts with pending cases over 5 years old have to draw an annual report detailing their yearly caseload, the number of pending cases and the age of these cases. This report is an internal report addressed solely to the Chief Justice. It is not made public and it is not even distributed internally to the court administration or to the respective Ministry. The report referenced in this comment is the only 'activity' report that individual courts are expected to submit on an annual basis, and in paper format, to the Chief Justice.

**(2016):** All the individual courts with pending cases over 5 years old have to draw an annual report detailing their yearly caseload, the number of pending cases and the age of these cases. This report is an internal report addressed solely to the Chief Justice. It is not made public and it is not even distributed internally to the court administration or to the respective Ministry. The report referenced in this comment is the only 'activity' report that individual courts are expected to submit on an annual basis, and in paper format, to the Chief Justice.

**(2015):** In view of the new question at 81.1, question 81 was answered differently than previous years. The individual courts do prepare an annual report detailing their yearly caseload, the number of pending cases that they have, and the age of these cases. However this report is internal and addressed solely to the Chief Justice. It is not distributed neither to the administration nor to the general public.

#### **Netherlands**

**(2018):** An annual report for all courts is published. Some Courts still publish an individual annual report. This is not required.

#### **Poland**

**(2016):** The presidents of appellate courts are required to submit, not later than the end of April of each year, the annual information on the activities of the courts acting in the appellate field.

#### **Portugal**

**(General Comment):** Generally, the waiting time during court procedures is not monitored. However, in some courts, there are such practices.

**(2017):** The report is destined to the High Judicial Council.

#### **Slovakia**

**(General Comment):** Every court sends the monthly statistical report on the number of pending and resolved cases to the Ministry of justice. The more detailed are the semiannual and the annual statistical reports.

**(2018):** For previous cycle we indicated answer yes. We considered the monthly statistical reports of the court as the kind of activity report.

With the change of the system of the statistical data collection the courts are not required to send the monthly statistical reports to the Ministry of Justice anymore. Within the cooperation project between Ministry of Justice of the Slovak republic and CEPEJ the pilot courts were asked to draft the activity reports according to the CEPEJ methodology. In the reference year 2018 the courts were not required to prepare an activity report.

**(2017):** Every court sends the monthly statistical report on the number of pending and resolved cases to the Ministry of justice. The more detailed are the semiannual and the annual statistical reports.

**Slovenia**

**(2018):** For the content of the report and audience, please see Q73.

**(2017):** For the content of the report and audience, please see Q73.

**(2016):** For the content of the report and audience, please see Q73.

**Spain**

**(2016):** The statistics contain, among other data, cases entered, resolved, by type of procedure, hearings held, pending writings, resolutions adopted, sense of the decisions (if they are estimative or not), enforcement proceedings, appeals (entered and resolved), data on judges, judicial counsellor and staff. The statistic report is sent to the statistic department of the Council for the Judiciary.

# Indicator 11: Gender in judiciary

**Table 11.1: Existence of specific provisions for facilitating gender equality in recruiting in 2018 (Q61-2)**

States	EC Code	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents
Austria	20	Yes	Yes	Yes	No	No	Yes
Belgium	1	No	No	No	No	Yes	No
Bulgaria	2	No	No	No	No	No	No
Croatia	11	No	No	No	No	No	No
Cyprus	13	No	No	No	No	No	No
Czech Republic	3	No	No	No	No	No	No
Denmark	4	Yes	Yes	Yes	No	Yes	Yes
Estonia	6	No	No	No	No	No	No
Finland	26	Yes	Yes	Yes	Yes	Yes	Yes
France	10	No	No	Yes	Yes	No	No
Germany	5	Yes	Yes	Yes	No	No	Yes
Greece	8	No	No	No	No	No	No
Hungary	17	No	No	No	No	No	No
Ireland	7	No	No	No	No	No	No
Italy	12	No	No	No	No	No	No
Latvia	14	No	No	No	No	No	No
Lithuania	15	No	No	Yes	No	No	No
Luxembourg	16	No	No	No	No	No	No
Malta	18	No	No	No	No	No	No
Netherlands	19	No	No	No	No	No	No
Poland	21	No	No	No	No	No	No
Portugal	22	No	No	No	No	No	No
Romania	23	No	No	No	No	No	No
Slovakia	25	No	No	No	No	No	No
Slovenia	24	No	No	No	No	No	No
Spain	9	Yes	Yes	Yes	No	No	Yes
Sweden	27	Yes	Yes	No	No	No	Yes

**Table 11.2: Existence of specific provisions for facilitating gender equality in promotion in 2018 (Q61-2)**

States	EC Code	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents
Austria	20	Yes	Yes	Yes	No	No	Yes
Belgium	1	No	No	No	No	Yes	No
Bulgaria	2	No	No	No	No	No	No
Croatia	11	No	No	No	No	No	No
Cyprus	13	No	No	No	No	No	No
Czech Republic	3	No	No	No	No	No	No
Denmark	4	Yes	Yes	Yes	No	Yes	Yes
Estonia	6	No	No	No	No	No	No
Finland	26	No	No	No	No	No	No
France	10	No	No	Yes	Yes	No	No
Germany	5	Yes	Yes	Yes	No	No	Yes
Greece	8	No	No	No	No	No	No
Hungary	17	No	No	No	No	No	No
Ireland	7	No	No	No	No	No	No
Italy	12	No	No	No	No	No	No
Latvia	14	No	No	No	No	No	No
Lithuania	15	No	No	Yes	No	No	No
Luxembourg	16	No	No	No	No	No	No
Malta	18	No	No	No	No	No	No
Netherlands	19	No	No	No	No	No	No
Poland	21	No	No	No	No	No	No
Portugal	22	No	No	No	No	No	No
Romania	23	No	No	No	No	No	No
Slovakia	25	No	No	No	No	No	No
Slovenia	24	No	No	No	No	No	No
Spain	9	Yes	Yes	No	No	No	No
Sweden	27	Yes	Yes	No	Yes	No	Yes

**Table 11.3: Availability of national programme to promote gender equality in 2018 (Q61-5)**

States	EC Code	National programme for gender equality
Austria	20	Yes
Belgium	1	No
Bulgaria	2	No
Croatia	11	No
Cyprus	13	No
Czech Republic	3	No
Denmark	4	Yes
Estonia	6	No
Finland	26	No
France	10	No
Germany	5	Yes
Greece	8	No
Hungary	17	No
Ireland	7	No
Italy	12	Yes
Latvia	14	No
Lithuania	15	Yes
Luxembourg	16	No
Malta	18	No
Netherlands	19	No
Poland	21	No
Portugal	22	Yes
Romania	23	No
Slovakia	25	Yes
Slovenia	24	No
Spain	9	Yes
Sweden	27	No

**Table 11.4: Existence of person/institution specifically dedicated to ensure the respect of gender equality in 2018 (Q61-7)**

States	EC Code	In courts (judges)	In public prosecution services (prosecutors)	For courts' non-judge staff
Austria	20	Yes	Yes	Yes
Belgium	1	No	No	No
Bulgaria	2	No	No	No
Croatia	11	No	No	No
Cyprus	13	No	No	No
Czech Republic	3	No	No	No
Denmark	4	No	No	No
Estonia	6	No	No	No
Finland	26	No	No	No
France	10	No	No	No
Germany	5	Yes	Yes	Yes
Greece	8	No	No	No
Hungary	17	No	No	No
Ireland	7	No	No	No
Italy	12	Yes	Yes	Yes
Latvia	14	No	No	No
Lithuania	15	No	No	No
Luxembourg	16	Yes	Yes	Yes
Malta	18	No	No	No
Netherlands	19	No	No	No
Poland	21	No	No	No
Portugal	22	No	No	No
Romania	23	No	No	No
Slovakia	25	No	No	No
Slovenia	24	No	No	No
Spain	9	No	No	No
Sweden	27	No	No	No



# Indicator 11: Gender in judiciary

## comments provided by the national correspondents

### organised by country

*Question 061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :*

*Question 061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :*

*Question 061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?*

*Question 061-7. 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:*

#### Austria

**Q061-2 (2018):** Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017).

**Q061-3 (2018):** Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017) when applying for senior positions. In addition, the mentioned legal provisions provide for the preferential treatment of women applying for trainings, which help them qualify for senior positions.

**Q061-5 (2018):** - Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017)

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008858> - [https://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40197072/II\\_246\\_2017\\_Anlage.pdf](https://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40197072/II_246_2017_Anlage.pdf) - Catalogue of measures to promote women and their equal treatment within the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice : - Participation in the inter-ministerial cross-mentoring-program for Women provided by the Federal Chancellery continuous training offer promoting women (e.g. trainings for women returning after maternity leave, etc) <https://www.jobboerse.gv.at/aufstieg/crossmentoring/index.html> - design of a concept on human resource development dedicated to the specific needs of the individual

**Q061-7 (2018):** Contact persons for equal treatment (Article 35 ff Federal Equal Treatment Act [Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019]).

#### Belgium

**Q061-2 (2018):** As far as notaries are concerned, since 1999 the legislator has introduced the possibility of creating associations between titular notaries and candidate notaries, which has rejuvenated the profession and increased the number of women in the notarial profession. A gender-neutral policy is applied to notarial staff.

**Q061-3 (2018):** The notarial sector ensures a gender-neutral policy. In Belgian social law, for example, it is considered that the neutrality of the job classification and scales is an important element in guaranteeing this neutrality. In the notarial profession, function classification meets the requirements of neutrality.

#### Bulgaria

**Q061-5 (2018):** There is no such programme within judicial system but there is National action plan to promote equality between women and men on national level (for all systems and spheres of economic life).

[http://saveti.government.bg/web/cc\\_19/1](http://saveti.government.bg/web/cc_19/1)

#### Denmark

**Q061-2 (2018):** The Danish Courts have a policy regarding equal treatment, which has the purpose to promote equal treatment of all employees within the Danish Courts. The policy states that there has to be made an active effort to ensure a versatile staff composition in all job functions and on all levels and that everyone regardless of age, gender, handicap, race, religion or ethnic affiliation etc., must be treated equally in regards to employment and promotion as well as be ensured equal access to professional and personal development. When recruiting this means that if there are several equally qualified applicants for a position, the applicant who represents a minority in the workplace compared to the surrounding society's composition should be chosen. In this case it can be necessary to facilitate the special needs of the applicant as part of the employment. ---

Furthermore the following laws promote gender equality in Denmark: The Consolidation Act on Gender Equality and The Consolidation Act on Equal Treatment of Men and Women as regards to Employment etc. The Act on Equal Treatment of Men and Women with regards to Employment etc. (Consolidated Act number 645, 2011-06-08 as later amended on Equal Treatment of Men and Women with regards to Employment etc. /Lovbekendtgørelse nr. 645 af 8. juni 2011 om ligebehandling af mænd og kvinder med hensyn til beskæftigelse m.v. med senere ændringer) ensures that men and women are treated equally in their working life. This means that an employer must treat men and women equally with regard to recruitment. In recruitment advertising, it is prohibited to state a preference for a specific gender and employers may not recruit an employee based on gender. Among other things, the act is about:

- working conditions
- Hiring and dismissal
- Promotion and education

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Regarding lawyers, the Danish authority handling the appointment of lawyers has stated that the authority does not make registrations of gender. Furthermore, the Danish Administration of Justice Act does not contain provisions regarding equal distribution between the sexes concerning the roles of the judicial system.

**Q061-3 (2018):** The same policy and laws regarding gender equality apply regarding promotion. See answer 61-2.

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Regarding lawyers, see answer 61-2

**Q061-5 (2018):** Policy regarding equal treatment within the Danish Courts: <http://www.domstol.dk/om/publikationer/HtmlPublikationer/Politikker/Ligebehandlingspolitik/978-87-92357-23-5.pdf>.

**Q061-7 (2018):** Within the Danish Courts gender equality is ensured by the use of our local policy regarding equal treatment, the Danish legislation regarding gender equality and The Board of Equal Treatment (See questions 3.4.1-3.4.2).

## Finland

**Q061-2 (General Comment):** Legislation on gender equality, namely the Act on Equality between Women and Men (Equality Act) applies to most employers, including the public authorities and law firms. Every employer must promote equality between women and men within working life in a systematic manner. In order to promote gender equality in working life, an employer must 1) act in such a way that job vacancies attract applications from both women and men; 2) promote the equitable recruitment of women and men in the various jobs and create for them equal opportunities for career advancement; 3) promote equality between women and men in the terms of employment, especially in pay; 4) develop working conditions to ensure they are suitable for both women and men; 5) facilitate the reconciliation of working life and family life for women and men by paying attention especially to working arrangements; and 6) act to prevent the occurrence of discrimination based on gender. If an employer has at least 30 employees, the emreatment of Men and Women as regards to Employment etc. The Act on Equal Treatment of Men and Women with regards to Employment etc. (Consolidated Act number 645, 2011-06-08 as later amended on E

**Q061-2 (2018):** General legislation on Legislation on gender equality

## France

**Q061-2 (2018):** Report of the Human Rights Defender (2018) <https://www.defenseurdesdroits.fr/fr/etudes-et-recherches/2018/05/conditions-de-travail-et-experiences-des-discriminations-dans-la>

The Recruitment and Training Office (RHG4) of the Sub-Directorate of Human Resources of the Registries within the Directorate of Judicial Services is responsible for organising recruitment competitions for directors of registry services and registrars (specific bodies).

As the recruitments organised for 2019 are in progress, the data below concern recruitments organised for 2018.

1 - concerning parity in the competition juries

With regard to the feminisation of the body of registries, the RHG4 office is not in a position to ensure perfect parity within the competition juries. However, as far as possible, three-person subjurisdictions most often include a male.

In 2018, the 21-member jury for the clerk competition included 13 women and 8 men.

The 12-member jury for the Director of Registry Services (DRS) competition consisted of 7 women and 5 men.

2 - concerning parity among competition candidates

The main source of recruitment for the specific bodies of the LSB is the law schools, whose target audience is already highly feminised.

A - registration data

In 2018, 4036 women and 1146 men registered for the external clerk competition. 560 women and 167 men registered for the internal clerk competition.

1262 women and 334 men registered for the DSG external competition. 713 women and 189 men registered for the DSG internal competition.

B - success data

The distribution of men/women in the success of competitions is logically parallel to the distribution of registrations.

In 2018, 358 women and 52 men were admitted to the external clerk competition. 57 women and 13 men were admitted to the internal clerk competition.

61 women and 7 men were admitted to the DSG external competition. 38 women and 7 men were admitted to the DSG internal competition.

**Q061-3 (2018):** For magistrates:

If no specific provision exists to facilitate gender parity in promotion procedures, the appointing authority shall ensure that access to senior posts and in particular to heads of the public prosecutor's office tends towards parity

For registry services:

The Recruitment and Training Office (RHG4) of the Sub-Directorate of Clerks' Human Resources within the Directorate of Judicial Services is responsible for organizing professional examinations for directors of registry services and clerks (specific bodies).

As the recruitments organised for 2019 are in progress, the data below concern recruitments organised for 2018.

1 - concerning the parity of professional examinations within the boards of examiners

With regard to the feminization of the registry body, the RHG4 office is not in a position to ensure perfect parity in the professional examinations boards. However, as far as possible, three-person subjurisdictions most often include a male.

In 2018, the 12-member Professional Clerk's Body Recruitment Examination Board (C in B) included 7 women and 5 men.

The 12-member Professional Examination Board for Access to the Principal Registrar (G-PR) consisted of 7 women and 5 men.

It should be noted that the 9-member Professional Examination Board for the Senior Director (DSG-P) included 4 women and 5 men.

2 - concerning the parity of professional examinations among candidates

Due to the feminisation of the registry body, the main source of professional examinations for the specific bodies of the LSB is therefore strongly feminised.

A - registration data

In 2018, 393 women and 71 men registered for the professional recruitment exam in the Clerk's Corps (C in B).

186 women and 29 men registered for the professional examination for the rank of Principal (DSG-P).

777 women and 119 men registered for the professional examination for access to the rank of Principal Registrar (G-PR).

B - success data

The distribution of men/women in the success of professional examinations is logically parallel to the distribution of enrolments.

In 2018, 87 women and 13 men were admitted to the Professional Recruitment Examination in the Clerk's Corps (C in B).

29 women and 4 men were admitted to the professional examination for the rank of Principal (DSG-P).

128 women and 17 men were admitted to the professional examination for access to the rank of Principal Registrar (G-PR).

With regard to administrative justice: Vigilance is exercised to ensure equal representation on the board for the advancement of the rank of President. The same applies to lists of suitable candidates giving access in particular to the functions of presidents of chambers undergoing administrative appeals and heads of courts.

The provisions on elections to the Bar Council provide that when the number of lawyers at the Bar exceeds 30, candidates are presented in pairs composed of a man and a woman (article 5 of the decree of 27 November 1991). In addition, article 51-1 of the Decree of 27 November 1991 provides that the national commission responsible for developing the subjects for the CRFPA entrance examination shall include an equal number of women and men.

**Q061-5 (2018):** complement of question 61-4: On all professions: [http://www.justice.gouv.fr/art\\_pix/rapport\\_feminisation.pdf](http://www.justice.gouv.fr/art_pix/rapport_feminisation.pdf) ; <http://haut-conseil-egalite.gouv.fr/parite/actualites/article/revision-constitutionnelle-le-hce-appelle-a-faire-de-la-constitution-un-texte> ; [https://www.femmes-de-justice.fr/app/download/14167680/hce\\_avis\\_organisations\\_2017\\_07\\_25.pdf](https://www.femmes-de-justice.fr/app/download/14167680/hce_avis_organisations_2017_07_25.pdf) Judges and prosecutors: <https://www.courdecassation.fr/IMG///Enqu%C3%AAte%20avec%20ITW%20F.%20Molins%20sjg1909.pdf> Lawyers: <https://www.cnb.avocat.fr/fr/actualites/femmes-dans-la-profession-avocat-faits-et-chiffres>; [https://www.femmes-de-justice.fr/app/download/15427734/cp\\_defenseur\\_des\\_droits\\_-\\_enquete\\_avocats\\_final.pdf](https://www.femmes-de-justice.fr/app/download/15427734/cp_defenseur_des_droits_-_enquete_avocats_final.pdf) Notaries: <http://www.autoritedelaconurrence.fr/user/avisdec.php?numero=18A08>; <https://fr.calameo.com/read/005125198d38277198a12?page=1>

**Q061-7 (2018):** With regard to administrative justice: A network of referent magistrates appointed by the diversity delegate ensures vigilance within each jurisdiction

## Germany

**Q061-5 (2018):** Bavaria:

The Bavarian Equal Opportunities Strategy 2018: See Question 061-4.

North Rhine-Westphalia

Pursuant to section 5 (1), first sentence, of the Land Act on Gender Equality (LGG), within the scope of its responsibility for personnel matters, each agency with at least 20 employees must issue an equality plan covering a period of three to five years and updates its plan continuously after the expiration of that period. Pursuant to section 5a (1) of said Act the office issuing the equality plan must prepare a report on personnel development and implemented measures within six months after the end of the period covered by the plan.

Hesse:

[https://soziales.hessen.de/sites/default/files/media/hglg-broschuere\\_0.pdf](https://soziales.hessen.de/sites/default/files/media/hglg-broschuere_0.pdf) (in German)

**Q061-7 (2018):** Baden-Württemberg:

The equal opportunities officer is to be involved at an early stage in social and organisational measures undertaken by her agency as far as these may impact upon the workplace conditions for female employees.

Bavaria:

A Gender Equality Officer

Hesse:

Working hours / Modalities of teleworking and presence in the work space: Yes (part-time Work at administrative courts)

## Ireland

**Q061-2 (2018):** The Law Society is the educational, representative and regulatory body of the solicitors' profession in Ireland. It has no responsibility for procedures for recruitment within the judicial system itself.

Nonetheless, with regard to the recruitment of solicitors independent of the judicial system, the Law Society has developed and promoted the following initiatives to encourage gender equality.

The Law & Women Mentoring Programme is a joint initiative of the Law Society of Ireland and the Bar of Ireland, in collaboration with the Irish Women Lawyers Association. Established in 2016, the aim of the programme is to promote equality and improve diversity within the legal profession generally. The Law Society also provides training on diversity issues – including gender equality – for trainee solicitors as part of their professional skills training.

In January 2019, the President of the Law Society established a Gender Equality, Diversity and Inclusion Task Force which is tasked with

1. Producing a Gender Equality, Diversity and Inclusion Policy for the Law Society Council and Committees,
2. Making recommendations to encourage more female solicitors and solicitors from diverse backgrounds to seek election to the Council and participate in a representative capacity on other bodies, and
3. To create tools for the profession to promote gender equality, diversity and inclusion within their firms.

Members of the independent referral bar (the Law Library) are self-employed individuals. Admission to practice as a member of the Law Library is subject to the completion of three stages of qualification (i) academic stage; (ii) vocational stage; and (iii) apprenticeship stage. There are no restrictions within this framework which would necessitate the need for specific provisions facilitating gender equality. The Council of The Bar of Ireland has taken measures to encourage more diversity in the legal profession however through the establishment of The Denham Fellowship in 2017 which provides financial, educational and professional support to two aspiring barristers from socio-economically disadvantaged backgrounds on an annual basis. More information is available at <https://www.lawlibrary.ie/Denham-Fellowship.aspx>

Commission for Public Service Appointments (CPSA). Compliance with the CPSA's Code of Practice for the Appointment to Positions in the Civil and Public Service is necessary to obtain and retain a licence. This Code includes the following statements:

"Appointments made on merit...Throughout any merit-based process, it is essential to ensure that the selection process should not provide unjustifiable advantage or disadvantage to any particular group of candidates. The selection process should embrace issues of inclusiveness, diversity, and genuine equality of opportunity, and these issues should be integral to the processes by which appointments are made. A fair appointments process applied with consistency The Commission wholly opposes any form of direct or indirect discrimination, whether active or passive. The selection process adopted and the manner in which it is applied must be undertaken fairly and with real commitment to equality of opportunity. Licence holders have an obligation to treat candidates fairly, to a consistent standard and in a consistent manner..."

The Civil Service Renewal Plan 2014 (<http://www.per.gov.ie/en/civil-service-renewal/>) has a focus on achieving greater equality of opportunity, diversity and gender balance across the workforce, applies to all civil servants.

The public sector equality and human resources duty is set out in section 42 of the Irish Human Rights and Equality Commission Act 2014 which imposes a statutory obligation on public bodies in performing their functions to have regard to the need to: eliminate discrimination; promote equality of opportunity and treatment for staff and persons to whom it provides services; and protect the human rights of staff and services users.

**Q061-3 (2018):** "Promotion" to the Inner Bar (Senior Counsel) is open to all members of the Law Library with at least ten years' experience of practice as a barrister and is subject to the completion of an application form to the Office of the Attorney General which demonstrates the applicant's eligibility against six clearly stated criteria. There are no restrictions within this framework which would necessitate the need for specific provisions facilitating gender equality. Having said that, the Council of The Bar of Ireland is taking measures to address the significantly lower proportion of women being called to the Inner Bar. At 16%, this disparity prompted the Council to undertake a survey of its female membership in February 2016 in order to better understand the issues and challenges women can face in progressing within the legal profession. The results of the survey have assisted the Council in driving forward and implementing a number of initiatives which seek to improve the retention and progression of women at the Bar. The report is available at <https://www.lawlibrary.ie/rss/barreview/2-2016.pdf> (pages 50-53).

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"Appointments made on merit...Throughout any merit-based process, it is essential to ensure that the selection process should not provide unjustifiable advantage or disadvantage to any particular group of candidates. The selection process should embrace issues of inclusiveness, diversity, and genuine equality of opportunity, and these issues should be integral to the processes by which appointments are made. A fair appointments process applied with consistency The Commission wholly opposes any form of direct or indirect discrimination, whether active or passive. The selection process adopted and the manner in which it is applied must be undertaken fairly and with real commitment to equality of opportunity. Licence holders have an obligation to treat candidates fairly, to a consistent standard and in a consistent manner..."

The Civil Service Renewal Plan 2014 (<http://www.per.gov.ie/en/civil-service-renewal/>) has a focus on achieving greater equality of opportunity, diversity and gender balance across the workforce, applies to all civil servants.

**Q061-7 (2018):** The Office of the Director of Public Prosecutions is committed to a policy of equal opportunity and in particular the statutory requirements set out in section 42 of the Irish Human Rights and Equality Commission Act 2014. (<http://www.irishstatutebook.ie/eli/2014/act/25/section/42/enacted/en/html>)

## Italy

**Q061-2 (2018):** In Italy the recruitment of professionals of the above categories, go through a national exam that is totally open to both genders without any quota system.

**Q061-3 (2018):** The appointment of lawyers to certain high positions (e.g. Consiglio Nazionale forense - the National Bar) is subject to quotas for women. However, strictly speaking, this must be considered an appointment rather than a promotion.

**Q061-5 (2018):** In Italy there is a dedicated office called "Dipartimento per le pari opportunità" (literally Department of Equal Opportunities) within the Presidency of the Council of Ministers which specifically deals with the planning and the implementation of equal opportunities policies. Moreover, the law provides that in each Public Administration there is a special committee called CUG ("Comitato unico di garanzia per le pari opportunità, la valorizzazione del benessere di chi lavora e contro le discriminazioni") for equal opportunities, valorization of the wellbeing of employees and anti-discrimination. This special committee was set up within the Ministry of Justice in 2013.

References:

<http://www.pariopportunita.gov.it>

<http://www.pariopportunita.gov.it/impresе-quote-di-genere-e-pari-oppoortunita-nelle-pa/cug-comitati-uni-ci-di-garanzia/>

<https://www.csm.it/web/csm-internet/pari-oppoortunita>

[https://www.giustizia.it/giustizia/it/mg\\_1\\_8\\_1.page?contentId=SDC909257&previousPage=mg\\_8\\_1\\_3](https://www.giustizia.it/giustizia/it/mg_1_8_1.page?contentId=SDC909257&previousPage=mg_8_1_3)

<http://www.consiglionazionaleforense.it/web/cnf/pari-oppoortunita>

**Q061-7 (2018):** Similarly to the Committees at national level, there are also special committees called CUG ("Comitati unici di garanzia per le pari opportunità, la valorizzazione del benessere di chi lavora e contro le discriminazioni") for equal opportunities, valorization of the wellbeing of employees and anti-discrimination which operate at local/district level.

## Lithuania

**Q061-2 (2018):** From 1st July 2017 the new Labor Code of the Republic of Lithuania entered into force. Gender equality based provisions impose the employer implement the principles of gender equality and non-discrimination on other grounds in any employer-employee relationship.

**Q061-3 (2018):** From 1st July 2017 the new Labor Code of the Republic of Lithuania entered into force. Gender equality based provisions impose the employer implement the principles of gender equality and non-discrimination on other grounds in any employer-employee relationship.

**Q061-5 (2018):** Resolution of the Government of the Republic of Lithuania No 112, 4th February 2015 "On the Approval of the National program of equal opportunities for women and men 2015-2021", <https://www.e-tar.lt/portal/lt/legalAct/dc012450b1ca11e48296d11f563abfb0>. Also, the Law of the Republic of Lithuania on Equal Opportunities for Women and Men (<https://www.e-tar.lt/portal/lt/legalAct/TAR.746227138BCB/asr>) is applicable to all state institutions.

## Luxembourg

**Q061-2 (2018):** It should be noted that in 2018 the proportion of Men / Women was: - magistrate staff: 34% M and 66% W  
- non-magistrate staff: 39% M and 61% W

**Q061-5 (2018):** There is no specific program for Justice. The Ministry of Equal Opportunity publishes guidelines and general information ([www.mega.public.lu](http://www.mega.public.lu)) valid for both the public and the private sector.

**Q061-7 (2018):** There is no special law, but the general scheme of the civil service statute is applied for both magistrates and justice staff, including denominations, powers and competencies.

## Malta

**Q061-2 (2018):** There are no specific provisions for facilitating gender equality within the recruitment of justice professionals, but the current administration is seeking to improve gender balance within the recruitment of the members of the judiciary even at the highest instances.

**Q061-3 (2018):** Answer for Q61-2 applies.

**Q061-7 (2018):** Such functions are usually entrusted to the HR function in management, that ensures that equality of treatment as outlined in national legislation is being adhered too.

## Portugal

**Q061-5 (2018):** The National Strategy for Equality and Non-Discrimination -Portugal + Igual - was adopted on May 21, 2018, by a Council of Ministers Resolution No. 61/2018. This Strategy that encompasses all the governative areas, also applies to the judicial system.

You can consult the document here:

<https://dre.pt/web/guest/home/-/dre/115360036/details/maximized>

## Romania

**Q061-2 (2018):** In line with the constitutional principle of rights equality (art. 16 of the Romanian Constitutional) there are no specific gender provisions for the recruiting procedure for any legal professions but the general conditions, such as the general conditions for judges and prosecutors regulated by the art. 14 of the Law no. 303/2004 amended and republished in 2018 (such as citizenship, lack of any criminal or financial records, medical and psychological capacities).

## Slovakia

**Q061-2 (2018):** The selection procedure for a post of a judge shall be conducted in accordance with the principle of equal treatment according to the Act on equal treatment in certain areas and protection against discrimination (Anti-discrimination Act), No. 365/2004 Coll. as amended.

The general rules apply in all recruitment procedures.

**Q061-3 (2018):** The general rules on equal treatment apply in all areas

**Q061-5 (2018):** The general document - National Strategy on Gender Equality in the Slovak republic 2014-2019 (available only in Slovak)

<https://www.gender.gov.sk/wp-content/uploads/2015/05/Strategia-RR.pdf>

## Spain

**Q061-2 (General Comment):** The Organic Law for equality of women and men 3/2007 sets that all the tests for access to public employment shall contemplate the study and application of the principle of equality.

The Art. 307, Organic Law for the Judicial Power: "In the theoretical phase of multidisciplinary training, the in-depth study of the subjects that integrate the principle of non-discrimination and equality between men and women will be included, and in particular the special legislation for the fight against violence against women in all its shapes".

**Q061-2 (2018):** The Organic Law for equality of women and men 3/2007 sets that all the tests for access to public employment shall contemplate the study and application of the principle of equality.

**Q061-3 (General Comment):** Art. 312 Organic Law for the Judiciary. For Judges to access the selective or specialization tests, it will be necessary to prove that they have participated in continuing education activities with a gender perspective.

**Q061-5 (General Comment):** There is the Organic Law 3/2007 for equality of women and men. This Law is not specific for the judicial system. But some of the principles set in the Law are applicable in general.

For example, the article 4 says that "Equality of treatment and opportunities between women and men is a principle that informs the legal system and, as such, will be integrated and observed in the interpretation and application of legal norms".

In the Organic Law for the Judiciary there are multiple references (especially related to training) to the equality.

For example, "All the selective tests for admission and promotion in the Judicial and Prosecutors Careers will contemplate the study of the principle of equality between women and men, including the measures against gender violence, and its application with transversal character in the scope of the jurisdictional function".

Within the Council for the Judiciary, there is the Equality Committee, that ensures balance between the number of male and female in the members of the Committee. The Equality Committee shall be responsible for advising the Plenary Session on the necessary or desirable measures to actively implement the principle of gender equality.

**Q061-5 (2018):** The Equality Committee of the General Council for the Judiciary and the Institute of the woman (particularly the Observatory for equality of opportunities).

**Q061-7 (2018):** Equality Commission in the Prosecutor's Council, Equality Committee (in the General Council for the Judiciary) and Observatory of equal opportunities between women and men) are not specifically aimed to this objectives but they could make proposals on very different aspects.

## Sweden

**Q061-2 (2018):** SPA strives for an equal gender representation among its' employees and focuses on attracting the underrepresented gender. Today, women are in the majority both among prosecutors and administrative personnel. The agency's equal treatment plan has provisions regarding recruitment. It states that all recruitments shall be based on merits. However, when two candidates have equal qualifications, the applicant of an underrepresented gender should be chosen. SPA also strives for an equal gender distribution among head of chambers and other managers. The ambition of the agency is that the proportion of female candidates for positions as head of chamber should increase. These provisions have been in power since 2013.

Since 2017 all recruitments of enforcement agents are supported through a selection procedure based on tests. Research has shown that a selection procedure based on tests is a method that clearly supports objectivity and therefore increases the probability that the Enforcement Authority makes objective decisions ensuring equal treatment and diversity. When the recruitment process is developed it is analysed from a gender equality perspective. When employing, the Enforcement Authority makes an effort to make the underrepresented gender to apply and gradually increase the underrepresented gender. The job descriptions should be presented in a manner appealing to both sexes.

**Q061-3 (2018):** SPA strives for an equal gender representation among its employees and focuses on attracting the underrepresented gender. Today, women are in the majority both among prosecutors and administrative personnel. The agency's equal treatment plan has provisions regarding recruitment. It states that all recruitments shall be based on merits. However, when two candidates have equal qualifications, the applicant of an underrepresented gender should be chosen. SPA also strives for an equal gender distribution among heads of chambers and other managers. The ambition of the agency is that the proportion of female candidates for positions as head of chamber should increase. These provisions have been in power since 2013.

The Enforcement Authority uses selection tests to test aptitude and increase the likelihood of making objective decisions that ensure equal treatment and diversity. The Enforcement Authority aims to provide the employees with an experience that they obtain the same opportunities for education and development of skills. The latest employee investigation showed that the results for men and women were approximately the same, with a slightly better result for women.

**Q061-5 (2018):** There is a feedback report on gender mainstreaming in the Swedish Courts written by the Swedish National Court Administration. This interim report dates back to February 2018. The report presents and analyse the results of the work carried out between 2015 and 2017.



# Indicator 11: Gender in judiciary

## comments provided by the national correspondents

### organised by question no.

*Question 061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :*

*Question 061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :*

*Question 061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?*

*Question 061-7. 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 061-2

#### Austria

**(2018):** Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017).

#### Belgium

**(2018):** As far as notaries are concerned, since 1999 the legislator has introduced the possibility of creating associations between titular notaries and candidate notaries, which has rejuvenated the profession and increased the number of women in the notarial profession. A gender-neutral policy is applied to notarial staff.

#### Denmark

**(2018):** The Danish Courts have a policy regarding equal treatment, which has the purpose to promote equal treatment of all employees within the Danish Courts. The policy states that there has to be made an active effort to ensure a versatile staff composition in all job functions and on all levels and that everyone regardless of age, gender, handicap, race, religion or ethnic affiliation etc., must be treated equally in regards to employment and promotion as well as be ensured equal access to professional and personal development. When recruiting this means that if there are several equally qualified applicants for a position, the applicant who represents a minority in the workplace compared to the surrounding society's composition should be chosen. In this case it can be necessary to facilitate the special needs of the applicant as part of the employment. ---

Furthermore the following laws promote gender equality in Denmark: The Consolidation Act on Gender Equality and The Consolidation Act on Equal Treatment of Men and Women as regards to Employment etc. The Act on Equal Treatment of Men and Women with regards to Employment etc. (Consolidated Act number 645, 2011-06-08 as later amended on Equal Treatment of Men and Women with regards to Employment etc. /Lovbekendtgørelse nr. 645 af 8. juni 2011 om ligebehandling af mænd og kvinder med hensyn til beskæftigelse m.v. med senere ændringer) ensures that men and women are treated equally in their working life. This means that an employer must treat men and women equally with regard to recruitment. In recruitment advertising, it is prohibited to state a preference for a specific gender and employers may not recruit an employee based on gender. Among other things, the act is about:

- working conditions
- Hiring and dismissal
- Promotion and education

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Regarding lawyers, the Danish authority handling the appointment of lawyers has stated that the authority does not make registrations of gender. Furthermore, the Danish Administration of Justice Act does not contain provisions regarding equal distribution between the sexes concerning the roles of the judicial system.

## Finland

**(General Comment):** Legislation on gender equality, namely the Act on Equality between Women and Men (Equality Act) applies to most employers, including the public authorities and law firms. Every employer must promote equality between women and men within working life in a systematic manner. In order to promote gender equality in working life, an employer must 1) act in such a way that job vacancies attract applications from both women and men; 2) promote the equitable recruitment of women and men in the various jobs and create for them equal opportunities for career advancement; 3) promote equality between women and men in the terms of employment, especially in pay; 4) develop working conditions to ensure they are suitable for both women and men; 5) facilitate the reconciliation of working life and family life for women and men by paying attention especially to working arrangements; and 6) act to prevent the occurrence of discrimination based on gender. If an employer has at least 30 employees, the employer must comply with the Act on Equal Treatment of Men and Women as regards to Employment etc. The Act on Equal Treatment of Men and Women with regards to Employment etc. (Consolidated Act number 645, 2011-06-08 as later amended on E

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## France

**(2018):** Report of the Human Rights Defender (2018) <https://www.defenseurdesdroits.fr/fr/etudes-et-recherches/2018/05/conditions-de-travail-et-experiences-des-discriminations-dans-la>

The Recruitment and Training Office (RHG4) of the Sub-Directorate of Human Resources of the Registries within the Directorate of Judicial Services is responsible for organising recruitment competitions for directors of registry services and registrars (specific bodies).

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The main source of recruitment for the specific bodies of the LSB is the law schools, whose target audience is already highly feminised.

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2. Making recommendations to encourage more female solicitors and solicitors from diverse backgrounds to seek election to the Council and participate in a representative capacity on other bodies, and
3. To create tools for the profession to promote gender equality, diversity and inclusion within their firms.

Members of the independent referral bar (the Law Library) are self-employed individuals. Admission to practice as a member of the Law Library is subject to the completion of three stages of qualification (i) academic stage; (ii) vocational stage; and (iii) apprenticeship stage. There are no restrictions within this framework which would necessitate the need for specific provisions facilitating gender equality. The Council of The Bar of Ireland has taken measures to encourage more diversity in the legal profession however through the establishment of The Denham Fellowship in 2017 which provides financial, educational and professional support to two aspiring barristers from socio-economically disadvantaged backgrounds on an annual basis. More information is available at <https://www.lawlibrary.ie/Denham-Fellowship.aspx>

Commission for Public Service Appointments (CPSA). Compliance with the CPSA's Code of Practice for the Appointment to Positions in the Civil and Public Service is necessary to obtain and retain a licence. This Code includes the following statements:

"Appointments made on merit...Throughout any merit-based process, it is essential to ensure that the selection process should not provide unjustifiable advantage or disadvantage to any particular group of candidates. The selection process should embrace issues of inclusiveness, diversity, and genuine equality of opportunity, and these issues should be integral to the processes by which appointments are made. A fair appointments process applied with consistency The Commission wholly opposes any form of direct or indirect discrimination, whether active or passive. The selection process adopted and the manner in which it is applied must be undertaken fairly and with real commitment to equality of opportunity. Licence holders have an obligation to treat candidates fairly, to a consistent standard and in a consistent manner..."

The Civil Service Renewal Plan 2014 (<http://www.per.gov.ie/en/civil-service-renewal/>) has a focus on achieving greater equality of opportunity, diversity and gender balance across the workforce, applies to all civil servants.

The public sector equality and human resources duty is set out in section 42 of the Irish Human Rights and Equality Commission Act 2014 which imposes a statutory obligation on public bodies in performing their functions to have regard to the need to: eliminate discrimination; promote equality of opportunity and treatment for staff and persons to whom it provides services; and protect the human rights of staff and services users.

## Italy

**(2018):** In Italy the recruitment of professionals of the above categories, go through a national exam that is totally open to both genders without any quota system.

## Lithuania

**(2018):** From 1st July 2017 the new Labor Code of the Republic of Lithuania entered into force. Gender equality based provisions impose the employer implement the principles of gender equality and non-discrimination on other grounds in any employer-employee relationship.

## Luxembourg

**(2018):** It should be noted that in 2018 the proportion of Men / Women was: - magistrate staff: 34% M and 66% W  
- non-magistrate staff: 39% M and 61% W

## Malta

**(2018):** There are no specific provisions for facilitating gender equality within the recruitment of justice professionals, but the current administration is seeking to improve gender balance within the recruitment of the members of the judiciary even at the highest instances.

## Romania

**(2018):** In line with the constitutional principle of rights equality (art. 16 of the Romanian Constitution) there are no specific gender provisions for the recruiting procedure for any legal professions but the general conditions, such as the general conditions for judges and prosecutors regulated by the art. 14 of the Law no. 303/2004 amended and republished in 2018 (such as citizenship, lack of any criminal or financial records, medical and psychological capacities).

## Slovakia

**(2018):** The selection procedure for a post of a judge shall be conducted in accordance with the principle of equal treatment according to the Act on equal treatment in certain areas and protection against discrimination (Anti-discrimination Act), No. 365/2004 Coll. as amended.

The general rules apply in all recruitment procedures.

## Spain

**(General Comment):** The Organic Law for equality of women and men 3/2007 sets that all the tests for access to public employment shall contemplate the study and application of the principle of equality.

The Art. 307, Organic Law for the Judicial Power: "In the theoretical phase of multidisciplinary training, the in-depth study of the subjects that integrate the principle of non-discrimination and equality between men and women will be included, and in particular the special legislation for the fight against violence against women in all its shapes".

**(2018):** The Organic Law for equality of women and men 3/2007 sets that all the tests for access to public employment shall contemplate the study and application of the principle of equality.

## Sweden

**(2018):** SPA strives for an equal gender representation among its' employees and focuses on attracting the underrepresented gender. Today, women are in the majority both among prosecutors and administrative personnel. The agency's equal treatment plan has provisions regarding recruitment. It states that all recruitments shall be based on merits. However, when two candidates have equal qualifications, the applicant of an underrepresented gender should be chosen. SPA also strives for an equal gender distribution among head of chambers and other managers. The ambition of the agency is that the proportion of female candidates for positions as head of chamber should increase. These provisions have been in power since 2013.

Since 2017 all recruitments of enforcement agents are supported through a selection procedure based on tests. Research has shown that a selection procedure based on tests is a method that clearly supports objectivity and therefore increases the probability that the Enforcement Authority makes objective decisions ensuring equal treatment and diversity. When the recruitment process is developed it is analysed from a gender equality perspective. When employing, the Enforcement Authority makes an effort to make the underrepresented gender to apply and gradually increase the underrepresented gender. The job descriptions should be presented in a manner appealing to both sexes.

## Question 061-3

### Austria

**(2018):** Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of Women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017) when applying for senior positions. In addition, the mentioned legal provisions provide for the preferential treatment of women applying for trainings, which help them qualify for senior positions.

### Belgium

**(2018):** The notarial sector ensures a gender-neutral policy. In Belgian social law, for example, it is considered that the neutrality of the job classification and scales is an important element in guaranteeing this neutrality. In the notarial profession, function classification meets the requirements of neutrality.

## Denmark

**(2018):** The same policy and laws regarding gender equality apply regarding promotion. See answer 61-2.

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Regarding lawyers, see answer 61-2

## France

**(2018):** For magistrates:

If no specific provision exists to facilitate gender parity in promotion procedures, the appointing authority shall ensure that access to senior posts and in particular to heads of the public prosecutor's office tends towards parity

For registry services:

The Recruitment and Training Office (RHG4) of the Sub-Directorate of Clerks' Human Resources within the Directorate of Judicial Services is responsible for organizing professional examinations for directors of registry services and clerks (specific bodies).

As the recruitments organised for 2019 are in progress, the data below concern recruitments organised for 2018.

1 - concerning the parity of professional examinations within the boards of examiners

With regard to the feminization of the registry body, the RHG4 office is not in a position to ensure perfect parity in the professional examinations boards. However, as far as possible, three-person jurisdictions most often include a male.

In 2018, the 12-member Professional Clerk's Body Recruitment Examination Board (C in B) included 7 women and 5 men.

The 12-member Professional Examination Board for Access to the Principal Registrar (G-PR) consisted of 7 women and 5 men.

It should be noted that the 9-member Professional Examination Board for the Senior Director (DSG-P) included 4 women and 5 men.

2 - concerning the parity of professional examinations among candidates

Due to the feminisation of the registry body, the main source of professional examinations for the specific bodies of the LSB is therefore strongly feminised.

A - registration data

In 2018, 393 women and 71 men registered for the professional recruitment exam in the Clerk's Corps (C in B).

186 women and 29 men registered for the professional examination for the rank of Principal (DSG-P).

777 women and 119 men registered for the professional examination for access to the rank of Principal Registrar (G-PR).

B - success data

The distribution of men/women in the success of professional examinations is logically parallel to the distribution of enrolments.

In 2018, 87 women and 13 men were admitted to the Professional Recruitment Examination in the Clerk's Corps (C in B).

29 women and 4 men were admitted to the professional examination for the rank of Principal (DSG-P).

128 women and 17 men were admitted to the professional examination for access to the rank of Principal Registrar (G-PR).

With regard to administrative justice: Vigilance is exercised to ensure equal representation on the board for the advancement of the rank of President. The same applies to lists of suitable candidates giving access in particular to the functions of presidents of chambers undergoing administrative appeals and heads of courts.

The provisions on elections to the Bar Council provide that when the number of lawyers at the Bar exceeds 30, candidates are presented in pairs composed of a man and a woman (article 5 of the decree of 27 November 1991). In addition, article 51-1 of the Decree of 27 November 1991 provides that the national commission responsible for developing the subjects for the CRFPA entrance examination shall include an equal number of women and men.

## Ireland

**(2018):** "Promotion" to the Inner Bar (Senior Counsel) is open to all members of the Law Library with at least ten years' experience of practice as a barrister and is subject to the completion of an application form to the Office of the Attorney General which demonstrates the applicant's eligibility against six clearly stated criteria. There are no restrictions within this framework which would necessitate the need for specific provisions facilitating gender equality. Having said that, the Council of The Bar of Ireland is taking measures to address the significantly lower proportion of women being called to the Inner Bar. At 16%, this disparity prompted the Council to undertake a survey of its female membership in February 2016 in order to better understand the issues and challenges women can face in progressing within the legal profession. The results of the survey have assisted the Council in driving forward and implementing a number of initiatives which seek to improve the retention and progression of women at the Bar. The report is available at <https://www.lawlibrary.ie/rss/barreview/2-2016.pdf> (pages 50-53).  
Commission for Public Service Appointments (CPSA). Compliance with the CPSA's Code of Practice for the Appointment to Positions in the Civil and Public Service is necessary to obtain and retain a licence. This Code includes the following statements:

"Appointments made on merit...Throughout any merit-based process, it is essential to ensure that the selection process should not provide unjustifiable advantage or disadvantage to any particular group of candidates. The selection process should embrace issues of inclusiveness, diversity, and genuine equality of opportunity, and these issues should be integral to the processes by which appointments are made. A fair appointments process applied with consistency The Commission wholly opposes any form of direct or indirect discrimination, whether active or passive. The selection process adopted and the manner in which it is applied must be undertaken fairly and with real commitment to equality of opportunity. Licence holders have an obligation to treat candidates fairly, to a consistent standard and in a consistent manner..."

The Civil Service Renewal Plan 2014 (<http://www.per.gov.ie/en/civil-service-renewal/>) has a focus on achieving greater equality of opportunity, diversity and gender balance across the workforce, applies to all civil servants.

## Italy

**(2018):** The appointment of lawyers to certain high positions (e.g. Consiglio Nazionale forense - the National Bar) is subject to quotas for women. However, strictly speaking, this must be considered an appointment rather than a promotion.

## Lithuania

**(2018):** From 1st July 2017 the new Labor Code of the Republic of Lithuania entered into force. Gender equality based provisions impose the employer implement the principles of gender equality and non-discrimination on other grounds in any employer-employee relationship.

## Malta

**(2018):** Answer for Q61-2 applies.

## Slovakia

**(2018):** The general rules on equal treatment apply in all areas

## Spain

**(General Comment):** Art. 312 Organic Law for the Judiciary. For Judges to access the selective or specialization tests, it will be necessary to prove that they have participated in continuing education activities with a gender perspective.

## Sweden

**(2018):** SPA strives for an equal gender representation among its employees and focuses on attracting the underrepresented gender. Today, women are in the majority both among prosecutors and administrative personnel. The agency's equal treatment plan has provisions regarding recruitment. It states that all recruitments shall be based on merits. However, when two candidates have equal qualifications, the applicant of an underrepresented gender should be chosen. SPA also strives for an equal gender distribution among heads of chambers and other managers. The ambition of the agency is that the proportion of female candidates for positions as head of chamber should increase. These provisions have been in power since 2013. The Enforcement Authority uses selection tests to test aptitude and increase the likelihood of making objective decisions that ensure equal treatment and diversity. The Enforcement Authority aims to provide the employees with an experience that they obtain the same opportunities for education and development of skills. The latest employee investigation showed that the results for men and women were approximately the same, with a slightly better result for women.

## Question 061-5

### Austria

**(2018):** - Quota regulations provided by the Federal Equal Treatment Act (Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019) and the Action Plan for the promotion of women in the judiciary (Frauenförderungsplan Justiz Federal Law Gazette II Nr 246/2017) - <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008858> - [https://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40197072/II\\_246\\_2017\\_Anlage.pdf](https://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40197072/II_246_2017_Anlage.pdf) - Catalogue of measures to promote women and their equal treatment within the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice : - Participation in the inter-ministerial cross-mentoring-program for Women provided by the Federal Chancellery continuous training offer promoting women (e.g. trainings for women returning after maternity leave, etc) <https://www.jobboerse.gv.at/aufstieg/crossmentoring/index.html> - design of a concept on human resource development dedicated to the specific needs of the individual

### Bulgaria

**(2018):** There is no such programme within judicial system but there is National action plan to promote equality between women and men on national level (for all systems and spheres of economic life). [http://saveti.government.bg/web/cc\\_19/1](http://saveti.government.bg/web/cc_19/1)

### Denmark

**(2018):** Policy regarding equal treatment within the Danish Courts: <http://www.domstol.dk/om/publikationer/HtmlPublikationer/Politikker/Ligebehandlingspolitik/978-87-92357-23-5.pdf>.

### France

**(2018):** complement of question 61-4: On all professions: [http://www.justice.gouv.fr/art\\_pix/rapport\\_feminisation.pdf](http://www.justice.gouv.fr/art_pix/rapport_feminisation.pdf) ; <http://haut-conseil-egalite.gouv.fr/parite/actualites/article/revision-constitutionnelle-le-hce-appelle-a-faire-de-la-constitution-un-texte> ; [https://www.femmes-de-justice.fr/app/download/14167680/hce\\_avis\\_organopol\\_ddf\\_2017\\_07\\_25.pdf](https://www.femmes-de-justice.fr/app/download/14167680/hce_avis_organopol_ddf_2017_07_25.pdf) Judges and prosecutors: <https://www.courdecassation.fr/IMG///Enqu%C3%AAtes%20avec%20ITW%20F.%20Molins%20sjg1909.pdf> Lawyers: <https://www.cnb.avocat.fr/fr/actualites/femmes-dans-la-profession-avocat-faits-et-chiffres>; [https://www.femmes-de-justice.fr/app/download/15427734/cp\\_defenseur\\_des\\_droits\\_-\\_enquete\\_avocats\\_final.pdf](https://www.femmes-de-justice.fr/app/download/15427734/cp_defenseur_des_droits_-_enquete_avocats_final.pdf) Notaries: <http://www.autoritedelaconurrence.fr/user/avisdec.php?numero=18A08>; <https://fr.calameo.com/read/005125198d38277198a12?page=1>

### Germany



**(2018): Bavaria:**

The Bavarian Equal Opportunities Strategy 2018: See Question 061-4.

**North Rhine-Westphalia**

Pursuant to section 5 (1), first sentence, of the Land Act on Gender Equality (LGG), within the scope of its responsibility for personnel matters, each agency with at least 20 employees must issue an equality plan covering a period of three to five years and updates its plan continuously after the expiration of that period. Pursuant to section 5a (1) of said Act the office issuing the equality plan must prepare a report on personnel development and implemented measures within six months after the end of the period covered by the plan.

Hesse:

[https://soziales.hessen.de/sites/default/files/media/hglg-broschuere\\_0.pdf](https://soziales.hessen.de/sites/default/files/media/hglg-broschuere_0.pdf) (in German)

**Italy**

**(2018):** In Italy there is a dedicated office called “Dipartimento per le pari opportunità” (literally Department of Equal Opportunities) within the Presidency of the Council of Ministers which specifically deals with the planning and the implementation of equal opportunities policies. Moreover, the law provides that in each Public Administration there is a special committee called CUG (“Comitato unico di garanzia per le pari opportunità, la valorizzazione del benessere di chi lavora e contro le discriminazioni”) for equal opportunities, valorisation of the wellbeing of employees and anti-discrimination. This special committee was set up within the Ministry of Justice in 2013.

References:

<http://www.pariopportunita.gov.it>

<http://www.pariopportunita.gov.it/impresе-quote-di-genere-e-pari-oppoortunita-nelle-pa/cug-comitati-uni-ci-di-garanzia/>

<https://www.csm.it/web/csm-internet/pari-oppoortunita>

[https://www.giustizia.it/giustizia/it/mg\\_1\\_8\\_1.page?contentId=SDC909257&previousPage=mg\\_8\\_1\\_3](https://www.giustizia.it/giustizia/it/mg_1_8_1.page?contentId=SDC909257&previousPage=mg_8_1_3)

<http://www.consiglionazionaleforense.it/web/cnf/pari-oppoortunita>

**Lithuania**

**(2018):** Resolution of the Government of the Republic of Lithuania No 112, 4th February 2015 "On the Approval of the National program of equal opportunities for women and men 2015-2021", <https://www.e-tar.lt/portal/lt/legalAct/dc012450b1ca11e48296d11f563abfb0>. Also, the Law of the Republic of Lithuania on Equal Opportunities for Women and Men (<https://www.e-tar.lt/portal/lt/legalAct/TAR.746227138BCB/asr>) is applicable to all state institutions.

**Luxembourg**

**(2018):** There is no specific program for Justice. The Ministry of Equal Opportunity publishes guidelines and general information ([www.mega.public.lu](http://www.mega.public.lu)) valid for both the public and the private sector.

**Portugal**

**(2018):** The National Strategy for Equality and Non-Discrimination -Portugal + Igual - was adopted on May 21, 2018, by a Council of Ministers Resolution No. 61/2018. This Strategy that encompasses all the governative areas, also applies to the judicial system.

You can consult the document here:

<https://dre.pt/web/guest/home/-/dre/115360036/details/maximized>

**Slovakia**

**(2018):** The general document - National Strategy on Gender Equality in the Slovak republic 2014-2019 (available only in Slovak)

<https://www.gender.gov.sk/wp-content/uploads/2015/05/Strategia-RR.pdf>

**Spain**

**(General Comment):** There is the Organic Law 3/2007 for equality of women and men. This Law is not specific for the judicial system. But some of the principles set in the Law are applicable in general.

For example, the article 4 says that "Equality of treatment and opportunities between women and men is a principle that informs the legal system and, as such, will be integrated and observed in the interpretation and application of legal norms".

In the Organic Law for the Judiciary there are multiple references (especially related to training) to the equality.

For example, "All the selective tests for admission and promotion in the Judicial and Prosecutors Careers will contemplate the study of the principle of equality between women and men, including the measures against gender violence, and its application with transversal character in the scope of the jurisdictional function".

Within the Council for the Judiciary, there is the Equality Committee, that ensures balance between the number of male and female in the members of the Committee. The Equality Committee shall be responsible for advising the Plenary Session on the necessary or desirable measures to actively implement the principle of gender equality.

**(2018):** The Equality Committee of the General Council for the Judiciary and the Institute of the woman (particularly the Observatory for equality of opportunities).

## Sweden

**(2018):** There is a feedback report on gender mainstreaming in the Swedish Courts written by the Swedish National Court Administration. This interim report dates back to February 2018. The report presents and analyse the results of the work carried out between 2015 and 2017.

## Question 061-7

## Austria

**(2018):** Contact persons for equal treatment (Article 35 ff Federal Equal Treatment Act [Bundes-Gleichbehandlungsgesetz, Federal Law Gazette Nr 100/1993; last modified with Nr 58/2019]).

## Denmark

**(2018):** Within the Danish Courts gender equality is ensured by the use of our local policy regarding equal treatment, the Danish legislation regarding gender equality and The Board of Equal Treatment (See questions 3.4.1-3.4.2).

## France

**(2018):** With regard to administrative justice: A network of referent magistrates appointed by the diversity delegate ensures vigilance within each jurisdiction

## Germany

**(2018):** Baden-Württemberg:

The equal opportunities officer is to be involved at an early stage in social and organisational measures undertaken by her agency as far as these may impact upon the workplace conditions for female employees.

Bavaria:

A Gender Equality Officer

Hesse:

Working hours / Modalities of teleworking and presence in the work space: Yes (part-time Work at administrative courts)

## Ireland

**(2018):** The Office of the Director of Public Prosecutions is committed to a policy of equal opportunity and in particular the statutory requirements set out in section 42 of the Irish Human Rights and Equality Commission Act 2014. (<http://www.irishstatutebook.ie/eli/2014/act/25/section/42/enacted/en/html>)

## Italy

**(2018):** Similarly to the Committees at national level, there are also special committees called CUG (“Comitati unici di garanzia per le pari opportunità, la valorizzazione del benessere di chi lavora e contro le discriminazioni”) for equal opportunities, valorization of the wellbeing of employees and anti-discrimination which operate at local/district level.

#### **Luxembourg**

**(2018):** There is no special law, but the general scheme of the civil service statute is applied for both magistrates and justice staff, including denominations, powers and competencies.

#### **Malta**

**(2018):** Such functions are usually entrusted to the HR function in management, that ensures that equality of treatment as outlined in national legislation is being adhered to.

#### **Spain**

**(2018):** Equality Commission in the Prosecutor's Council, Equality Committee (in the General Council for the Judiciary) and Observatory of equal opportunities between women and men) are not specifically aimed to these objectives but they could make proposals on very different aspects.

# Annex 1

## List of the tables presented in the Study

General data: economic and demographic data in 2018, in absolute values and variation of exchange rate between years (Q1, Q3, Q5)

General data

Indicator 1: The budget and resources of courts and the justice system

Table 1.1.1(2018) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2018, in € (Q1, Q6, Q7, Q12, Q13)

Table 1.1.2(2018) Implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2018, in € (Q1, Q6, Q7, Q12-1, Q13)

**Table 1.1.1(2017) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2017, in € (Q1, Q6, Q7, Q12, Q13)**

**Table 1.1.2(2017) Implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2017, in € (Q1, Q6, Q7, Q12-1, Q13)**

**Table 1.1.1(2016) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2016, in € (Q1, Q6, Q7, Q12, Q13)**

**Table 1.1.2(2016) Implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2016, in € (Q1, Q6, Q7, Q12-1, Q13)**

**Table 1.1.1(2015) Approved public budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2015, in € (Q1, Q6, Q7, Q12, Q13)**

**Table 1.1.2(2015) Implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2015, in € (Q1, Q6, Q7, Q12-1, Q13)**

**Table 1.1.1(2014) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2014, in € (Q1, Q6, Q7, Q12, Q13)**

**Table 1.1.2(2014) Implemented budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2014, in € (Q1, Q6, Q7, Q12-1, Q13)**

**Table 1.1.1(2013) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2013, in € (Q1, Q6, Q7, Q12, Q13)**

**Table 1.1.1(2012) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2012, in € (Q1, Q6, Q7, Q12, Q13)**

**Table 1.1.1(2010) Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2010, in € (Q1, Q6, Q7, Q12, Q13)**

**Table 1.2.1 Variation of the approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) between 2017 and 2018, in % (Q1, Q5, Q6, Q7, Q12, Q13)**

**Table 1.2.2 Approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution) in 2010 to 2018 (Q1, Q5, Q6, Q7, Q12, Q13)**

**Table 1.2.3 Approved public budget allocated to courts\* (in €) by components in 2018 (Q6)**

**Table 1.3.1 Annual approved and implemented budgets allocated to the whole justice system and the judicial system in 2018, in € (Q6, Q12, Q12-1, Q13, Q15.1, Q15.2)**

**Table 1.3.2 Budgetary elements of the budget allocated to the whole justice system in 2018 (Q15.2)**

**Figure 1.4 Correlation between the GDP per capita and the total approved budget of judicial system (courts, legal aid and public prosecution) in 2018 (Q1, Q3, Q6, Q12, Q13)**

**Table 1.5 ICT: Computerisation budget as part of the total approved budget allocated to the courts\* in 2010 to 2018 (Q6)**

**Table 1.6 (EC) Budget for courts and judicial system\* in €, per inhabitant in 2010 to 2018 (Q1, Q6, Q7, Q12, Q13)**

**Table 1.7 Evolution of annual income from court taxes and fees in 2010 to 2018 in € (Q1, Q9)**

**Table 1.8 Participation of the annual income of court taxes and fees in the budget of the judicial system for 2010 to 2018 in € (Q1, Q6, Q9)**

**Table 1.9 Taxes or fees to start a court procedure in 2018 (Q8, Q8-2)**

**Indicator 1: The budget and resources of courts and the justice system**

**Indicator 1: The budget and resources of courts and the justice system**

Indicator 2: The judicial organisation

**Table 2.1 Number of first instance courts (general and specialised) as legal entities and number of all courts (first, appeal and high courts) as geographic locations in 2010 to 2018 (Q42)**

**Table 2.1b Number of first instance courts (general and specialised as legal entities) and number of all courts (first, appeal and high court as geographic locations) per 100 000 inhabitants in 2010 to 2018 (Q42, Q43)**

**Table 2.2 Number of (legal entities) first instance specialised courts and its breakdown in 2018 (Q43)**

**Table 2.3 (EC) Variation of the absolute number of all courts (geographic locations) between 2010-2018 and 2016-2018 (Q42)**

Indicator 2: The judicial organisation

Indicator 2: The judicial organisation

Indicator 3: The performance of courts at all stages of the proceedings

**Table 3.1.1.1(2018): First instance courts, number of other than criminal law cases in 2018 - Pending cases on 1st Jan. (Q91)**

**Table 3.1.1.2(2018): First instance courts, number of other than criminal law cases in 2018 - Incoming cases (Q91)**

**Table 3.1.1.3(2018): First instance courts, number of other than criminal law cases in 2018 - Resolved cases (Q91)**

**Table 3.1.1.4(2018): First instance courts, number of other than criminal law cases in 2018 - Pending cases on 31 Dec. (Q91)**

**Table 3.1.1.5(2018): First instance courts, number of civil and commercial litigious and administrative cases pending more than 2 years in 2018 (Q91)**

**Table 3.1.1.1(2017): First instance courts, number of other than criminal law cases in 2017 - Pending cases on 1st Jan. (Q91)**

**Table 3.1.1.2(2017): First instance courts, number of other than criminal law cases in 2017 - Incoming cases (Q91)**

**Table 3.1.1.3(2017): First instance courts, number of other than criminal law cases in 2017 - Resolved cases (Q91)**

**Table 3.1.1.4(2017): First instance courts, number of other than criminal law cases in 2017 - Pending cases on 31 Dec. (Q91)**

**Table 3.1.1.5(2017): First instance courts, number of civil and commercial litigious and administrative cases pending more than 2 years in 2017 (Q91)**

**Table 3.1.1.1(2016): First instance courts, number of other than criminal law cases in 2016 - Pending cases on 1st Jan. (Q91)**

**Table 3.1.1.2(2016): First instance courts, number of other than criminal law cases in 2016 - Incoming cases (Q91)**

**Table 3.1.1.3(2016): First instance courts, number of other than criminal law cases in 2016 - Resolved cases (Q91)**

**Table 3.1.1.4(2016): First instance courts, number of other than criminal law cases in 2016 - Pending cases on 31 Dec. (Q91)**

**Table 3.1.1.5(2016): First instance courts, number of civil and commercial litigious and administrative cases pending more than 2 years in 2016 (Q91)**

**Table 3.1.1.1(2015): First instance courts, number of other than criminal law cases in 2015 - Pending cases on 1st Jan. (Q91)**

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**Indicator 11: Gender in judiciary**

**Indicator 11: Gender in judiciary**

## **Annex 2**

### **Extract of the CEPEJ Scheme for evaluating judicial system**

Click below to open the file  
[CEPEJ Scheme for evaluating judicial system](#)

[1] CEPEJ(2019)17 Part 1

## **Annex 4**

**Extract of the explanatory note  
to the scheme for evaluating  
judicial system**

Click below to open the file  
[Explanatory note to the scheme for evaluating judicial system](#)

# Annex 6

## Definitions of the Clearance Rate (CR) and the Disposition Time (DT)

The CEPEJ has chosen to develop performance indicators of courts at the European level. The GOJUST Guidelines[1] invite the member states to organise their data collection system so as to be able to provide the relevant information for calculating such indicators. The first indicator is the Clearance Rate. This allows a useful comparison even though the parameters of the cases concerned are not identical in every respect. This indicator can be used to see if the courts are keeping up with the number of incoming cases without increasing their backlog. The second indicator is the calculated Disposition Time. By making use of a specific calculation method, it is possible to generate data concerning the estimated time that is needed to bring a case to an end. This method can provide relevant information on the overall functioning of the courts of a state or entity. Gradually, the report of the CEPEJ will enable a comparative evaluation of the functioning of judicial systems in dealing with case-flows coming in and going out of the courts.

### **Clearance Rate (CR)**

The Clearance Rate is a simple ratio, obtained by dividing the number of resolved cases by the number of incoming cases, expressed in a percentage:

$$\text{Clearance Rate (\%)} = \frac{\text{Resolved cases in a period}}{\text{Incoming cases in a period}} \times 100$$

A Clearance Rate close to 100 % indicates the ability of the court or of a judicial system to resolve approximately as many cases as the number of incoming cases within the given time period. A Clearance Rate above 100 % indicates the ability of the system to resolve more cases than those received, thus reducing the number of pending cases at the end of the measurement period, including any existing backlog. Finally, a Clearance Rate below 100 % appears when the number of incoming cases is higher than the number of resolved cases. In this case, the total number of pending cases will increase.

Essentially, the Clearance Rate shows how the court or the judicial system is coping with the in-flow of cases. It allows comparisons even when the parameters of the cases concerned in different countries are not identical in every respect.

### **Disposition Time (DT)**

The calculated Disposition Time measures the theoretical time necessary for a pending case to be solved in court in the light of the current pace of work of the courts in that country or entity.

The Disposition Time is obtained by dividing the number of pending cases at the end of the observed period by the number of resolved cases within the same period multiplied by 365 (days in a year):

$$\text{Calculated Disposition Time} = \frac{\text{Number of pending cases at the end of a period}}{\text{Number of resolved cases in a period}} \times 365$$

The conversion into days simplifies the understanding of the relation between pending and resolved cases within a period. The calculated Disposition Time would show, for example, that the time necessary for solving a pending case has increased from 120 days to 150 days. This allows comparisons within the same jurisdiction over time and, with some prudence, between judicial systems in different countries or entities. It is also relevant for assessing court efficiency in this regard in the light of established standards for the length of proceedings.

It should be noted that this indicator is not a calculation of the average time needed to process a case but a theoretical estimate of the time needed to process pending cases. However, the indicator fails to show the mix, concentration, or merits of the cases. Thus, for example, if the ratio indicates that pending cases will be processed in 90 days, some cases might be solved on the 10th day and others on the 90th day. Case level data of the actual duration of cases from functional ICT systems is needed in order to review these details and make a full analysis. In the meantime, this formula may offer valuable information on the estimated maximum duration of cases that are still pending.

[1] CEPEJ(2017)12



# Annex 7

## IT Evaluation - methodology

The indicators for the IT development are recalculated with the intention to keep same scale level. Nevertheless in some questions more details were elaborated.

The methodology of calculation is the following:

An index from 0 (no or very low development) to 4 (high development) of some IT technologies.

According to the different modalities of answers of the member States, an adequate number of points is allocated.

For example

100%	= 4 points if applicable to all
50-99%	= 3 points if applicable to all
10-49%	= 2 points if applicable to all
1-9%	= 1 point if applicable to all
	= 0% (NAP)
NA	= Not Available

Fully integrated including BI
Integrated
Not integrated but connected
Not connected at all

For some questions, the member States have the choice between administrative and criminal) Then points are allocated depending on the choice together.

These values are adjusted in case the system exists but the data is not available. All the calculated indexes have been joined in one table. The "General IT equipment rate", is calculated as a sum of points for communication (0 to 4). This sum is then adjusted.

### Example:

States	Administration		
	Case management systems	Tools of producing courts activity statistics	Total
Country 1	4,0	3,0	3,5
Country 2	4,0	2,0	3,0
Country 3	4,0	3,0	3,5
Country 4	4,0	2,0	3,0
Country 5	4,0	2,0	3,0
Country 6	4,0	2,0	3,0

[1] CEPEJ(2019)17 Part 1