

Judicial Independence (2015)

Objective

The objective of this updated questionnaire is to collect factual information on structural guarantees for judicial independence, which cover certain guarantees for the independence of judges and for the independence of the judiciary.

The updated judicial independence questionnaire maintains almost all questions from the 2014 questionnaire and is already prefilled with the replies you have provided. If a reply was later adapted following clarifications you have provided, these replies are highlighted. Please review these modifications and feel free to adapt other 2014 replies, if the legislation or practice in your country has changed or if you believe the replies should be clarified. Please highlight any such additional changes red.

New or modified questions are highlighted. These mostly concern questions regarding the composition and powers of Councils (prefilled with your replies in 2014), and the appointment of judges. The questionnaire containing replies could later be published.

Respondent's Information

Member State	Council for the Judiciary
Croatia	Državno sudbeno vijeće / State Judicial Council

Additional Information

For additional information regarding the questionnaire, please contact the Directorate-General for Justice and Consumers of the European Commission.

1. AUTHORITIES WITH POWER TO DELIVER THE MAIN DECISIONS ON HUMAN AND FINANCIAL RESOURCES IN THE JUDICIARY¹

Which authorities or bodies have the power to deliver the following decisions in the judiciary?

1.1. Selection, appointment and dismissal of judges and court presidents

[Please insert an "x" into the box that corresponds to the situation in your country; several answers possible; insert "N/A" when the situation is not applicable in your country;

if relevant, you can additionally insert the following explanations:

"FS" (final selection), "CA" (consultative advice – the body can provide its opinion), "MA" (mandatory advice – the body must provide its opinion, the content of which is either binding or not for the deciding authority), "D" (decision). Please insert "OF" (obligation to follow) if the deciding authority has an obligation, either by law or practice, to follow the proposal to appoint or dismiss a judge.]

- x) decision establishing there is a vacant judicial position
 - a) proposal of candidates for the appointment as first or second instance judges
 - b) decision on the appointment of a first or second instance judge
 - c) proposal for the dismissal of a first or second instance judge
 - d) decision on the dismissal of a first or second instance judge
- e) proposal of candidates for the appointment as court presidents
- f) decision on the appointment of a court president
- g) proposal for the dismissal of a court president
- h) decision on the dismissal of a court president

	x)	a)	b)	c)	d)	e)	f)	g)	h)
President of a court:				x					
Special chamber of a court:									
President of higher court:				x				x	
President of Supreme Court:				x				x	
Council for the Judiciary²:			x		x		x		x
Judicial inspection body:									
Other independent body									
Ministry/Minister of justice:	x			x				x	
Other ministry than min. of justice									
Parliament:									
Head of state: if applicable- on advice of									

¹ Cf. European Network of Councils for the Judiciary, [Resolution of Budapest on Self-Governance for the Judiciary: Balancing Independence and Accountability](#), May 2008, at 2).

² Council for the Judiciary is a national institution that is independent of the executive and legislature, or which is autonomous, and that ensures the final responsibility for the support of the judiciary in the independent delivery of justice.

Other (specify): ...		candid ates thems elves report for the compe tition for first or secon d instan ce judges		judges and Judges Counci l		candid ates thems elves report for the compe tition for court presid ent			
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1.1.1. If any other authority, body or agency is involved in the procedure for appointment of judges, please describe its involvement:

Since the September 1, 2015 due to amendments to the Law on the State Judicial Council ("Official Gazette" number 82/15 of 07/24/2015) candidates for judges of misdemeanour, municipal, commercial and administrative courts, which have completed the State School for Judicial Officials, who have the highest number of points (final grade in the State School for Judicial Officials and points received on an oral interview in front the State Judicial Council), as well as candidates who filed application for the opened position for the judge of Supreme Court of Republic of Croatia, who are not judicial officials (with the highest number of points achieved on the written paper (s) and on oral interview in front of the State Judicial Council), are subjected to the security clearance.

The Council applies the request for the implementation of security clearance to the authorized security – intelligence agency.

On the basis of the report on the outcome of security checks the Council shall evaluate the existence of the security barriers.

1.1.2. What is the procedure for selecting candidates for becoming judges? [several answers possible]

Recruitment through a specific exam or a competition, which includes a specific exam for becoming a judge

Recruitment through a vacancy notice without a specific exam

Other (specify): A person who has completed the State School for Judicial Officials (and judges since 2015. – decision of the Constitutional Court of the Republic of Croatia) may be appointed judge of a misdemeanour, municipal, commercial and administrative court. Starting from 1 January 2013, only the candidates with completed State School for Judicial Officials and who successfully passed the final examination by the State Judicial Council (and judges since 2015. – decision of the Constitutional Court of the Republic of Croatia) are qualified to be appointed as judges in first instance courts. A candidate's success at the examination conducted by the State Judicial Council is expressed in points; additionally, the candidates are required to undergo an interview in front of State Judicial Council when the vacancy for the opened position of a judge is announced at which they can accrue up to 20 points, which are then added to the score attained in the final examination. The candidates are ranked based on their scores, and decision concerning appointment is based on total score achieved on list of candidates in order of merit.

A person who works as a judicial official for a minimum of 8 years may be appointed judge of a county court, the High Misdemeanour Court of the Republic of Croatia, the High Commercial Court of the Republic of Croatia, and the High Administrative Court of the Republic of Croatia.

A person who has worked for a minimum of 15 years as a judicial official, has been for the same number of years an attorney, public notary, university professor of law who has passed the judicial examination and has a minimum of 15 years of professional experience after passing the judicial examination, and a renowned lawyer who has passed the judicial examination and has a minimum of 20 years of professional experience, who has proven himself or herself through his or her professional work in a specific area of law, and through the publication of professional and research papers may be appointed judge of the Supreme Court of the Republic of Croatia.

The Ministry of Justice shall by the end of the calendar year at the latest issue a plan to fill vacancies for the positions of judges in all courts of the Republic of Croatia for the next two years (the plan shall be amended if the facts based on which it was adopted change significantly in the course of the year) and deliver it to the president of the Supreme Court of the Republic of Croatia and to the president of the State Judicial Council.

The announcement of vacancies for positions of judge shall be published by the Council in the "Official Gazette", and also in another way if necessary, and shall contain an invitation to candidates to submit within a certain period, which must be no shorter than 15 days nor longer than 30 days, an application containing proof that they meet the prescribed conditions for appointment as judge, and data on their work.

The relevant council of judges evaluates judges in the promotion procedure or when she/he applies for position of the president of the court.

When a judge applies for a job following the announcement of a vacancy, the State Judicial Council shall request an evaluation of his/her performance in judicial office from the relevant council of judges.

In the process of promotion of a judge, when they candidate for the position of a judge of a county court, High Commercial Court of the Republic of Croatia, High Misdemeanour Court of the Republic of Croatia, Administrative Court of the Republic of Croatia and the High Administrative Court of the Republic of Croatia the judge shall be assessed for the last five years, whereas for the position of a judge of the Supreme Court of the Republic of Croatia the judge shall be assessed for the last ten years. If a judge performed a judicial function for the period shorter than the prescribed period of assessment, he or she will be assessed for the period of his or hers performance of judicial duties, and that fact shall be specifically indicated in the evaluation.

The responsible judicial council shall assess the work of a judge in line with the following criteria:

1. Number of decisions adopted by a judge compared to the number of decisions prescribed by the framework criteria for the work of the judges
2. The results of the work by types of cases both in absolute numbers and percentages
3. Respecting the deadlines for the delivery and writing of the decisions
4. Quality of the decisions based on legal remedies (confirmed, annulled or modified in absolute numbers and percentages compared to the total number of delivered decisions, and compared to the number of decisions which have been appealed against and number of decisions that have been annulled on the grounds of major procedural violations)

5. other judge's activities (judge's professional training, membership in working groups for making laws, etc.)

On the basis of the total score achieved in the evaluation of performance in judicial office and in an interview, for which a maximum of 20 points may be awarded, the State Judicial Council shall compile a ranking list of candidates. The decision of the State Judicial Council concerning the appointment of judges must be based on the total score achieved and the established list of candidates in order of merit. [The list of candidates in order of merit since May 2015-decision of the Constitutional court of Republic of Croatia U-III-1042/12 from May 27, 2015 is a starting point for a decision on the appointment of judges.](#)

When the candidate for the position of a judge of the Supreme Court of the Republic of Croatia is not a judge, s/he must pass a written exam, for which a maximum of 150 points may be awarded, and attend an interview with the State Judicial Council, for which a maximum of 20 points may be awarded. Then the State Judicial Council shall compile a ranking list of candidates.

1.1.3. If a candidate judge is not appointed, is the appointing authority/body required to provide him/her the reasons (e.g. a reasoned explanation)?

Yes

No

1.1.4. If a candidate judge is not appointed, can he/she appeal or request a review?

Yes

No

1.1.4.1. If yes, which authority or body decides on such an appeal/review?

Council for the Judiciary

Other independent body (specify): ...

Court responsible for disciplinary measures for judges (e.g. disciplinary senate, civil service court...)

Another court / President of another court

Higher court / President of a higher court

Administrative court / President of the Administrative Court

Supreme Court / President of the Supreme Court

Constitutional Court / President of the Constitutional Court

Other (specify): ...

1.1.4.2. What was the total number of appeals or requests for a review by unsuccessful candidate judges in 2014?

[If only an estimate is available, add "approx. ..." or "fewer than ...".]

All requests for appeal/review: 1/ N/A

If possible, specify this number for candidate judges in different areas (civil, administrative...):

... :

: / N/A

1.2. Selection, appointment and dismissal of Supreme Court judges and the President of the Supreme Court

[Please insert an “x” into the box that corresponds to the situation in your country; several answers possible; insert "N/A" when the situation is not applicable in your country;

if relevant, you can additionally insert the following explanations:

"FS" (final selection), "CA" (consultative advice – the body can provide its opinion), "MA" (mandatory advice – the body must provide its opinion, the content of which is either binding or not for the deciding authority), "D" (decision). Please insert "OF" (obligation to follow) if the deciding authority has an obligation, either by law or practice, to follow the proposal to appoint or dismiss a judge.]

- a) proposal of candidates for the appointment as Supreme Court judges
- b) decision on the appointment of a Supreme Court judge
- c) proposal for the dismissal of a Supreme Court judge
- d) decision on the dismissal of a Supreme Court judge

- e) proposal of the candidate(s) for the appointment of the President of the Supreme Court
- f) decision on the appointment of the President of the Supreme Court
- g) proposal for the dismissal of the President of the Supreme Court
- h) decision on the dismissal of the President of the Supreme Court

	a)	b)	c)	d)	e)	f)	g)	h)
President of a court:			x					
Special chamber of a court:								
President of Supreme Court:			x					
Council for the Judiciary:		x		x				
Judicial inspection body:								
Other independent body (specify): ...								
Ministry/Minister of justice:			x					
Other ministry than min. of justice								
Parliament:						x		x
Head of state: if applicable- on advice of ...					x		x	
Other (specify): ...	candidates themselves report for the competition for Supreme Court judges		Judges, Judges Council, president of higher court					

1.2.1. If the procedures mentioned above are different for the judges and/or the President of the Supreme administrative court or the Council of State, please describe these differences:

A judge may be appointed court president (Supreme administrative court president also) if he or she is a judge of the same type and same instance of court at which the court president is to be appointed, or if he or she is a judge of a higher court. The appointment of the Supreme administrative court president is in the scope of work of the State Judicial Council. The appointment of the judges of the Supreme administrative court is described under 1.1.1.

1.3. What was the total number of all judges that were dismissed in 2014 (e.g. as a consequence of disciplinary proceedings or criminal conviction; excluding other grounds such as incompatibility, illness, resignation, retirement)?

[if only an estimate is available, add "approx. ..." or "fewer than ...".]

In all courts: :4/ N/A

If possible, specify this number for judges in different areas (civil, administrative...):

High Commercial Court – 1

Municipal Court – 3

1.4. Can a judge appeal if he/she is dismissed?

Yes

No

1.4.1. If yes, which authority or body decides on such an appeal?

Council for the Judiciary

Other independent body (specify): ...

Court responsible for disciplinary measures for judges (e.g. disciplinary senate, civil service court...)

Another court / President of another court

Higher court / President of a higher court

Administrative court / President of the Administrative Court

Supreme Court / President of the Supreme Court

Constitutional Court / President of the Constitutional Court

Other (specify): ...

1.4.2. What was the total number of appeals against dismissals of judges in 2014?

[If only an estimate is available, add "approx. ..." or "fewer than ...".]

In all courts: : 3 / N/A

If possible, specify this number for judges in different areas (civil, administrative...):

Municipal Court : : 3 / N/A

... : :..... / N/A

1.5. Evaluation, promotion, disciplinary measures and training of judges

[Please insert an "x" into the box that corresponds to the situation in your country; several answers possible; insert "N/A" when the situation is not applicable in your country; if relevant, you can additionally insert the following explanations:

"FS" (final selection), "CA" (consultative advice – the body can provide its opinion), "MA" (mandatory advice – the body must provide its opinion, the content of which is either binding or not for the deciding authority), "D" (decision). Please insert "OF" (obligation to follow) if the deciding authority has an obligation, either by law or practice, to follow the opinion given.]

- a) decision on the evaluation of a judge
- b) evaluation of the performance management of courts
- c) decision on the promotion of a judge
- d) adoption of ethical standards
- e) application of ethical standards
- f) proposal for the appointment of a member of the disciplinary body for judges
- g) decision on the appointment of a member of the disciplinary body for judges
- h) proposal for a disciplinary decision regarding a judge
- i) disciplinary decision regarding a judge (all bodies issuing disciplinary decisions)
- j) decision on the follow-up to a complaint against the judiciary/a judge
- k) decision on the program/content of training for judges

	a)	b)	c)	d)	e)	f)	g)	h)	i)	j)	k)
President of a court:								x		x	
Special chamber of a court:											
President of a Higher court:		x						x		x	
President of a Supreme Court:								x		x	
Council for the Judiciary:		x	x						x		
Judicial inspection body:											
Other independent body (specify): ...											
Ministry/Minister of justice:		x						x		x	
Other ministry than min. of justice											
Parliament:											
Head of state: if applicable- on											
Other (specify): ...	competent Judges Council			Presidents of every Judges Council in the Republic of Croatia	every judges	"N/A"	"N/A"	Judges Council			Judicial Academy

1.6. Financial resources

1.6.1. Authorities and bodies responsible for financial resources

[Please insert an "x" into the box that corresponds to the situation in your country; several answers possible; insert "N/A" when the situation is not applicable in your country; if relevant, you can additionally insert the following explanations:

"FS" (final selection), "CA" (consultative advice – the body can provide its opinion), "MA" (mandatory advice – the body must provide its opinion, the content of which is either binding or not for the deciding authority), "D" (decision). Please insert "OF" (obligation to follow) if the deciding authority has an obligation, either by law or practice, to follow the opinion given]

- a) involvement in the preparation of the "budget allocated to courts"³
- b) formal proposal on the budget allocated to courts
- c) adoption of the budget allocated to courts
- d) management of the budget allocated to courts
- e) evaluation/audit of the budget allocated to courts
- f) definition of criteria for determining financial resources (see 1.6.2.)

	a)	b)	c)	d)	e)	f)
President of a court:	x			x		X
Special chamber of a court:						
Higher court / President of the Higher court:						
Supreme Court / President of the Supreme Court:						
Council for the Judiciary:						
Judicial inspection body:						
Other independent body (specify): ...						
Ministry/Minister of justice:	x	x			x	X
Other ministry than min. of justice (specify): Ministry financial					X (finance)	
Parliament:			x			
Head of state: if applicable- on advice of ...						
Other (specify): ...						

1.6.2. What are the prescribed methods or criteria for determining financial resources for the judiciary? [several answers possible] [Please electronically tick the checkbox ("☑") next to the corresponding reply (by clicking on it in Microsoft Word for Windows), or (in case of difficulties with the checkboxes) by marking relevant reply in bold or highlighting it.]

- amount based on historic and/or realised costs
- number of incoming cases: specify for which instance: 1st / 2nd / all / N/A
- number of resolved cases: specify for which instance: 1st / 2nd / all / N/A
- number of resolved cases - based on an evaluation of the cost for courts

³ General government total expenditure on COFOG (classification of the functions of government) group 03.30 'Law courts', which includes "financial resources allocated to the "administration, operation or support of civil and criminal law courts and the judicial system, including enforcement of fines and legal settlements imposed by the courts and operation of parole and probation systems; legal representation and advice on behalf of government or on behalf of others provided by government in cash or in services. Includes: administrative tribunals, ombudsmen and the like. Excludes: prison administration." This is National Accounts data currently provided under the ESA95 framework.

other (specify): ...

1.6.3. Where have these criteria been defined? [several answers possible]

In well-established practice

In law

Other (specify): ...

1.7. Governance of the Judiciary

[Please insert an "x" into the box that corresponds to the situation in your country; several answers possible; insert "N/A" when the situation is not applicable in your country;

if relevant, you can additionally insert the following explanations:

"FS" (final selection), "CA" (consultative advice – the body can provide its opinion), "MA" (mandatory advice – the body must provide its opinion, the content of which is either binding or not for the deciding authority), "D" (decision). Please insert "OF" (obligation to follow) if the deciding authority has an obligation, either by law or practice, to follow the opinion given.]

- a) general management of a court
- b) adopting press guidelines for relations between courts and the media
- c) communicating with the media (e.g. on questions regarding judgments, court functioning)
- d) decisions regarding the implementation and use of Information and Communication Technology in courts
- e) decisions regarding court buildings
- f) decisions regarding court security

	a)	b)	c)	d)	e)	f)
President of a court:	x	X				
Higher court / President of the Higher court:						
Supreme Court / President of the Supreme Court:						
Court service governed by the Judiciary:						
Council for the Judiciary:						
Judicial inspection body:						
Other independent body (specify): ...						
Court service governed by the Ministry of justice:						
Ministry/Minister of justice:				x	x	x
Other ministry than min. of justice (specify): ...						
Other (specify): ...						
Judge responsible for media relations			X			
Press officer at a court			X			

1.7.1. Authorities and bodies responsible for court staff (other than judges)

[Please insert an "x" into the box that corresponds to the situation in your country; several answers possible; insert "N/A" when the situation is not applicable in your country;

if relevant, you can additionally insert the following explanations:

"FS" (final selection), "CA" (consultative advice – the body can provide its opinion), "MA" (mandatory advice – the body must provide its opinion, the content of which is either binding or not for the deciding authority), "D" (decision). Please insert "OF" (obligation to follow) if the

deciding authority has an obligation, either by law or practice, to follow the opinion given.]

- a) decision regarding the total number of court staff (other than judges) at all courts
- b) decision regarding the number of court staff at particular courts
- c) appointment and dismissal of court staff
- d) decisions regarding the transfer of court staff from one court to another
- e) decisions regarding the promotion/disciplinary matters concerning court staff
- f) other human resource management decisions on court staff (e.g. holidays)

	a)	b)	c)	d)	e)	f)
President of a court:			X		X	X
Higher court / President of the Higher court:						
Supreme Court / President of the Supreme Court:						
Court service governed by the Judiciary:						
Council for the Judiciary:						
Judicial inspection body:						
Other independent body (specify): ...						
Court service governed by the Ministry of justice:						
Ministry/Minister of justice:	X	X				
Other ministry than min. of justice (specify): ...						
Other (specify): ...				X1	X2	

X1 - written agreement shall be required between the chief executive of the State body from which the civil servant is being transferred and the chief executive of the State body to which the civil servant is being transferred.

X2 - The chief executives of State bodies shall decide on minor breaches of official duties. The chief executives of State bodies shall decide on minor breaches of official duties, unless specified otherwise by separate laws for civil servants in individual State bodies. The civil service tribunal shall decide on severe violations of official duties in the first instance, while the superior tribunal shall decide in the second instance, unless specified otherwise by separate laws for civil servants in individual state bodies.

1.8.1 Composition of the Councils for the Judiciary according to the nomination process

	Total	Court presidents (ex officio)	Judges (appointed or proposed by their peers)	Judges (elected by their peers)	Prosecutors (elected by their peers)	Prosecutor General (ex officio)	Appointed by associations of lawyers / legal practitioners	Elected/appointed by the Parliament	Appointed by the Head of State / Prime Minister / Government / Minister of justice	Minister of justice (ex officio)	Appointed/nominated by other bodies/authorities
BE	44			22				22			
BG	25	2		6	5	1		11			
DK	11		6				1				4
IE	18	5		5			2		3		3
ES	21	1	12					8			
FR	22	1		6	6	1	1	4	2		1
HR	11			7				2			2
IT CSM	27	1		12	4	1		8	1		
IT CPGA	15	1		10				4			
LV	15	2		7		1	3	1		1	
LT	23	3		20							
HU	15	1		14							
MT	10	1		4		1	1		2		1
NL	4		2						2		
PL	25	2		15				6	1	1	
PT	17	1		7				7	2		
RO	19	1		9	5	1		2		1	
SI	11			6				5			
SK	18			9				3	6		
UK (EN + WL)	29	9	19								1
UK (NI)	11		11								
UK (SC)	16	4	12								

1.8.2. Powers of the Councils for the Judiciary

	Providing opinion on draft laws relating to the judiciary	Training of judges (providing guidelines/supervising or deciding on the program/content)	Proposing candidates for appointment as judges (courts of first instance)	Appointing judges (1st instance courts)	Proposing dismissal of judges (courts of first instance)	Dismissing judges (courts of first instance)	Transferring judges (without their consent)	Taking disciplinary decisions on judges	Adopting ethical standards	Promoting a judge	Advisory body / court management	Deciding on evaluation of a judge	Decision regarding number of court staff at particular courts	Allocating budget to particular courts	Decisions on implementation & use of ICT in courts
BE	1	1	1						1						
BG	1	1		1	1	1	1	1	1	1		1	1	1	1
DK	1	1									1		1	1	1
IE	1										1		1		1
ES	1	1	1		1		1	1	1	1		1			1
FR	1		1	1	1	1	1	1	1	1					
HR	1	1		1		1	1	1		1		1			
IT	1	1	1	1	1	1	1	1		1	1	1			1
LV	1	1			1										
LT	1	1		1		1	1			1	1	1	1	1	1
HU	1	1	1						1	1					
MT	1				1				1			1			
NL	1	1							1	1				1	1
PL	1	1	1		1				1						
PT	1	1	1	1	1	1	1	1	1	1		1			
RO	1	1	1	1	1		1	1	1	1		1	1		
SI	1	1	1	1	1	1	1		1	1		1			
SK	1	1	1		1				1	1					
UK (EN+WL)										1	1				
UK (NI)											1				1
UK (SC)											1				

2. PROCEDURES AND SANCTIONS FOR PROTECTING JUDICIAL INDEPENDENCE⁴

2.1. When a judge or an authority considers that independence of an individual judge or of the judiciary is threatened, are there any specific procedures, other remedies or sanctions⁵ for protecting it?

Yes

No

2.1.1. If yes, who can launch such a request or a procedure?

A judge who believes his/her independence is threatened

President of a court

Judicial inspection body

Council for the Judiciary

Other independent body (specify): ...

Public Prosecution Service

Minister of justice

Other (specify):

2.1.2. What was the total number of such complaints in 2014?

[If only an estimate is available, add "approx. ..." or "fewer than ...";

Please specify for each authority or body (please add more than two, if necessary)]

This information is not available for us.

2.1.3. If yes, which authority or body has the power to react to such complaints from judges or authorities for protecting judicial independence? [several answers possible]

Council for the Judiciary

Other independent body (specify): ...

Judicial inspection body

Court

President of a court

Higher court / President of a higher court

Supreme Court / President of the Supreme Court

Public Prosecution Service

Other (specify):

⁴ [Recommendation CM/Rec\(2010\)12](#) of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, paras. 8, 13 and 14. *See also* European Network of Councils for the Judiciary, Distillation of ENCJ Guidelines, Recommendations and Principles, Report 2012-2-13, para. 7.

⁵ "Sanctions against persons seeking to influence judges in an improper manner", Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, para. 14.

**2.1.4. If yes, what are the measures that these authorities can take on the basis of a request in order to protect judicial independence?
What was the total number of such measures in 2014?**

[[several answers possible; if only an estimate is available, add "approx. ..." or "fewer than ...".]

- Notification to other authorities:, from (specify): ...
- Sanctions (criminal, administrative, at first instance)⁶:, from (specify): ...
- Press releases / formal declarations on judicial independence:, from (specify): ...
- Other (specify):, from (specify): ...
- N/A

This information is not available for us.

3. IMPARTIALITY – WITHDRAWAL AND RECUSAL⁷

3.1. Is a judge obliged to withdraw from adjudicating a case if the judge believes that impartiality is in question or compromised or that there is a reasonable perception of bias?

- Yes
- No

3.1.1. If yes, what is the source of the obligation to withdraw from adjudicating a case?

- A well-established practice of judges
- Set in an act adopted by a court
- Set in an act adopted by the Council for the Judiciary
- Set in an act adopted by the Minister of justice
- Set in law
- Other (specify): ...

3.1.2. If a judge disrespects the obligation to withdraw from adjudicating a case, could the judge be subject to a sanction?

- Yes
- No

3.2. Which authority or body takes the first decision on a request for recusal by a party who considers that a judge is partial / biased? [several answers possible]

- The single-judge who is adjudicating in the same case
(when a recusal request is directed against this judge)
- The panel of judges adjudicating in the same case

⁶ "Sanctions against persons seeking to influence judges in an improper manner", Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, para. 14.

⁷ Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, paras. 59-61. See also European Network of Councils for the Judiciary, [London declaration on judicial ethics](#), June 2010; and European Network of Councils for the Judiciary, [Judicial Ethics Report](#) 2009-2010

(when a recusal request is directed against a member of this panel or against the whole panel)

- Another judge at the same court (e.g. selected on seniority or appointed)
- A special chamber of the same court
- President of the same court
- Another court / President of another court
- Higher court / President of a higher court
- Supreme Court / President of the Supreme Court
- Council for the Judiciary
- Other independent body (specify): ...
- Ministry of justice / Minister of justice
- Other (specify): ...

3.2.1. In case a different authority or body decides in different types of proceedings (civil, administrative...), please describe the differences and specify for which proceedings the replies under 3.2. refer to:

3.3. If available what was the total number of successful recusal challenges by parties in 2014 in which a lack of impartiality or a reasonable perception of bias was established?

[If only an estimate is available, add "approx. ..." or "fewer than ...".]

This information is not available for us.

3.4. Is an appeal against a decision on a request for recusal possible?

- Yes
- No

3.4.1. If yes, which authority or body decides on such an appeal?

- Another judge at the same court (e.g. selected on seniority or appointed)
- A special chamber of the same court
- President of the same court
- Another court / President of another court
- Higher court / President of a higher court
- Supreme Court / President of the Supreme Court
- Council for the Judiciary
- Other independent body (specify): ...
- Minister of justice
- Other (specify): ...

3.4.2. What was the total number of appeals against decisions on recusal requests in 2014?

[for example, when a party to the case requested a judge to be recused but this request was rejected, and then this party appealed against the rejection; if only an estimate is available, add "approx. ..." or "fewer than ...".]

This information is not available for us.

4. IRREMOVABILITY - TRANSFER OF JUDGES WITHOUT THEIR CONSENT⁸

4.1. Can a judge be transferred (temporarily or permanently) to another judicial office (to other judicial duties, court or location) without his/her consent?

Yes

No

4.1.1. If yes, which authority or body decides on a (temporary or permanent) transfer of a judge without his/her consent? [if several authorities are responsible and have different powers depending on the ground for transfer, please write "for disciplinary reasons", "for organisational reasons" or "for other reasons" next to the relevant authority]

Council for the Judiciary

Other independent body (specify): ...

Court responsible for disciplinary measures for judges (e.g. disciplinary senate, civil service court...)

President of the same court

Another court / President of another court

Higher court / President of a higher court

Supreme Court / President of the Supreme Court

Constitutional Court / President of the Constitutional Court

Ministry of justice / Minister of justice

Head of state

Other (specify):

4.2. For what reasons can a judge be transferred without his/her consent? [several answers possible]

For disciplinary reasons

For organisational reasons (specify; e.g. closure of a court): ...

For other reasons (specify): ...

4.2.1. At what level are these reasons prescribed?

In law

Other (specify): ...

⁸ Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, para. 52. See also European Network of Councils for the Judiciary, Development of Minimal Judicial Standards III, Minimum Standards regarding evaluation of professional performance and irremovability of members of the judiciary, Report 2012-2013, pp. 18-20, 23 (point 4.21.)

4.3. In case a judge is transferred without his/her consent is he/she guaranteed an equivalent post (in terms of a position, salary...)?

- Yes, but not always and place of work
 No

4.4. What was the total number of judges transferred without their consent in 2014?

[if only an estimate is available, add "approx. ..." or "fewer than ...".]

In all courts: : 0 / N/A

If possible, specify this number depending on the reason for transfer without consent:

For disciplinary reasons:

For organisational reasons:

For other reasons:

If possible, specify this number for judges in different areas (civil, administrative...):

... : :..... / N/A

... : :..... / N/A

4.5. Can a judge appeal if he/she is transferred without his/her consent?

- Yes
 No

4.5.1. If yes, which authority or body decides on such an appeal?

- Council for the Judiciary
 Other independent body (specify): ...
 Court responsible for disciplinary measures for judges (e.g. disciplinary senate, civil service court...)
 President of the same court
 Another court / President of another court
 Higher court / President of a higher court
 Supreme Court / President of the Supreme Court
 Constitutional Court / President of the Constitutional Court
 Minister of justice
 Head of state
 Other (specify): territorially competent Administrative Court

4.5.2. What was the total number of appeals against transfers of judges without their consent in 2014?

[If only an estimate is available, add "approx. ..." or "fewer than ...".]

In all courts: : 0 / N/A

If possible, specify the number of appeals depending on the reason for transfer without consent:

For disciplinary reasons:

For organisational reasons:

For other reasons:

If possible, specify the number of appeals by judges in different areas (civil, administrative...):

... : :..... / N/A

... : :..... / N/A

5. ALLOCATION OF CASES⁹

5.1. Are the criteria for allocating cases within a court defined?

Yes

No

5.1.1. If yes, where have these criteria been defined? [several answers possible]

In well-established practice of the court

In an act adopted by the court

In implementing regulations

In law

Other (specify): ...

5.2. How are cases assigned to judges at the first instance courts?

President of the court assigns cases

A member of the court staff assigns cases (e.g. listing officer)

A special chamber of the court assigns cases

The cases are assigned randomly (e.g. through a computerized system)

The cases are assigned according to a pre-defined order (e.g. alphabetic, subject matter)

Other (specify): Cases are allocated automatically to the judges of municipal, county and commercial courts while to the judges of misdemeanor courts and administrative courts cases are allocated manually because in those courts is in use computerised system which does not have possibility of automaticall allocation of cases. If there is a possibility of automaticall allocation of cases the manual allocation is excluded. In courts which do not have the automaticall allocation cases are allocated manually in a way determined by the Court Rules Book.

5.3. Is the allocation of cases subject to supervision (e.g. regular checks of the practice of allocation)?

Yes

No

5.3.1. If yes, by whom? [several answers possible]

By court staff

⁹ Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, para. 24.

- By the President of the court
- By the Council for the Judiciary
- By another independent body (specify): ...
- By the Judicial inspection body
- Other (specify): ...

5.3.2. In the last five years, has the system for the allocation of cases been subject to a general review or assessment to check for any potential deficiencies?

- Yes
- No

5.3.2.1. If yes, what was the follow-up to the findings of such a general review/assessment? [several answers possible]

- Changes to the system of allocation of cases
- Changes to the practices concerning the allocation of cases
- Other (specify): ...

6. INTERNAL INDEPENDENCE¹⁰

6.1. In your system, are there hierarchically superior courts/judges with the power to ensure on their own initiative the uniformity or consistency of judicial decisions delivered by the courts/judges under their supervision (outside of an appeal system, the precedent doctrine or a preliminary ruling system)?

- Yes
- No

6.1.1. If yes, which courts/judges have such a power?

- Division heads at particular courts
- Presidents of the courts
- Appeal courts / Presidents of appeal courts
- Supreme Court / President of the Supreme Court
- Other (specify): ...

6.1.2. If yes, what kind of decisions can hierarchically superior courts/judges deliver on their own initiative to ensure the uniformity or consistency of judicial decisions outside of an appeal system or the precedent doctrine?

- An advisory opinion of general application (for all courts/judges)
- An obligatory decision of general application (for all courts/judges)
- An advisory opinion of concrete application (to a specific judicial decision)
- An obligatory decision of concrete application (to a specific judicial decision)
- A practice statement or direction applicable to particular kinds of cases

¹⁰ Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, para. 22.

Other (specify): ...

6.1.3. If yes, what was the total number of such decisions in 2014?

[If only an estimate is available, add "approx. ..." or "fewer than ..."]

This information is not available for us.