



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Standards VI: Non-Judicial Members in Judicial Governance

Questionnaire and replies

Annex

to the ENCJ Report

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Part one: Non-judicial Representatives in Judicial Councils

Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?

The High Council of Justice consists of the President of the Republic, the President of the High Court, the Minister of Justice, three members elected by the Assembly of the Republic of Albania and nine judges of all levels elected by the National Judicial Conference. Members of the High Council of Justice who are elected by the National Judicial Conference are to have been judges for no less than ten years, while members of the High Council of Justice who are elected by the Assembly have to be jurists, not judges, with no less than 15 years' experience in the profession.

Q. Is there a board of the Council? If yes, what is the composition of such body?

No

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Article 8 of the Law Nr. 8811, dated 17 May 2001 "On the organization and functioning of the High Council of Justice", amended states that:

Filling a vacancy in the High Council of Justice is done by the National Judicial Conference or the Assembly, as the case may be.

The National Judicial Conference or the Assembly meets and elects (by majority of the votes of the MP), the member of the Council within 45 days from the creation of the vacancy. A member of the High Council of Justice elected to fill a vacancy in the High Council of Justice stays in his function for a full five year term.

Q. Who appoints?

The Assembly

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details.

Members of the High Council of Justice who are elected by the Assembly have to be jurists, not judges, with no less than 15 years' experience in the profession.

(a) Prescribed by law?

It is prescribed in the Article 4 of the Law Nr. 8811, dated 17 May 2001 "On the organization and functioning of the High Council of Justice" amended.

(b) Stemming from the practise?

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

The non-judicial representatives have the same powers as any other member of the Council.

Decision making powers?	Consultative powers?
Has the right to vote for the appointment and discharge of judges of the courts of the first level and the courts of appeal. The President of the Republic does not take part in the voting in the case of proposals for the appointment of judges.	Proposes to the President of the Republic the appointment of judges of the Courts of the first level and the courts of appeal.
Has the right to vote for the transfer of judges.	Has the right to suggest another disciplinary measure against a judge.
Has the right to vote for taking disciplinary measures against judges. The Minister of Justice does not take part in the voting in cases of disciplinary proceedings initiated by him.	
Has the right to vote for the criteria for the evaluation of judges, it oversees and guarantees the process of evaluation and	
Has the right to vote for the appointment and discharge of chairmen of courts of the first level and for the courts of appeal.	
Has the right to vote for the appointment and discharge of inspectors of the Inspectorate of the High Council of Justice.	

Q. Do these differ from the powers and competences of judicial members? If yes, how?

No

Q. What is the term of office of non-judicial representatives? Does it differ from the judicial members?

The term of office for the members of the High Council of Justice is of 5 years without the right of immediate re-election. The same term of office have even the members elected from the Parliament.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

All members are part-time members, except of the Deputy Chairman of the High Council of Justice which is always one of the 3 members elected from the parliament.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

All the members have honorary payments. They receive it for being present at each meeting for a maximum of 12 meetings a year. It does not differ from the judicial members.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

If it doesn't have the needed experience to become a member of the council. If he is punished by a final judicial decision for the commission of a criminal offense or if during the parliamentary

procedures of their appointment, the majority of members of the parliament or a parliamentary committee do not approve his candidacy.

Q. What are the grounds for disqualification from office (is it different from other members)?

The mandate of an elected member of the High Council of Justice ends when:

- a) the five year term of office is completed;
- b) he resigns;
- c) he is no longer a judge, if he was elected by the National Judicial Conference;
- d) he does not take part in meetings of the Council for a six month period;
- e) he is punished by a final judicial decision for the commission of a criminal offense;
- f) a disciplinary measure is taken against a member of the High Council of Justice who is a judge and, after the re-voting of his mandate in the National Judicial Conference, he does not win a majority of the votes;
- g) he is declared incompetent to act by a final judicial decision;

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

Any additional remarks:

The President of the Republic is the Chairman of the High Council of Justice.

The law states that the HCJ can elect as deputy chairman of the High Council of Justice only a non-judicial representative, from the candidatures proposed by the President of the Republic.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Q. Is there a quorum in the decision-making process?

Yes. Half of the members of the Council should be present for the meeting can start and the decision to be taken.

Part one: Non-judicial Representatives in Judicial Councils

Austria has not established Councils for the Judiciary.

Pursuant to Art.87 para 2 and 3 of the Austrian Constitution (B-VG) specific questions of court management and administration (allocation of cases, nomination and assignment of judges, deployment of substitute judges, assessment of judges) are dealt with by **judicial staff panels** who then act as independent judicial bodies.

Staff panels are judicial bodies that are situated at all higher levels of the court system: there are staff panels at all 20 Regional Courts, at the four Courts of Appeal and at the Supreme Court. They comprise the President and the Vicepresident of the Courts and three to five judges elected by their peers every four years within the judicial constituency.

These judicial staff panels do not comprise non-judicial representatives.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Judicial appointment procedures are dealt with by judicial staff panels; for their composition: see above; they do not comprise non-judicial representatives.

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Disciplinary procedures are dealt with by disciplinary courts.

Sec 111 of the the Austrian Judges and Public Prosecutors Service Act (RStDG) determines the relevant authorities with regard to disciplinary measures: each of the four Courts of Appeal (Vienna, Graz, Linz and Innsbruck) also functions as a Disciplinary Court for the judges and public prosecutors appointed within the realm of one of the other Courts of Appeal. The Supreme Court is in charge of its judges, the presidents and vice-presidents of the Courts of Appeal, the members of the Procurator General's Office and the Senior Public Prosecutors of the four Public Prosecutor's Offices (Vienna, Graz, Linz and Innsbruck). The disciplinary panels consist of senior judges and judges of the Court of Appeal. Furthermore a disciplinary investigator has to be appointed among the judges of the Court of Appeal (sec 112 RStDG).

If disciplinary proceedings are pursued and the disciplinary panel finally decides the case, the decision of the disciplinary panel can be appealed to the Supreme Court by the disciplinary defendant and the Disciplinary Public Prosecutor. It has suspensive effect (sec 139 RStDG).

The disciplinary courts do not comprise lay members.

Part one: Non-judicial Representatives in Judicial Councils

Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?

22 judicial members elected by their peers -11 Dutch speaking and 11 French speaking members, each linguistic college comprises at least 1 judge and 1 prosecutor.

22 non-judicial members appointed by the Senate -11 Dutch speaking and 11 French speaking members, each linguistic college comprises at least: - 4 lawyers member of the bar for at least 10 years, - 3 university or college of higher education professors having at least 10 years of professional experience and - 4 members who hold an university or equivalent degree as well as 10 years of relevant professional experience.

Q. Is there a board of the Council? If yes, what is the composition of such body?

The Bureau is composed of four members of the General Assembly. Every linguistic college selects one judicial member and one non-judicial member. They serve as President of the Council on a rotating basis, for a period of one year. In addition, each of them chairs a Nomination and Appointment Committee (CND) or an Advisory and Investigation Committee (CAE).

The members of the Bureau perform their duties on a full-time basis.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

The non-judicial members are selected and appointed by the Senates with a 2/3 majority of votes out of persons who respond to an appeal for candidates published in the state journal.

Who appoints?

The Senate

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

- art. 259bis2, §3, Judicial Code: candidates must be younger than 66.

-Art. 259bis2, §2, Judicial Code:

Each of the two linguistic colleges counts at least 4 members of every sex and comprises at least:

- 4 lawyers, member of the bar for at least 10 years,
- 3 university or college of higher education professors having at least 10 years of professional experience

and - 4 members who hold a university or equivalent degree as well as 10 years of relevant professional experience.

Every person that belongs to one of the above-mentioned categories can individually be candidate.

In addition to this, the bar associations and the universities can also propose candidates. At least 5 members of each linguistic college have to be appointed out of these proposed candidates.

At least one of the members of the French speaking college has to prove that he has knowledge of the German language.

(b) **Stemming from the practise? /**

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

The non-judicial members are "full members" of the council with voting power. They have the same powers as the judicial members.

Each body of the HCJ consists of an equal number of judicial and non-judicial members. The general rule is that decisions can be validly taken if at least 2/3 of all members of a body of the HCJ is present and a majority of votes is in favour. The law prescribes specific quorums and majorities in certain cases, for instance:

The two appointment commissions (one Dutch and one French speaking) can only submit a candidate for an appointment as judge if 10 out of 14 members are present and with a 2/3 majority of votes. In some cases the law requires a decision of the Joint appointment commission, for example for some bilingual functions. In those cases the law requires that at least 10 members of each appointment commission are present.

These specific majority requirements do not only guarantee a linguistic balance, but also prevent that the category of non-judicial or judicial members takes decisions without any support of the other category.

Do these differ from the powers and competences of judicial members?

NO

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

4 Years, it does not differ from the judicial members.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

The members of the Bureau perform their duties on a full-time basis, all other members perform their duties when they are called upon: Generally, they will attend meetings of the General Assembly, and of the committee and working groups of which they are member.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

The judicial members of the bureau are intitled to a yearly wage supplement of 15.000 EUR (index-linked). The non-judicial members of the bureau receive a wage equal to the wage of the president of a chamber in a court of appeal with 21 years of experience (art. 259bis-21, §1, Judicial Code).

All other members, non-judicial and judicial, receive an attendance fee (art. 259bis-21, §2, Judicial Code).

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Art. 259bis3, §§2 and 3 of the Judicial Code enumerate several incompatibilities for both judicial and non-judicial members, for example: a public mandate granted by election or a public mandate of political nature.

Q. What are the grounds for disqualification from office (is it different from other members)?

"For serious reasons" the General Assembly of the High Council can terminate the mandate of a member with a 2/3 majority of votes in each linguistic college.

Furthermore, the mandate of a member ends automatically when one of the above mentioned incompatibilities arises, when he loses the quality required to become member or when he's candidate for an appointment as judge or prosecutor.

These rules apply to both judicial and non-judicial members.

Q. Could a non-judicial representative assume the presidency of the council for the judiciary? YES, (see above)

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

The presentation of candidates for an appointment as judge/prosecutor is the competence of the appointment commissions of the High Council. The French and the Dutch commission each count 14 members, 7 judicial and 7 non-judicial members. The judicial and non-judicial members have equal voting powers.

Q. Is there a quorum in the decision-making process?

The two appointment commissions (one Dutch and one French speaking) can only submit a candidate for an appointment as judge/prosecutor if 10 out of 14 members are present and with a 2/3 majority of votes. In some cases the law requires a decision of the Joint appointment commission, for example for some bilingual functions. In those cases the law requires that at least 10 members of each commission are present.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

As already explained above, the 22 non-judicial members (11 French speaking and 11 Dutch speaking) are appointed by the senate. Subsequently, each of the two linguistic colleges of the General Assembly designate the 7 non-judicial members of its appointment commission and the 4 non-judicial members of its advisory and investigation commission.

Who appoints the representatives? Please outline the procedure? *See above.*

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. *See above*

- (a) **Prescribed by law?** See above part 1
- (b) **Stemming from the practise?** See above part 1

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

They have the same powers as the judicial members.

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

See above part 1

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Q. What are the grounds for disqualification from office (is it different from other members)?

See above part 1

Q. Could a non-judicial representative assume the presidency of the appointment Committee? Yes

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

IMPORTANT NOTE: *The Belgian High Council has no disciplinary competences.* The two Advisory and Investigation Committees (one French and one Dutch speaking) are competent to receive **complaints** regarding the functioning of the judiciary. The Joint Advisory and Investigation Committee can also conduct audits and enquiries into dysfunctions. The non-judicial members of these committees participate as full members. When confronted with severe shortcomings of individual judges/prosecutors they can only ask the disciplinary authority, generally the hierarchic superior of the concerned judge, to investigate whether a disciplinary procedure should be initiated. The High Council cannot bring a case directly before the disciplinary courts.

Regarding the Belgian **disciplinary procedure**, the following observations can be made: Minor disciplinary punishments are inflicted by the superior of the concerned judge; major disciplinary punishments are sentenced by the disciplinary courts, which were installed in 2014. Non-judicial persons do not have any decisional power in the disciplinary procedure. Apart from the president of the Bar Council, who has a strictly advisory vote in the disciplinary court, no other non-judicial representative intervenes in the disciplinary procedure.

The answers below only relate to the complaints dealt with by the Advisory and Investigation Committees.

Q. Is there a quorum in the decision-making process?

Yes. The Advisory and Investigation Committees can only take a decision when at least 6 out of 8 members are present and with a majority of the votes casted. The Joint Advisory and Investigation Committee can only take decisions when at least six of each committee are present.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives? Who appoints the representatives? Please outline the procedure?

See above part 2.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

See above part 1

(b) Stemming from the practise?

See above part 1

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

The non-judicial members have the same powers as the judicial members.

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

See above

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

See above

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

See above

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

See above

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

See above

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

Yes

Part one: Non-judicial Representatives in Judicial Councils**Q. What is the composition of the Councils for the Judiciary with regard to its members: only judges? Other categories of members? What categories?**

The Supreme Judicial Council /SJC/ consists of 25 members, legal experts with high professional and moral qualities, having at least 15 years of judicial experience. From this members' college, members by law are the chairperson of the Supreme Court of Cassation, the chairperson of the Supreme Administrative Court and the Prosecutor General. They are appointed by an Act of the President of the Republic. Eleven of the members of the council, according to Art. 17, para.3 of the Judiciary System Act /JSA/ are elected by the bodies of the judicial system - 6 judges, 4 prosecutors and 1 investigator - professional quota. The remaining eleven, according to Art. 17, para. 2 of the JSA are elected by the General Assembly among judges, prosecutors, investigators, professors in law, lawyers and other legal experts - parliamentary quota.

Q. Is there a board of the council? If yes, what is the composition of such body?

The SJC has no board.

Q. What are the procedures of non-judicial representatives selection/election/appointment?**Who appoints, in what procedure?**

The procedures are laid down in Art. 19,19a and 19 b of the JSA:

The National Assembly shall elect members of the Supreme Judicial Council no later than one month prior to the expiration of the term of office of elected members. Nominations of candidates for elected members of the Supreme Judicial Council shall be reviewed by the specialized standing committee of the National Assembly /NA/. Nominations of candidates for members of the Supreme Judicial Council of the quota of the National Assembly shall be made by Members of Parliament no later than two months prior to conducting the election before the committee. The nominations shall be supported by a detailed reasoning and a written consent of the candidate and documents defined by the committee in connection with the conditions for incompatibility, legal service record, career advancement and acquired academic degree in Law. The committee may also require other documents to be presented by the candidates. The nominations along with the candidate's detailed CV and the presented documents shall be published on the website of the National Assembly within three business days from the date of receipt including the name and reasons of the Member of Parliament who made the relevant nomination.

Within 14 days after the publication of nominations, each candidate shall provide the election committee with a written concept regarding his or her work as member of the Supreme Judicial Council, a declaration concerning their property and the source of the funds used to acquire the property as per a template proposed jointly by the committee and the Supreme Judicial Council and approved by the Minister of Justice. The concept and the declaration shall be published on the website of the National Assembly within three business days from the date of receipt.

No later than 7 days prior to the hearing, non-profit-making legal persons registered to operate in the public interest, higher education institutions and scientific organisations may submit opinions about a candidate to the committee, including questions to be asked. Anonymous opinions and alerts shall not be taken into consideration. The opinions and questions submitted to the committee shall be published on the website of the National Assembly no later than three business days from the

date of submission. Specific data that represents classified information and facts related to candidates' personal life shall not

The committee shall hear each candidate who is to present his concept. The hearing shall be scheduled and announced by the committee not later than one month prior to the scheduled hearing date. The hearing shall be open and shall be held not later than 14 days before the election. A verbatim report of proceedings shall be made for the hearing and shall be published on the website of the National Assembly. The members of the committee may ask questions to the candidate, including questions based on the opinions from the non-governmental organisations.

The committee shall put forward the nominations to the National Assembly by drafting a report on the professional qualities and integrity of the candidates. The nominations shall be put to the vote based on the report, which shall include conclusions concerning the minimum legal requirements to take the post, the availability of data that calls into question the candidate's integrity, qualification, experience and professional qualities, the specific background, qualities and motivation for the post concerned, the public reputation of the candidate and the public support for him or her. The report shall be published on the website of the National Assembly. The National Assembly shall elect each member of the Supreme Judicial Council on a case-by-case basis with a simple majority of the votes.

Q. What criteria (qualities), if any, non-judicial representatives should fulfil (age, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)?

(a) **Prescribed by law?**

According to Art. 17, para. 1 of the JSA lawyers with high professional and moral characteristics with at least 15 years of legal length of service shall be elected to the Supreme Judicial Council.

(b) **Stemming from the practice?**

No.

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

They have the same competences and powers as the rest of the Members of the Council.

Q. Decision making powers?

They participate in decision making regarding:

- The appointment, promotion, transfer and the relief from office of judges, prosecutors and investigating magistrates;
- the imposition of disciplinary sanctions;
- the organisation of the qualification of the magistrates;
- the approval of the draft Budget of the Judiciary and the control of its implementation;
- determining the number, the judicial districts

and the headquarters of the of the regional, district, administrative and appellate courts upon the proposal of or after coordination with the Minister of Justice and, as regards military courts - in coordination with the Minister of Defence; and depending on the workload, the establishing and closure of courts, changing the judicial areas and the seats of the courts;

- determining the number of judges, prosecutors and investigating magistrates in the courts, prosecution offices and investigation bodies, depending on the workload, upon proposal of or after coordination with the administrative heads of the judicial system bodies, and for prosecutors and investigating magistrates - with the Prosecutor General, having the option to open new and to cut unoccupied positions;
- determining the number of court employees according to the workload - upon proposal of or after coordination with the administrative heads of the judicial system bodies, and for the bodies included in the structure of Prosecution Office of the Republic of Bulgaria
- also with the Prosecutor General, having the option to create new and to cut positions;
- organising and conducting competitions for the positions of judges, prosecutors and investigating magistrates in the cases provided by the law;
- determining the number of the administrative heads and their deputies for the respective judicial system bodies, appoint and relieve them from office, with the exception of the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court and the Prosecutor General;
- electing and relieving from office of the
- Director of the National Investigation
- Service;
- the appraisal of judges, prosecutors, investigating magistrates, and of administrative heads and their deputies;
- the approving of the automated information systems for the judicial system bodies;
- the participation of judges, prosecutors and investigating magistrates in the international legal cooperation, including, among others, their participation in the national judicial network;

Q. Do those differ from the powers and competences of judicial members? If yes, how?

They do not differ.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The mandate is five years. It is the same as the mandate of the rest of the Members of the Council.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

The level of commitment is a full time.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

The Members from the parliamentary quota receive remuneration from the budget of the judiciary by virtue of an employment contract. The amount of the remuneration of all the members of the SJC is based on the same principle.

Q. What are the causes of incompatibility regarding the office to be held by non-judicial representatives?

According to Art. 18, para. 1 of the JSA an elected member of the Supreme Judicial Council may not be a member of the National Assembly, a mayor or municipal councillor, hold a position with state or municipal bodies, conduct trade or be a partner, manager or sit on supervisory, management boards or boards of directors or in control bodies of commercial companies, cooperatives or non-profit legal entities that carry out profitable business, with the exception of those of professional associations of judges, prosecutors and investigating magistrates, be remunerated for business performed under a contract or while in a civil service relationship with a state or public organisation, a commercial company, cooperative, non-profit legal entity, a natural person or sole trader, with the exception of research and teaching or the exercise of copyright, as well as for participation in international projects, including ones funded by the European Union exercise a liberal profession or any other remunerated professional activity, be a member of political parties or coalitions, of organisations with a political goal, carry out political activity and be a member of organisations or conduct business interfering with his independence, be a member of trade union organisations outside the Judiciary, have been convicted of a serious criminal offence, notwithstanding any subsequent rehabilitation or have been discharged of criminal liability for a deliberate offence, be a spouse, a relative of direct, or of collateral lineage to the fourth degree, or by marriage - to the third degree inclusive, or living together as partners with, another member of the Supreme Judicial Council, with an administrative head of a judicial system body or with the Minister of Justice, an elected member of the Supreme Judicial Council who has been relieved from office on disciplinary grounds.

An elected member shall be relieved from office by the Supreme Judicial Council where he/she fails to vacate office or terminate his business under paragraph 1 within a month of being elected.

Q. What are the grounds for disqualification from membership as a non-judicial member of a Council for the Judiciary (is it different from other members)?

The term of office of an elective member of the Supreme Judicial Council shall be terminated upon: resignation; an effective judicial act on a criminal offence committed; sustained actual inability to discharge the duties thereof during a period exceeding one year; removal from office by reason of breach of discipline or disqualification from practising a legal profession or activity. Upon termination of the term of office of an elective member of the Supreme Judicial Council, a replacement shall be elected from the relevant quota to serve for the remainder of the term of office. The term of office of an elected member of the Supreme Judicial Council may not be terminated early by virtue of a resignation if disciplinary proceedings have been brought against this member for the purpose of effecting a disciplinary dismissal from office until the completion of such proceedings. The procedure for early relief from office on the abovementioned grounds (with an exception of a resignation submitted) or when an incompatibility has been found shall commence at the request of one-fifth of the members of the Supreme Judicial Council.

For the members from the parliamentary quota this procedure may also commence at the request of one-fifth of the members of the National Assembly.

The resolution of the Supreme Judicial Council on the early relief from office of a member shall be adopted within one month of the receipt of the request and shall be adopted by a majority of more than two-thirds of the members thereof.

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

The Supreme Judicial Council has no president.

Additional remarks:

The sessions of the Supreme Judicial Council are presided over by the Minister of Justice. The SJC is represented by one of its elected members, designated by resolution of the Supreme Judicial Council. He/she may also be a SJC member from the parliamentary quota. In the absence of the Minister of Justice, the Representative of the SJC chairs the Council's sessions.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

The Committee on Proposals and Appraisal of Judges, Prosecutors and Investigators /CPA/ supports the work of the SJC in the sphere of personnel related activities. CPA shall submit to the Supreme Judicial Council draft decisions regarding the appointment, promotion in rank or position and the relief from office of judges, prosecutors and investigating magistrates, offers SJC draft decision on the appointment, promotion and dismissal of judges, prosecutors and investigators, as well as the appointment and dismissal of the administrative heads and their deputies, with the exception of the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court, the Prosecutor General and the Director of the National Investigation Service, who shall also be the deputy of the Prosecutor General in investigations.

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

The Committee on Proposals and Appraisal of Judges, Prosecutors and Investigators /CPA/ consists of ten elected members of the SJC (five judges and five prosecutors and investigators), organised respectively in two sub-committees - subcommittee on judges and subcommittee on prosecutors and investigators. These members could be judges, and respectively prosecutors and investigators, from the parliamentary quota.

Q. Is there a quorum in the decision-making process?

The CPA and the two sub-committees shall hold their sessions where more than the half of the total number of their members are present and shall take decisions with a majority of more than the half of the members present with open voting.

The sessions of the Supreme Judicial Council shall be held where more than half of its members are present. The resolutions of the SJC on the proposals of the CPA regarding the appointment, promotion, demotion, transfer and dismissal of judges, prosecutors and investigators shall be adopted by secret ballot.

Q. What are the procedures of non-judicial representatives selection/election/appointment?

The SJC elects among its members the members of the CPA. They are 10 of the elected members of the SJC - 5 judges and 5 prosecutors and investigating magistrates. The members of the CPA can be members of the SJC elected by the National Assembly and the requirement is that they should be judges, prosecutors or investigating magistrates.

Who appoints, in what procedure?

The members of the CPA are elected by the SJC among the Council's members.

Q. What criteria (qualities), if any, non-judicial representatives should fulfill (age, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)?

(a) Prescribed by law?

(b) Stemming from the practice?

According to art. 20 para.I of the Regulation on the Organisation of the Work of the Supreme Judicial Council and its Administration five of the members of the CPA shall be judges (subcommittee on judges) and five shall be prosecutors and investigators (subcommittee on prosecutors and investigators).

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

They have the same competencies and powers as the other members of the CPA.

Decision making powers?	Consultative powers?
<p>The CPA shall submit to the SJC draft decisions regarding:</p> <ul style="list-style-type: none">- the number of judges, prosecutors and investigating magistrates, as well as that of the administrative heads and their deputies;- the appointment, promotion in rank or position and the relief from office of judges, prosecutors and investigating magistrates;- the appointment and relief from office of the administrative heads and of the deputies of administrative heads, with the exception of the Chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court, the Prosecutor General and the Director of the National Investigation Service, who shall also be the deputy of the Prosecutor General in investigations;- the acquisition of tenure status by judges, prosecutors and investigating magistrates;- determining of the appraisal rates for judges, prosecutors, investigating magistrates, the administrative heads and their deputies.	

Q. Do those differ from the powers and competences of judicial members? If yes, how?

They do not differ.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Please, see the answer in Part one about the term of office of members of the SJC from the parliamentary quota.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Please, see the answer in Part One regarding the commitment of the members of the SJC from the parliamentary quota.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

The size of the remuneration of all members of the SJC is formed on the same principle.

Q. What are the causes of incompatibility regarding the office to be held by non-judicial representatives?

The answer is given in Part One - incompatibility for occupying the position a member of the SJC.

Q. What are the grounds for disqualification from membership as a non-judicial member of an appointment Committee (is it different from other members)?

The answer is given in Part One - grounds for early termination of the term of office of a SJC member.

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

The CPA elects among its members a Chairperson, i.e. an elected member of the SJC from the parliamentary quota can be elected to be the Chairperson of the CPA, if she/he is a judge, prosecutor or investigating magistrate.

The Committee on Disciplinary Proceedings (CDP) to the SJC supports the SJC in its disciplinary activity. The CDP is composed of 7 (seven) members, elected by the SJC among its elective members.

Q. Can non-judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

They can.

Q. Is there a quorum in the decision-making process?

The CDP shall hold its sessions where more than the half of the total number of its members are present and shall take decisions with a majority of more than the half of the members present with open voting.

Q. What are the procedures of non-judicial representatives selection/election/appointment?

Who appoints, in what procedure?

The members of the CDP shall be elected by the SJC among its elective members (including the ones who are from the parliamentary quota).

Q. What criteria (qualities), if any, non-judicial representatives should fulfill (age, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)?

(a) Prescribed by law?

There are no specific criteria, apart from the general requirement provided for in the JSA: the SJC members to be lawyers with high professional and moral qualities with at least 15 years of legal length of service.

(b) **Stemming from the practise?**

None.

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

All the members of the Committee on Disciplinary Proceedings (CDP) and the SJC have the same competencies and powers.

Decision making powers?	Consultative powers?
<p>They participate in decision making regarding:</p> <ul style="list-style-type: none">- instituting disciplinary proceedings against judges, prosecutors and investigators, which are examined by a three-member disciplinary panel designated by a draw of lots from among the 22 elective members of the SJC; <p>as members of the disciplinary panel, to consider the initiated disciplinary proceedings;</p> <ul style="list-style-type: none">- as members of the when imposing disciplinary sanctions upon proposal of the disciplinary panel, which has examined the disciplinary case. The SJC may reject the proposal to impose a disciplinary sanction or may impose a disciplinary sanction. The SJC decision shall be subject to appeal before the Supreme Administrative Court. <ul style="list-style-type: none">- designated	

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No, they do not differ.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The term of office for all elected members of the SJC (regardless from which quota they have been elected) is five years.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Please, see the answer in Part One regarding the commitment of the SJC members.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Please, see the answer in Part One regarding the remuneration of the members of the SJC.

Q. What are the causes of incompatibility regarding the office to be held by non-judicial representatives?

Please, see the answer in Part One regarding the incompatibility to occupy the position of a member of the SJC.

Q. What are the grounds for disqualification from membership as a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

Please, see the answer in Part One regarding the early termination of the term of office of a SJC member.

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

Yes.

Additional remarks:

There is a Civic Council to the SJC of the Republic of Bulgaria. The Civic Council has been created by SJC decisions under Minutes No.53/13.12.2012 and Minutes No.1/10.01.2013 of the corresponding sessions of the SJC. The Civic Council to the SJC is composed by 17 professional and non-governmental organisations. The setting up of the Civic Council created the possibility to subject the SJC's activity to a broad public discussion in order to ensure both a corrective and an active support in the implementation of the strategic policies of the SJC in the area of the judicial reform.

RULES OF ACTION OF THE CIVIC COUNCIL OF PROFESSIONAL AND NON-GOVERNMENTAL ORGANISATIONS

TO THE SUPREME JUDICIAL COUNCIL

I. Aim

The Civic Council to the SJC is created to ensure an open and effective participation of the civic and professional organisations in formulating the strategies for reforms in the Judiciary, and to ensure objectivity in their monitoring.

II. Cooperation areas

1. With the creation of the Civic Council the Supreme Judicial Council demonstrates the willingness to develop sustainable mechanisms for consultation and cooperation with the civil society structures which are involved in the reform of the Judiciary when developing policies and assessing their impact.
2. The area of cooperation of the Supreme Judicial Council with the Civic Council covers the overall activity of the SJC, which is of public interest or needs expert support from the non-governmental sector or from the professional organisations.

III. Composition of the Civic Council

1. Upon the establishment of the Civic Council to the SJC its members are professional and non-governmental organisations working in the field of law and judicial reform, listed in Annex N°I.
2. The new members of the Civic Council shall be admitted by the Civic Council and its decision shall be approved by the Supreme Judicial Council. The candidates for members of the Civic Council

shall submit in writing the registration form "Civic Council to the SJC" and a certificate of good standing, in original, that should not be issued more than 6 months ago.

3. The Civic Council membership shall be terminated by the submission of an application to the Civic Council, which takes note of it and informs the Supreme Judicial Council.

3.1. The Civic Council membership shall automatically terminate upon three (3) consecutive failures to appear or failures to participate in its meetings.

4. Each organisation maintains its autonomy and its right to address the SJC independently.

IV. *Functions of the Civic Council to the SJC*

1. Supports the SJC in the planning and the implementation of policies related to the statutory functions of the SJC. Analyses and evaluates the impact of their implementation.

2. Provides expertise to the SJC in developing programs and projects in the priority areas for the SJC.

3. Develops opinions, proposals and recommendations regarding the activity of the SJC.

4. Refers to the SJC in the event of public cases and matters within the competence of the SJC.

5. Prepares opinions within the conciliation procedures when discussing amendments in the legislation concerning the Judiciary.

6. Works to reinforce the dialogue, the trust and mutual assistance between the SJC, the judicial system representatives and the civil society.

V. *Rules of operation*

1. The Civic Council meets jointly with SJC members. Each of the standing committees of the SJC shall designate at least one of its members to attend the meetings. Each SJC member may participate in the sessions of the Civic Council.

2. Each of the professional and non-governmental organisations shall designate at least one representative to attend the meetings of the Civic Council.

2.1. (new) If an NGO is represented at the meetings of the Civic Council by another organisation member of the Civic Council, the organisation represented shall inform the other members of the Civic Council of the name and scope of the powers of its representative.

3. The sessions of the Civic Council shall be convened by the co-chairs at least once every 2 months or when necessary or at the request of at least 3 of the organisations, which are members of the Civic Council. The co-chairs of the Civil Council shall determine the Agenda.

3.1. Items of the Agenda, which are not accompanied by written material or there has not been provided written argumentation on the need of their consideration by the Civic Council, shall not be considered.

4. The invitations, together with the Agenda, for the meetings of the Civic Council shall be sent to the e-mail addresses of all members of the Civic Council at least 7 (seven) days before the date of the meeting.

5. Amendments to the previously announced Agenda are not allowed.

6. Permanent assistants of the Civic Council shall be the experts from "Public Communication and Protocol" Directorate of the Administration of the Supreme Judicial Council.
7. Depending on the specific topics of the meetings in them may participate also other experts from the Administration of the SJC.
8. The meetings shall be co-chaired by a SJC member and a representative of the organisations which are members of the Civic Council, elected for a period of 9 (nine) months. After expiration of this period the co-chairs shall inform at a session of the Civic Council on the work done and the problems observed during this period.
 - 8.1. In the procedure of electing the co-chair from the quota of the non-governmental organisations shall participate only organisations, which have explicitly expressed their willingness. The designated organisation shall appoint, within a 7-days period, its representative who will act as co-chair. In case that the appointed co-chair is being prevented temporarily from attending his/her duties, the designated organisation shall designate a replacement and shall notify the organisations without delay before the meeting.
9. The Acts of Civic Council shall be approved by a simple majority of the organisations who attend the session or participate in the corresponding session through submitted written observations.
 - 9.1. Voting is roll-call and open and the minutes reflect the way the participants have voted.
10. The sessions of the Civic Council are open to the attendance of journalists.
11. The Chief Secretary of the SJC shall designate by their order a permanent technical assistant to the Civic Council, who shall be in charge of drawing up full verbatim reports in shorthand writing, shall keep the documentation available and provide technically the correspondence, including the maintenance of an incoming and an outgoing register of the correspondence.
12. The minutes of meetings shall be signed by the co-chairs and the technical assistant, and then shall be published on the website of the Supreme Judicial Council within a period not later than 2 months.
13. The participants of the Civic Council shall not receive remuneration for participating in the meetings.
14. The acts of the Civic Council shall be examined in the corresponding committee of the Supreme Judicial Council and submitted for consideration at a session of the Supreme Judicial Council within a period not later than 30 days. The Supreme Judicial Council shall make a reasoned decision within a period not later than 2 months.
15. The decisions of the committees or the SJC upon proposals of the Civic Council shall be reasoned. The body shall discuss and may refer to the opinions reflected in the minutes of the Civic Council, which have not accepted by the Civic Council, and this has to be explicitly stated in the reasoning.
16. Statements to the media on behalf of the Civic Council may only be made jointly by the two co-chairs. **TRANSITIONAL PROVISIONS**

§1. The Civic Council has been established by a decision of the Supreme Judicial Council under Minutes Nq53 /13.11.2012, and Minutes Nql/2013.

§2. These Rules of Action of the Civic Council to the Supreme Judicial Council were adopted at the session held on 02.11.2013, under Minutes N°2, amended and supplemented at the session held on 06.25.2013, Minutes N°6, amended and supplemented at the session held on 10.22.2013, Minutes N°8, amended and supplemented at the session held on 7.03.2014, Minutes Nq12, amend, and supplemented at the session held on 04.11.2014, Minutes Nq13, supplemented at the session held on 07.11.2014, under Minutes Nq16, amended and supplemented at the session held on 09.19.2014, under Minutes Nq17.

Part one: Non-judicial Representatives in Judicial Councils

Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?

The Council shall have eleven members, consisting of seven judges. Council members from the ranks of judges shall consist of two judges of the Supreme Court of the Republic of Croatia, two county court judges, two municipal court judges and one judge of the specialised court, two university professors of law, and two members of Parliament, one of whom shall be from the opposition.

Q. Is there a board of the Council? If yes, what is the composition of such body?

No

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Six months before the expiration of the term of office of the members of the Council at the latest, the Council shall inform the deans of all faculties of law in the Republic of Croatia and shall also inform the Croatian Parliament about the expiration of the term of office of the members of the Council appointed by them.

Members of the Council from the ranks of university professors of law shall be elected by all the professors of law faculties in the Republic of Croatia, on the proposal of the faculty councils. The faculty councils shall establish electoral lists of candidates for council members. The electoral procedure of the Commission for conducting the elections and the manner in which the elections are conducted shall be regulated by the Rules of Procedure adopted by the deans of the faculties of law.

Two members of the Council shall be appointed by the Croatian Parliament from among its Members of Parliament, of whom one shall be from the opposition.

When the office of a member of the Council from the rank of judges is terminated before the expiration of the term to which he or she was elected, the candidate who received the largest number of votes on the list containing the Council member whose office was terminated shall become a new member of the Council.

When the office of a member of the Council from the ranks of university professors and members of Parliament is terminated before the expiration of the term to which he or she was elected, the Council shall, within 30 days at the latest, request the authorised body to instigate a procedure for the election of another member of the Council.

Q. Who appoints?

Two members of the Council shall be appointed by the Croatian Parliament from among its Members of Parliament, of whom one shall be from the opposition.

Members of the Council from the ranks of university professors of law shall be elected by all the professors of law faculties in the Republic of Croatia.

Members of the Council from the ranks of judges shall be appointed by their own peers.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

yes, it is prescribed by law that Croatian Parliament appoints two members of whom one shall come from the opposition.

Regarding the professors of law they must be full professors.

It is taken into account regarding the professors that each university of law is equally represented (4 faculties of law).

(b) Stemming from the practise?

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

The same as members who are judges, except being president of the Council or a president of a special disciplinary panel in disciplinary proceedings (must come from ranks of judges)

Decision making powers?	Consultative powers?

Q. Do these differ from the powers and competences of judicial members? If yes, how?

see the answer above

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

All members of the Council (including non-judicial representatives) shall be elected to a term of four years, noting that no one may be a member of the Council more than twice.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time? The members do not have a full - time position.

Judges elected to the State Judicial Council are reduced of performing judicial duties, the President of the Council for 75% and members for 50%.

They gather in meetings every week or two.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

For the performance of their office, the president and the members of the Council shall be entitled to reimbursement for incurred costs, for wages or earnings lost, and remuneration according the State Judicial Council Act. The decision on the terms and amount of reimbursement and remuneration

shall be rendered by the Government of the Republic of Croatia. The Government of Republic of Croatia rendered that decision which was published in Official Gazette no. 88/2011 and due to this decision the Council member shall be remunerated at flat monthly amount of 3. 000,00 kuna net and the president of the Council 4.000,00 kuna.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

The office of a member of the Council shall terminate on termination of the office on the basis of which he or she was elected, on the day of termination of that office. The decision establishing the termination of the office of a member of the Council shall be delivered by the president of the Council, and of the office of president of the Council, by the deputy president.

A member of the Council shall be dismissed from office before the expiration of the term for which he or she was elected at his or her own request, if he or she has been convicted for criminal offence, if he or she has permanently lost the ability to perform his or her office. The decision on dismissing of a member of the Council shall be delivered by a majority of votes of all the members of the Council. The decision on dismissing members of the Council from the ranks of members of Parliament and university professors shall be delivered by the body which elected or appointed them, whereas for the members of the Council from the ranks of judges the decision shall be delivered by the Council. Member of the Council against which a criminal procedure has been initiated for the criminal offence prosecuted ex officio, and for which a 5-year or longer prison sentence may be pronounced, cannot be involved in the work of the Council until the procedure is finally terminated. Decision on removal from office is delivered by the Council.

Q. What are the grounds for disqualification from office (is it different from other members)?

see the answer above.

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

Due to State Judicial Council Act president of the Council must come from the ranks of judges.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

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.

The relevant council of judges evaluates judges in the promotion procedure or when he/she applies for position of the president of the court. The evaluation is based on the judge's duty during five

calendar years prior to the year in which vacancy for the opened position of judge or president of the court has been announced.

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

no

Q. Is there a quorum in the decision-making process?

The Council shall adopt decisions with a majority of votes of all the members of the Council unless otherwise specified by Act on State Judicial Council.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Six months before the expiration of the term of office of the members of the Council at the latest, the Council shall inform the deans of all faculties of law in the Republic of Croatia and shall also inform the Croatian Parliament about the expiration of the term of office of the members of the Council appointed by them.

Members of the Council from the ranks of university professors of law shall be elected by all the professors of law faculties in the Republic of Croatia, on the proposal of the faculty councils. The faculty councils shall establish electoral lists of candidates for council members. The electoral procedure of the Commission for conducting the elections and the manner in which the elections are conducted shall be regulated by the Rules of Procedure adopted by the deans of the faculties of law.

Two members of the Council shall be appointed by the Croatian Parliament from among its Members of Parliament, of whom one shall be from the opposition.

When the office of a member of the Council from the ranks of university professors and members of Parliament is terminated before the expiration of the term to which he or she was elected, the Council shall, within 30 days at the latest, request the authorised body to instigate a procedure for the election of another member of the Council.

Who appoints the representatives? Please outline the procedure?

Two members of the Council shall be appointed by the Croatian Parliament from among its Members of Parliament, of whom one shall be from the opposition.

Members of the Council from the ranks of university professors of law shall be elected by all the professors of law faculties in the Republic of Croatia.

Members of the Council from ranks of judges shall be appointed by their own peers.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details.

It is taken into account regarding the professors that each university of law is equally represented (4 faculties of law).

(a) **Stemming from the practise?**

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

The same as members who are judges, except being president of the Council or president of a special disciplinary panel in disciplinary proceedings (must come from ranks of judges)

Decision making powers?	Consultative powers?

Q. Do those differ from the powers and competences of judicial members? If yes, how?

see the answer above

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

All members of the Council (including non-judicial representatives) shall be elected to a term of four years, noting that no one may be a member of the Council more than twice.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

The members do not have a full - time position.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

For the performance of their office, the president and the members of the Council shall be entitled to reimbursement for incurred costs, for wages or earnings lost, and remuneration according the State Judicial Council Act. The decision on the terms and amount of reimbursement and remuneration shall be rendered by the Government of the Republic of Croatia. The Government of Republic of Croatia rendered that decision which was published in "Official Gazette " 88/2011 of July 27, 2011 and due to this decision the Council member shall be remunerated at flat monthly amount of 3.000,00 kuna net and the president of the Council 4.000,00 kuna.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

The office of a member of the Council shall terminate on termination of the office on the basis of which he or she was elected, on the day of termination of that office. The decision establishing the termination of the office of a member of the Council shall be delivered by the president of the Council.

A member of the Council shall be dismissed from office before the expiration of the term for which he or she was elected at his or her own request, if he or she has been convicted for criminal offence, if he or she has permanently lost the ability to perform his or her office. The decision on dismissing of a member of the Council shall be delivered by a majority of votes of all the members of the Council. The decision on dismissing members of the Council from the ranks of members of Parliament and university professors shall be delivered by the body which elected or appointed them, whereas for the members of the Council from the ranks of judges the decision shall be delivered by the Council. Member of the Council against which a criminal procedure has been initiated for the criminal offence prosecuted ex officio, and for which a 5-year or longer prison sentence may be pronounced, cannot

be involved in the work of the Council until the procedure is finally terminated. Decision on removal from office is delivered by the Council.

Q. What are the grounds for disqualification from office (is it different from other members)?

see the answer above

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

No

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

If there are grounds for suspicion that a judge has committed a disciplinary offence, the president of the court, or the person authorized to perform court administration tasks at the court in which the judge performs his or her judicial office, shall instigate disciplinary proceedings against the judge in question. The disciplinary proceedings can also be instigated by the minister responsible for justice, president of the immediately higher court, president of the Supreme Court of the Republic of Croatia, or the council of judges.

The disciplinary proceedings shall be conducted by the Council and the Council shall render a decision on a disciplinary liability of a judge.

The Council may, for certain disciplinary proceedings appoint a special disciplinary panel (made from members of the Council) that will conduct the procedure, establish the facts and present the facts established before the Council. Two members of the disciplinary panel shall always be judges, and the president of a disciplinary panel shall be at least the same instance judge as a judge against whom the disciplinary proceedings are conducted, so a non - judicial member may be a member of a special disciplinary panel

The Council may also appoint an investigative committee for individual disciplinary proceedings, composed of judges of regular or specialized courts. The investigative committee shall establish the facts and present them during the proceedings before the Council.

If the Council has appointed an investigative committee, the committee shall report to the Council in writing on the facts and inquiries carried out, which provide the grounds for the reasonable suspicion that a judge or court president has committed a disciplinary offence. If necessary, the committee shall provide its explanations orally, at a hearing.

The judge shall have the right to lodge an appeal with suspensive effect against a decision on disciplinary liability.

The appeal shall be lodged with the Constitutional Court of the Republic of Croatia within 15 days of the delivery of the decision.

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

The Council may, for certain disciplinary proceedings appoint a special disciplinary panel as stated above that will conduct the procedure, establish the facts and present the facts established before the Council. Two members of the disciplinary panel shall always be judges, and the president of a disciplinary panel shall be at least the same instance judge as a judge against whom the disciplinary

proceedings are conducted, so, non-judicial member may be a member of a special disciplinary panel.

Q. Is there a quorum in the decision-making process?

The Council shall adopt decisions with a majority of votes of all the members of the Council.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Six months before the expiration of the term of office of the members of the Council at the latest, the Council shall inform the deans of all faculties of law in the Republic of Croatia and shall also inform the Croatian Parliament about the expiration of the term of office of the members of the Council appointed by them.

Members of the Council from the ranks of university professors of law shall be elected by all the professors of law faculties in the Republic of Croatia, on the proposal of the faculty councils. The faculty councils shall establish electoral lists of candidates for council members. The electoral procedure of the Commission for conducting the elections and the manner in which the elections are conducted shall be regulated by the Rules of Procedure adopted by the deans of the faculties of law.

Two members of the Council shall be appointed by the Croatian Parliament from among its Members of Parliament, of whom one shall be from the opposition.

Who appoints the representatives? Please outline the procedure?

Two members of the Council shall be appointed by the Croatian Parliament from among its Members of Parliament, of whom one shall be from the opposition.

Members of the Council from the ranks of university professors of law shall be elected by all the professors of law faculties in the Republic of Croatia.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

It is prescribed by law that Croatian Parliament appoints two members of whom one shall come from the opposition.

Regarding the professors of law they must be full professors.

It is taken into account regarding the professors that each faculty of law is equally represented (4 faculties of law).

(b) Stemming from the practise?

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

They have the same powers except being a president of a "special disciplinary panel" (within the Council appointed panel for a certain disciplinary proceedings for conducting the procedure and establishing the facts and present the facts established before the Council).

Q. Do those differ from the powers and competences of judicial members? If yes, how?

see the answer above

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

All members of the Council (including non-judicial representatives) shall be elected to a term of four years, noting that no one may be a member of the Council more than twice.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Members do not have a full - time position.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

For the performance of their office, the president and the members of the Council shall be entitled to reimbursement for incurred costs, for wages or earnings lost, and remuneration according the State Judicial Council Act. The decision on the terms and amount of reimbursement and remuneration shall be rendered by the Government of the Republic of Croatia. The Government of Republic of Croatia rendered that decision which was published in "Official Gazette " 88/2011 of July 27, 2011 and due to this decision the Council member shall be remunerated at flat monthly amount of 3.000,00 kuna net and the president of the Council 4.000,00 kuna.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

The office of a member of the Council shall terminate on termination of the office on the basis of which he or she was elected, on the day of termination of that office. The decision establishing the termination of the office of a member of the Council shall be delivered by the president of the Council, and of the office of president of the Council, by the deputy president.

A member of the Council shall be dismissed from office before the expiration of the term for which he or she was elected at his or her own request, if he or she has been convicted for criminal offence, if he or she has permanently lost the ability to perform his or her office. The decision on dismissing of a member of the Council shall be delivered by a majority of votes of all the members of the Council. The decision on dismissing members of the Council from the ranks of members of Parliament and university professors shall be delivered by the body which elected or appointed them, whereas for the members of the Council from the ranks of judges the decision shall be delivered by the Council. Member of the Council against which a criminal procedure has been initiated for the criminal offence prosecuted ex officio, and for which a 5-year or longer prison sentence may be pronounced, cannot be involved in the work of the Council until the procedure is finally terminated. Decision on removal from office is delivered by the Council.

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

see the answer above

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

No

Part one: Non-judicial Representatives in Judicial Councils

Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?

The Chief Executive of Judicial Office.

Q. Is there a board of the Council? If yes, what is the composition of such body?

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints?

The Lord Chief Justice

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

Job title - Chief Executive of Judicial Office

(a) **Prescribed by law?**

No

(b) **Stemming from practice?**

Yes

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

Non voting member

Decision making powers?	Consultative powers?
None	Participates in meetings and discussions.

Q. Do these differ from the powers and competences of judicial members? If yes, how?

Judicial members can vote. Otherwise the same involvement.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

For the length of time they remain Chief Executive

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Full time

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Q. On what basis may a person be precluded from serving as a non-judicial representative?

Q. What are the grounds for disqualification from office (is it different from other members)?

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Judicial Appointments Commission

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes. The members of the Commission come from a range of backgrounds and are drawn from the lay public, the legal professions, tribunals, non-legally qualified judicial office holders and the judiciary. The specific make up of the Commission means that it has a breadth of knowledge, expertise and independence.

Twelve commissioners, including the Chairman, are appointed through open competition with the other three selected by the Judges' Council (two senior members of the courts judiciary) or the Tribunal Judges' Council (one senior member of the tribunals judiciary).

The Chairman of the Commission must always be a lay member. Of the 14 other Commissioners:

- 5 must be judicial members
- 2 must be professional members (each of which must hold a qualification listed below but

must not hold the same qualification as each other*)

- 5 must be lay members
- 1 must be a tribunal judge
- 1 must be a non-legally qualified judicial member.

Q. Is there a quorum in the decision-making process?

For selection decisions, there must be at least three Commissioners present, at least one of whom must be lay and one of whom must be judicial.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

The non-judicial representatives (and some of the judicial representatives) are appointed through open competition in a process run by the Office of the Commissioner for Public Appointments.

The legal requirements for the selection panel for these roles are set out below:

- (4) Where the selection is for any other Commissioner, the first member must be a person selected by the Lord Chancellor with the agreement of the Lord Chief Justice (or, if the office of Lord Chief Justice is vacant, with the agreement of the senior Head of Division).

- (5) The first member is to be chairman of the panel.
- (6) The second member must be the Lord Chief Justice or a nominee of the Lord Chief Justice, unless the office of Lord Chief Justice is vacant.
- (7) If that office is vacant, the second member must be the senior Head of Division or a nominee of the Senior Head of Division.
- (8) The third member must be a person nominated by the first member.
- (9) The chairman of the Commission is the fourth member of the panel unless his or her office is vacant or it is the office for which a recommendation is to be made.
 - (a) a Commissioner;
 - (b) a member of the staff of the Commission;
 - (c) a practising or employed—
 - (i) barrister in England and Wales;
 - (ii) solicitor of the Senior Courts of England and Wales;
 - (iii) fellow of the Chartered Institute of Legal Executives;
 - (iv) advocate in Scotland;
 - (v) solicitor in Scotland;
 - (vi) member of the Bar of Northern Ireland;
 - (vii) solicitor of the Court of Judicature of Northern Ireland;
 - (d) the holder of an office listed in Schedule 14 to the 2005 Act;
 - (e) a member of the House of Commons.
- (12) A person must not be the third member if that person is a member of the House of Commons.
- (13) The Lord Chancellor, before selecting a person to be appointed as the first member, and the Lord Chief Justice or the Senior President of Tribunals, before agreeing to the selection, must consider these questions—
 - (a) whether the person has exercised functions that appear to be of a judicial nature and such as to make the person inappropriate for the appointment;
 - (b) whether any past service in a capacity listed in paragraph (10) or (11) appears to make the person inappropriate for the appointment;
 - (c) whether the extent of any present or past party political activity or affiliations appears to make the person inappropriate for the appointment.
- (14) The first member must consider the same questions before nominating a person to be appointed as the third member.
- (15) In this regulation “senior Head of Division” means—
 - (a) the Master of the Rolls,

- (b) if that office is vacant, the President of the Queen's Bench Division;
- (c) if both those offices are vacant, the President of the Family Division;
- (d) if all of those offices are vacant, the Chancellor of the High Court.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

The Chairman of the Commission must always be a lay member. Of the 14 other Commissioners:

- 5 must be judicial members
- 2 must be professional members (each of which must hold a qualification listed below but

must not hold the same qualification as each other*)

- 5 must be lay members
- 1 must be a tribunal judge
- 1 must be a non-legally qualified judicial member.

Of the 2 Commissioners appointed who are persons practising or employed as lawyers—

- (a) each person must hold a qualification (barrister in England and Wales, solicitor of the Senior Courts of England and Wales, or fellow of the Chartered Institute of Legal Executives),
- (b) but they must not hold the same qualification as each other.

15. —(1) This regulation applies to selection by a panel appointed under regulation 9(2).

(2) Before selecting a person for the purpose of regulation 4(1)(c) the panel must consult—

- (a) the General Council of the Bar where the person is qualified as a barrister in England and Wales;
- (b) the Law Society where the person is qualified as a solicitor of the Senior Courts of England and Wales;
- (c) the Chartered Institute of Legal Executives where the person is qualified as a fellow of the Chartered Institute of Legal Executives.

(3) Before selecting a person for appointment as the chairman or one of the other lay members, the panel must consider—

- (a) whether the person has exercised functions that appear to the panel to be of a judicial nature and such as to make the person inappropriate for the appointment;
- (b) whether any past service in a capacity listed in regulation 13(11)(a), (b) or (e) or as a person employed in the civil service of the State appears to the panel to make the person inappropriate for the appointment;

(c) whether the extent of any present or past party political activity or affiliations appears to the panel to make the person inappropriate for the appointment.

(4) The panel must select persons for appointment as lay members (including the chairman) with a view to securing, so far as practicable, that the persons so appointed include at any time at least one who appears to the panel to have special knowledge of Wales.

(b) Stemming from the practice?

Lay members of the JAC come from a variety of different backgrounds. The current 6 lay members have the following backgrounds:

- Head of HR at a major global corporation (Chairman)
- Former head of HMRC
- Lieutenant-General and former head of Military Intelligence
- 2 Academics
- Novelist and lay Magistrate

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

The 8 non-judicial Commissioners of the JAC have the same role and powers as the 7 judicial Commissioners. While the particular skills of the different Commissioners may be utilised in different ways (for example, a lay Commissioner with a strong IT background chairs the IT Committee), their functions and powers of the Commissioners are essentially the same.

Q. Do those differ from the powers and competences of judicial members? If yes, how?

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Terms have typically been for 3 years or 5 years. 5 years is the maximum length.

There is no legal difference in the term of judicial and non-judicial representatives. In practice, most Commissioners are on 3 year terms, however the recently appointed Vice Chair (a Court of Appeal judge) was appointed for a 5 year term.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

All Commissioners-judicial and non-judicial work part time. With the exception of the Chairman, who works 3 days per week, all other Commissioners contribute 28 days per year. In practice, some Commissioners contribute significantly more time than this, especially lay Commissioners who are directly involved in selection panels for senior appointments.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes - non-judicial representatives are remunerated for their time, whereas judicial representatives are not paid additionally to their judicial salary.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

(2) Before selecting a person for the purpose of regulation 4(1)(c) the panel must consult—

(a) the General Council of the Bar where the person is qualified as a barrister in England and Wales;

(b) the Law Society where the person is qualified as a solicitor of the Senior Courts of England and Wales;

(c) the Chartered Institute of Legal Executives where the person is qualified as a fellow of the Chartered Institute of Legal Executives.

(3) Before selecting a person for appointment as the chairman or one of the other lay members, the panel must consider—

(a) whether the person has exercised functions that appear to the panel to be of a judicial nature and such as to make the person inappropriate for the appointment;

(b) whether any past service in a capacity listed in regulation 13(11)(a), (b) or (e) or as a person employed in the civil service of the State appears to the panel to make the person inappropriate for the appointment;

(c) whether the extent of any present or past party political activity or affiliations appears to the panel to make the person inappropriate for the appointment.

Q. What are the grounds for disqualification from office (is it different from other members)?

Cessation of office

18.—(1) A Commissioner—

(a) in the case of the chairman, ceases to be a Commissioner (and chairman) on ceasing to be a lay member;

(b) in the case of a holder of judicial office, ceases to be a Commissioner on ceasing to fall within the sub-paragraph of paragraph (2) of regulation 4 for the purpose of which he or she was appointed.

(c) in the case of a Commissioner who is practising or employed as a lawyer, ceases to be a Commissioner on ceasing to practice or be employed as a lawyer or on ceasing to fall within paragraphs (4) and (5) of regulation 4 for the purpose of which he or she was appointed;

(d) in the case of a lay member, ceases to be a Commissioner on ceasing to be a lay member.

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

Yes, the Chairman of the Commission must always be a lay member.

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

A. Non judicial members have a limited role to play in a small number of cases where a recommendation has been made for the suspension or removal of a judicial office holder. In such cases the judge has the right to request a disciplinary panel to review the evidence and recommendation before it is passed to the Lord Chancellor and Lord Chief Justice who jointly make the final decision.

Q. Is there a quorum in the decision-making process?

A. A disciplinary panel must comprise two judicial office holders (one of senior rank and one of the same rank as the judge concerned) and two lay members. The panel makes a recommendation to the Lord Chancellor and the Lord Chief Justice; it is not a decision making body.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

A. Lay members of the disciplinary panel are appointed through open competition in accordance with Cabinet Office public appointments procedures.

Q. Who appoints the representatives? Please outline the procedure?

A. Appointments are made by the Lord Chancellor. The positions are advertised and candidates short listed for interview based on their written applications. Interviews are conducted by a panel of three individuals - two civil servants and an independent lay member. A list of qualified candidates is passed to the Lord Chancellor who makes the final selection for appointment..

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

A. The Judicial Discipline (Prescribed Procedures) Regulations 2014 state that the non judicial members must never have been an officer holder, or a practicing or employed lawyer.

(b) Stemming from the practice?

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

A. Non judicial members are expected to demonstrate the following competencies at interview:

- Intellectual and analytical ability
- Sound judgement and decision making
- Understanding of disciplinary processes
- Team working.
- Integrity and valuing diversity
- Collaborative and professional communication skills

Decision making powers?	Consultative powers?
Yes	Yes

Q. Do those differ from the powers and competences of judicial members? If yes, how?

A. The judicial members of the disciplinary panel are nominated to a list of judges willing to sit on disciplinary panels by their representative organisations. They are selected from this list by the Lord Chief Justice.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

A. Three years with the possibility of renewal for a further three years. There is no prescribed time frame for those nominated to the judicial list however, the list is refreshed periodically.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

A. Part-time.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

A. Lay members receive a set daily fee. This is paid by from the Judicial Conduct Investigations Office's budget. Salaried judges are not additionally remunerated however a retired judge would be paid the relevant daily fee.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

A. Lay members must not be or have ever been a qualified legal practitioner or judicial office holder.

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

A. Penal members must uphold the 7 Principles of Public Life - the Nolan Principles. Failure to do so may result in disqualification.

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

A. No.

Part one: Non-judicial Representatives in Judicial Councils

Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?

Q. Is there a board of the Council? If yes, what is the composition of such body?

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints?

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

(b) Stemming from the practise?

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

Decision making powers?	Consultative powers?
-	

Q. Do these differ from the powers and competences of judicial members? If yes, how?

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Q. On what basis may a person be precluded from serving as a non-judicial representatives? Q. What are the grounds for disqualification from office (is it different from other members)? Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

There is no council for the judiciary in Finland.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

The Judicial Appointment Board (JAB); the appointment of judges (excluding the judges of Supreme Court and Supreme Administrative Court)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes. According to the law on JAB, the Board consists of 12 members. 9 of them are judges, 1 is an attorney, 1 is a prosecutor and 1 is a representative of judicial research and education (for example a professor of law).

Q. Is there a quorum in the decision-making process?

Yes.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

The attorneys choose their representative and the prosecutors choose their representative. The faculties of law choose their representative and inform the Ministry of Justice of him/her.

Who appoints the representatives? Please outline the procedure?

The Government appoints the JAB for a five - year term after the judges, attorneys, prosecutors and faculties of law have chosen their representatives and informed the MoJ of their choices.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

Nomination by relevant professional body, as described above.

(b) Stemming from the practise?

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

Yes.

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

5 years.

No.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Part time.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes.

A fee per meeting of the JAB is paid by the JAB.

It does not differ from the Judicial Members.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Q. What are the grounds for disqualification from office (is it different from other members)?

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

No.

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Q. Is there a quorum in the decision-making process?

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

(b) Stemming from the practise?

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

Decision making powers?	Consultative powers?

Do those differ from the powers and competences of judicial members? If yes, how?

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

There is no complaint / disciplinary Committee in the complaint and disciplinary procedures.

Finland has two independent supreme guardians of law: the Chancellor of Justice of the Government, appointed by the President of the Republic, and the Parliamentary Ombudsman elected by the Parliament. The Chancellor of Justice works in connection with the Government, and supervises the lawfulness of the official acts of the Government, the ministries and the President of the Republic. The Chancellor of Justice and the Parliamentary Ombudsman also endeavor to ensure that the courts of law, other authorities and civil servants, and other persons or bodies assigned to perform public tasks, comply with the law and fulfil their assigned obligations.

Part one: Non-judicial Representatives in Judicial Councils**Q. What is the composition of the Councils for the Judiciary with regard to its members: only judges? Other categories of members? What categories?**

Constitutional law provides the composition of the French Conseil supérieur de la magistrature as follows

7 judges including the first president of the Court of cassation who presides this formation. 5 of them belong to the formation with jurisdiction over judges and one belongs to the formation with jurisdiction over prosecutors

7 prosecutors including the general prosecutor of the Court of cassation who presides this formation. 5 of them belong to the formation with jurisdiction over prosecutors and 1 belongs to the formation with jurisdiction over judges

7 lay members who belong to both formations. They are high level figures from outside; one member of the Conseil d'Etat, one lawyer, and 6 people, two of whom are chosen respectively by the President of the Republic, the president of the National Assembly and the president of the Senate

Q. Is there a board of the council? If yes, what is the composition of such a body?

There is no board. Each formation has its own president as described above.

Q. What are the procedures of non-judicial representatives selection/election/appointment?**Who appoints, in what procedure?**

The 8 lay members are appointed as follows:

- > 2 members are proposed by the president of the Senate ; their appointment is submitted to the Law commission of the Senate which can reject it with a majority of 3/5
- > 2 members are proposed by the president of the National Assembly ; their appointment is submitted to the Law commission of the National Assembly which can reject it with a majority of 3/5
- > 2 members are proposed by the president of the Republic : their appointment is submitted to both Law commissions from the Senate and the National Assembly which can reject it with a majority of 3/5
- > 1 lawyer appointed by the president of the national bar council ;
- > 1 member of the Council of State elected by the general assembly of this Council.

Q. What criteria (qualities), if any, should non-judicial representatives fulfill (age, professional experience, professional title, membership/nomination relevant to professional body, gender quota, other)?**Prescribed by law?**

No law describes criteria for lay members.

Stemming from the practise?

This procedure is quite new as it was set out by the 2008 constitutional reform and first applied in 2011, then in 2015 for the new mandate. From this experience, we can notice that lay members are high level figures usually with a legal background but not always with a gender balance between them.

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

Non judicial representatives have exactly the same assignments as other members (judges and prosecutors appointments, dealing with disciplinary proceedings and complaints from litigants, drafting formal advice to the ministry of Justice.)

Decision making powers?	Consultative powers?
<p>Appointment of judges</p> <ul style="list-style-type: none"> • Appointment proposal: <ul style="list-style-type: none"> - judicial positions at the Court of cassation; - first presidents of court of appeal - first level jurisdictions presidents • Binding opinions on Appointments 'proposals for other judges suggested <p>Discipline of judges</p> <p>Sanction is directly delivered by the Council after a public hearing.</p>	<p>Appointment of public prosecutors.</p> <p>Appointment proposals are submitted by the ministry of Justice upon which Members from Prosecutor formation give a non binding opinion</p> <p>Discipline of public prosecutors</p> <p>A sanction is proposed by the Council after a public hearing.</p>

Q. Do those differ from the powers and competences of judicial members? If yes, how?

There is no difference between members, judicial representatives or lay members. Each decision is reached after a vote, open or secret, during which each member, including the president, has an equal power

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The mandate of non-judicial representatives lasts 4 years, as is the case for professional magistrates.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or part time?

All the members retain their own professional activity. Their presence is required 3 days a week except during judicial holidays.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

All members are remunerated monthly during the mandate. The amount of their remuneration is provided by law on the basis on their participation to one or several formations and on the level of their discharge from their own professional activity.

The Council pays members directly out of its own budget.

Q. What are the causes of incompatibility regarding the office to be held by non-judicial representatives?

No cause of incompatibility has been foreseen by law.

Q. What are the grounds for disqualification from membership as a non-judicial member of a Council for the Judiciary (is it different from other members)?

No specific grounds have been envisaged. So far, no such a case has appeared but if a high councillor's personal ethics were questioned, it would be a reason for disqualification.

According to law, as a guarantee of impartiality, no member may deliberate or conduct preparatory acts when its participation could taint a doubtful decision.

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

The Law provides that the French Council for the Judiciary is presided by the first president of the Court of cassation or by the general Prosecutor of the same Court.

Nevertheless, sessions of the Council dedicated to appointments at the Court of cassation are presided by either a judge from this Court or a public prosecutor from this Court.

There is no situation where a non-judicial representative may assume the presidency of the Council.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Q. Can non judicial representative members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes, non-judicial representative members participate in all the Council's assignments.

Q. Is there a quorum in the decision-making process?

For the appointment of magistrates, the necessary formation (for judges or public prosecutors) must have at least 8 members present (not including the chairman).

Q. What are the procedures of non-judicial representatives selection/election/appointment? Who appoints, in what procedure?

Same answer as previously stated in part one.

Q. What criteria (qualities), if any, should non-judicial representatives fulfill (age, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)?

Prescribed by law?

Stemming from the practice?

Same answer as previously stated in part one

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointment procedures/Committees (or other kind of body)?

Same answer as previously stated in part one

Q. Do those differ from the powers and competences of judicial members? If yes, how?

Same answer as previously stated in part one

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Same answer as previously stated in part one

Q. What is the level of commitment of non-judicial representatives? Is it full time or part time?

Same answer as previously stated in part one

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Same answer as previously stated in part one

Q. What are the causes of incompatibility regarding the office to be held by non-judicial representatives?

Same answer as previously stated in part one

Q. What are the grounds for disqualification from membership as a non-judicial member of an appointment Committee (is it different from other members)?

Same answer as previously stated in part one

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

Same answer as previously stated in part one.

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Same answer as previously stated in part one

Q. Is there a quorum in the decision-making process?

The quorum required is 7 (not including the chairman) but for disciplinary hearings judicial representatives are no longer seven , but 8 with the other judge from the prosecutor formation when the Judge formation is attending, or the other public prosecutor from the Judge prosecutor formation when the Prosecutor formation is attending.

Q. What are the procedures of non-judicial representatives selection/election/appointment?

Who appoints, in what procedure?

Same answer as previously stated in part one

Q. What criteria (qualities), if any, should non-judicial representatives fulfill (age, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)?

Prescribed by law?

Stemming from the practise?

Same answer as previously stated in part one

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

Same answer as previously stated in part one

Q. Do those differ from the powers and competences of judicial members? If yes, how?

Same answer as previously stated in part one

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Same answer as previously stated in part one

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Same answer as previously stated in part one

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Same answer as previously stated in part one

Q. What are the causes of incompatibility regarding the office to be held by non-judicial representatives?

Same answer as previously stated in part one

Q. What are the grounds for disqualification from membership as a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

Same answer as previously stated in part one

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

Same answer as previously stated in part one

GERMANY

While assessing the German responses, please, note the following:

The Federal Republic of Germany, is a federal parliamentary republic comprising 16 constituent States (Länder). As a federal state, the Federal Republic of Germany is characterized by decentralized structures. Each Land possesses its own parliament. The Constitution, known as the Grundgesetz (hereafter referred to as the Basic Law), divides legislative powers between the Federation and the Länder.

Due to the federal order of the Republic, jurisdiction is exercised by federal courts and by the courts of the 16 Länder. The administration of justice lies chiefly with the Länder.

With respect to administrative supervision and budgetary control, federal courts are supervised by the Federal Government, Länder courts by the respective Land.

Special rules apply to the judicial decision-making process and to the status of judges. The status of judges is mainly governed by the German Judiciary Act (Deutsches Richtergesetz, DRiG), as complemented by the Judiciary Acts of the Länder which contain, in particular, rules on legal education, appointment and promotion of judges working in the Länder.

The German justice system does include numerous self-regulatory mechanisms with far-reaching authority in the form of committees for the selection of judges, court presidia and bodies for the representation of judges (councils of judges, councils for judicial appointments) at Länder level and federal level. These existing self-regulatory mechanisms serve to ensure the comprehensive independence of the judiciary.

Due to the tasks of the above mentioned committees for the selection of judges, court presidia, and bodies for the representation of judges, which correspond in parts with the task of councils of the judiciary in other European member states, the answers given below relate to these self-regulatory mechanisms.

Due to the lack of time given to answer the questionnaires it was not possible to involve the Länder as well as other institutions/entities affected and to scrutinize every possible source of information to an appropriate extend. Thus the provided answers are not representative for every Land respectively every court - and the situation can differ from Land to Land.

Part one: Non-judicial Representatives in Judicial Councils

Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?

1. The council of judges [**Richterrat**] is conceived as a body with the task of representing the interests of a court's individual judges and its judiciary as a whole in negotiations with the court's management. At the federal level, councils of judges exist at all the supreme courts and at the Federal Patent Court. The councils of judges at the federal level are composed of elected judges, with the court's president and his deputy not being allowed to be

members of the council of judges. The number of members of a council of judges is regulated by law and depends on the number of represented judges at the specific court in question. The councils of judges must be involved in matters concerning general and social issues. Section 72 of the German Judiciary Act provides that councils of judges must be established in the individual Länder and that their members must be elected from the ranks of the judiciary in direct and secret elections. Each

Land legislature is free to regulate the further particulars concerning the organisation and formation of the councils of judges. However, it is obligatory for the Land legislatures to have statutory provisions guaranteeing the comprehensive representation of all judges serving at the Land level. The members of the Richterrat are judges.

2. With regard to the appointment of judges, the German Judiciary Act provides that the judiciary must be involved in the process via councils for judicial appointments [**Präsidialräte**]. These have the task of representing the jurisdiction's interests in negotiations with the competent highest service authority and with the committee for the selection of judges which is likewise involved in the appointment of judges. At the federal level, the council for judicial appointments must be involved prior to any appointment or selection being made. It delivers an opinion on the candidate's personal and professional aptitude, although this opinion is not formally binding (sections 55 and 57 of the German Judiciary Act). Councils for judicial appointments exist at all the supreme courts and at the Federal Patent Court (section 54 of the German Judiciary Act). The councils for judicial appointments are composed not only of members elected directly from the judiciary, but also of members of the court's presidium including the court's president who chairs the council for judicial appointments. Councils for judicial appointments must also be established in the Länder. However, the legislation provides the Länder with leeway in terms of how these should be individually structured.

3. Another self-regulatory body of the courts is the **presidium**. This is established at every court and is composed of the court president and up to eight additional judges, depending on the size of the court. In small local courts, the presidium consists of all the judges eligible to stand for election; no elections take place (section 21a (2) no. 5 of the Courts Constitution Act [Gerichtsverfassungsgesetz, GVG]). In all other cases, the members are elected for four years. Half of the presidium's members resign every two years (section 21b (4), first and second sentences, Courts Constitution Act). The presidium is responsible for the court's internal organisation. The presidium and its members are not bound in their activities by instructions. It reaches its decisions with complete judicial independence. The presidium is tasked with determining the principles for the allocation of court business. The roster allocating court business is set for the duration of one year and automatically expires at the end of the year. All the court business must be assigned to the competent judges in advance. The roster allocating court business distributes the duties on the basis of general and objective criteria. The presidium's tasks also encompass the assignment of particular duties to special divisions or special adjudicating bodies. Furthermore, the presidium is responsible for determining the composition of the adjudicating bodies, appointing the investigating judges, and regulating representation among the judges. It is also authorised to redistribute the allocation of court business in the course of the business year if there is a particular objective reason to do so. This ensures that neither the government nor other state authorities can influence the assignment of judges for the adjudication of specific cases. Thus via organisational rules within each court, these regulations concerning the presidium serve to secure the independence of the judiciary as constitutionally guaranteed in Article 97 (1) of the Basic Law [Grundgesetz, GG].

4. The judges of the Federal Constitutional Court are directly elected by parliament. Half the membership is elected by the German Bundesrat, the other half by a special committee of the German Bundestag. To be elected, a judge must secure a two-thirds majority of votes cast; this rule has generally prevented any party or coalition from determining the court's composition.

5. Judges in Germany are generally appointed for life in order to guarantee their independence. At the federal level, the appointment of judges is done with the participation of a committee for the selection of judges (**Richterwahlausschuss**). Pursuant to Article 95 (2) of the Basic Law, this

committee decides on the appointment of judges at the supreme federal courts (the Federal Court of Justice, the Federal Administrative Court, the Federal Finance Court, the Federal Labour Court, and the Federal Social Court) in conjunction with the Federal Minister competent for the respective court. The committee for the selection of judges is composed of ex officio members (i.e. members by virtue of office) - these being the 16 competent Land ministers, whereby the competent minister in each case depends on the jurisdiction of the federal court at which the appointment is to be made - as well as an equal number of members appointed by the German Bundestag. These elected members must be eligible for election to the Bundestag and experienced in legal affairs, but may not be members of the Bundestag. At the beginning of each legislative term, the Bundestag re-elects its members in the committee for the selection of judges. The Federation's committee for the selection of judges draws federalist legitimacy from its ex officio members and democratic legitimacy from its elected members. This inevitably distinguishes it from the committees for the selection of judges that exist at the Land level. With regard to the Land level, Article 98 (4) of the Basic Law stipulates that the Länder may provide that Land judges shall be chosen by the Land minister of justice in conjunction with a committee for the selection of judges. Going beyond the wording of this constitutional provision, the participation of the committee for the selection of judges can be stipulated not just for the (initial) recruitment of judges but also for their promotion. In half of the 16 Länder, there are committees for the selection of judges which participate at the recruitment stage (e.g. Berlin, Brandenburg, Hesse) and others which are not involved until the stage of appointment for life and promotion (e.g. Rhineland-Palatinate, Schleswig-Holstein). The composition of these committees at the Länder level is diverse.

Q. Is there a board of the Council? If yes, what is the composition of such body?

No.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives? Who appoints?

Members of committee for the selection of judges are elected by the Federal Parliament by proportional representation. The situation differs from Land to Land.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

(b) **Stemming from the practise?**

The elected members of the committee at the federal level for the selection of judges must be eligible for election to the Bundestag and experienced in legal affairs, but may not be members of the Bundestag.

The situation may be different at the Länder level.

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

Decision making powers?	Consultative powers?
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<p>Pursuant to Article 95 (2) of the Basic Law, the committee for the selection of judges (at federal level) decides on the appointment of judges at the supreme federal courts (the Federal Court of Justice, the Federal Administrative Court, the Federal Finance Court, the Federal Labour Court, and the Federal Social Court) in conjunction with the Federal Minister competent for the respective court.</p>	
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Q. Do these differ from the powers and competences of judicial members? If yes, how?

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The question is not applicable for Germany.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

The question is not applicable for Germany.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

The question is not applicable for Germany.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

The question is not applicable for Germany.

Q. What are the grounds for disqualification from office (is it different from other members)?

The question is not applicable for Germany.

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

No. The law stipulates that the competent minister is the president of the federal committee for the selection of judges

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

1. The judges of the Federal Constitutional Court are directly elected by parliament. Half the membership is elected by the German Bundesrat, the other half by a special committee of the German Bundestag. To be elected, a judge must secure a two-thirds majority of votes cast; this rule has generally prevented any party or coalition from determining the court's composition.
2. Judges in Germany are generally appointed for life in order to guarantee their independence.

At the federal level, the appointment of judges is done with the participation of a committee for the selection of judges (Richterwahlausschuss). Pursuant to Article 95 (2) of the Basic Law, this

committee decides on the appointment of judges at the supreme federal courts (the Federal Court of Justice, the Federal Administrative Court, the Federal Finance Court, the Federal Labour Court, and the Federal Social Court) in conjunction with the Federal Minister competent for the respective court. The committee for the selection of judges is composed of ex officio members (i.e. members by virtue of office) - these being the 16 competent Land ministers, whereby the competent minister in each case depends on the jurisdiction of the federal court at which the appointment is to be made - as well as an equal number of members appointed by the German Bundestag. These elected members must be eligible for election to the Bundestag and experienced in legal affairs, but may not be members of the Bundestag. At the beginning of each legislative term, the Bundestag re-elects its members in the committee for the selection of judges. The Federation's committee for the selection of judges draws federalist legitimacy from its ex officio members and democratic legitimacy from its elected members. This inevitably distinguishes it from the committees for the selection of judges that exist at the Land level. With regard to the Land level, Article 98 (4) of the Basic Law stipulates that the Länder may provide that Land judges shall be chosen by the Land minister of justice in conjunction with a committee for the selection of judges. Going beyond the wording of this constitutional provision, the participation of the committee for the selection of judges can be stipulated not just for the (initial) recruitment of judges but also for their promotion. In half of the 16 Länder, there are committees for the selection of judges which participate at the recruitment stage (e.g. Berlin, Brandenburg, Hesse) and others which are not involved until the stage of appointment for life and promotion (e.g. Rhineland-Palatinate, Schleswig-Holstein). The composition of these committees at the Länder level is diverse.

Q. Is there a quorum in the decision-making process?

Judges at the Federal Constitutional Court: To be elected, a judge must secure a two-thirds majority of votes cast.

Other Judges at the federal level: Majority of votes

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

Answer: see above

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

- (a) **Prescribed by law?**
- (b) **Stemming from the practise?**

The elected members of the federal committee for the selection of judges must be eligible for election to the Bundestag and experienced in legal affairs. Article 38 of the Basic Law stipulates that any person who has attained the age of majority may be elected. Majority begins at the age of eighteen.

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

Decision making powers?	Consultative powers?
Pursuant to Article 95 (2) of the Basic Law, the committee for the selection of judges (at federal level) decides on the appointment of	

judges at the supreme federal courts (the Federal Court of Justice, the Federal Administrative Court, the Federal Finance Court, the Federal Labour Court, and the Federal Social Court) in conjunction with the Federal Minister competent for the respective court.

Q. Do those differ from the powers and competences of judicial members? If yes, how?

The powers and competences of the elected members of the federal committee for the election of judges don't differ from those of the ex officio members (16 competent Land ministers).

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

See above.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

The question is not applicable for Germany.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

The question is not applicable for Germany.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

See above.

Q. What are the grounds for disqualification from office (is it different from other members)?

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

No. The law stipulates that the competent minister is the president of the federal committee for the selection of judges.

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Disciplinary powers are exercised by the judge's superior and by the judicial service courts of the federation and the Länder. Upon suspicion of misconduct, the supervisor initiates preliminary investigations. Non-judicial representatives are not involved.

Q. Is there a quorum in the decision-making process?

The question is not applicable for Germany.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

The question is not applicable for Germany.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

(b) **Stemming from the practise?**

The question is not applicable for Germany.

Q. What competencies, powers or functions do non-judicial representatives have in complaint/disciplinary procedures/Committees (or other kind of body)?

The question is not applicable for Germany.

Q. Do those differ from the powers and competences of judicial members? If yes, how?

The question is not applicable for Germany.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The question is not applicable for Germany.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time

The question is not applicable for Germany.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

The question is not applicable for Germany.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

The question is not applicable for Germany.

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

The question is not applicable for Germany.

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

The question is not applicable for Germany.

Part one: Non-judicial Representatives in Judicial Councils

Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?

There is no Council for the Judiciary as such. A state body, the Courts Services fulfils the function.

Q. Is there a board of the Council? If yes, what is the composition of such body?

There is no board. The Courts Services is staffed by civil servants who are appointed in accordance with civil service regulations and procedures.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

There are no such representatives. There are career civil servants who serve in the Courts Services from time to time.

Who appoints?

The government

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)?

No, save that they be civil servants

If yes, please give details. Are they

- (a) **Prescribed by law?**
- (b) **Stemming from the practice?**

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

Decision making powers?	Consultative powers?
<i>None</i>	<i>None</i>

Q. Do these differ from the powers and competences of judicial members? If yes, how?

No. As it is not really a judicial Council there are no judicial members.

Q. What is the term of office of non-judicial representatives?

There is no particular term

Q. Does it differ from the Judicial members?

No

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?
Full time

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom?
They are career civil servants and are paid a salary and remuneration in accordance with their grade in the civil service

Q. Does it differ from the Judicial members?

Yes

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

individual is appointed during the course of their employment in the civil service

Q. What are the grounds for disqualification from office? (is it different from other members)?

None provided the person is employed by the Courts Service

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

This does not arise in our existing structure. The head of the Courts Service is a career civil servant

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

The Judicial Appointments Advisory Board

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Lay members are appointed by the Minister for Justice and Equality to the Judicial Appointments Advisory Board.

Q. Is there a quorum in the decision-making process?

There is a quorum required to hold a meeting of the Judicial Appointments Advisory Board

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Procedures are outlined in legislation. (Courts and Court Officers Act 1995.)

Who appoints the representatives? Please outline the procedure?

This is a matter for the Department of Justice and Equality

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details.

As above.

Are they (a) Prescribed by law? As above.

(b) Stemming from the practise? NO.

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

Not more than three persons appointed by the Minister who shall be persons engaged in, or having knowledge or experience (being knowledge or experience that the Minister considers appropriate) of commerce, finance, administration or persons who have experience as consumers of the services provided by the courts that the Minister considers appropriate.

Decision making powers?	Consultative powers?
The power to make recommendations to the Minister for Justice and Equality in relation to Judicial appointments	Board members consult with each other.

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The term of office of non-judicial representatives is not exceeding 3 years. And any such person so appointed may be eligible for re appointment to the Board. Judicial Members serve on the Judicial Appointments Advisory Board during the tenure of their office as President of a Court.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?
Part time.

Q. Are non-judicial representatives remunerated for their time?

No. They are paid travel and subsistence if applicable.

Q. If so, on what basis and by whom? Does it differ from the Judicial members?

No

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Not specified.

Q. What are the grounds for disqualification from office (is it different from other members)?

Not specified.

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

No

Any additional remarks:

This questionnaire really does not reflect the position in Ireland. In fact there is no Council of the Judiciary and there are no procedures for dealing with complaints against members of the judiciary or for disciplining a member of the judiciary other than impeachment. The Courts Services is an administrative body with no authority over members of the judiciary. The only role for nonjudicial representatives in relation to the affairs of the judiciary (other than impeachment) is the judicial appointments advisory board as set out above.

Part one: Non-judicial Representatives in Judicial Councils

Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?

Q. Is there a board of the Council? If yes, what is the composition of such body?

There is a board of the Council. It's nominated Comitato di Presidenza. It is composed by Vice President, the President of the Court of Cassation, and the Prosecutor General at the Court of Cassation.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints?

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

(b) **Stemming from the practise?**

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

The Councils for the Judiciary is not confined to judges.

Under section 104 of Italy's Constitution, the C.S.M. includes three members of their own right - namely, the President of the Republic, who also chairs the C.S.M., the President of the Court of Cassation, and the Prosecutor General at the Court of Cassation.

As far as the elected members are concerned, the Constitution does not specify their number, but stipulates that two-thirds of them should be elected by all the magistrates from among those belonging to the various categories (the so-called "togacled" members), while the remaining one-third should be elected at a joint session of Parliament, which selects them from among university professors in legal subjects and advocates who have exercised their profession for fifteen years or more (the so-called lay members). The lay members are elected with a secret vote and a special majority: 3/5 of entire Parliament. From the second scrutiny is sufficient the majority of 3/5 of the voters.

No age limitation, neither gender quota are provided by law.

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

Decision making powers?

Yes

Do these differ from the powers and competences of judicial members? If yes, how?

No difference.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Under Italy's Constitution, elected members hold office for four years and may not be re-elected for the next term. The Council must elect, from out the lay members, a deputy- Chair, who will chair the plenary of the C.S.M. whenever the President of the Republic is absent, or else upon the President's delegation, as well as chairing the Presidency Board.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Full time

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes there is a difference. In fact, according to article 40 L. n 195/1958 "the Deputy Chairman of the Superior Council shall be paid a gross monthly allowance equivalent to the gross salary and representation expenses due to the First President of the Supreme Court of Cassation.

Other members elected by Parliament are paid a gross monthly allowance that is equivalent to the gross salary and representation expenses due to the President of the Chamber of the Supreme Court and the Attorney General of the same Court.

Whenever members elected by Parliament are in receipt of a salary or of allowances charged to the state budget, they are entitled to the most favourable treatment, with the onus resulting from the treatment that is already applicable to them remaining under the responsibility of the administration to which they belong while the component that is possibly in excess of the treatment to which they are entitled as members of the Supreme Council is to the account of the Ministry of Justice."

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

According to article 38 L.n. 195/1958 "elected Members of Parliament, if undergoing criminal proceedings for an offence committed intentionally, shall be rightfully suspended from office.

Elected Members of Parliament lose their office by law if, following an irrevocable criminal judgement, they are sentenced to imprisonment for an offence committed intentionally.

In other cases of conviction or acquittal for a case that has been closed regarding an offence, or for inadmissibility or impossibility of continuing criminal proceedings, the President of the Supreme Council will give notice to the Presidents of the two Chambers who will decide whether there should be a replacement. "

Q. What are the grounds for disqualification from office (is it different from other members)?

Yes, there is a difference with lay members. In fact, according to article 37 L n.. 195/1958: "magistrates who are members of the Supreme Council shall be suspended by law from office if they are subjected to criminal proceedings for an offence committed intentionally and if they are subjected to disciplinary proceedings. Magistrates who are members of the Supreme Council incur disqualification from office under the law if they face disciplinary sanction. "

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

The Council must elect, from out the lay members, a deputy-Chair, who will chair the plenary of the C.S.M. whenever the President of the Republic is absent, or else upon the President's delegation, as well as chairing the Presidency Board.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes, they can.

Q. Is there a quorum in the decision-making process?

According to article 44 internal rules: "the Council's deliberations shall be valid if there is the participation of at least 15 members, of whom 10 are magistrates and 5 elected by Parliament. Resolutions are approved if they obtain a majority of the valid votes expressed in accordance with art. 25.

In the case of a tie, the vote of the Chairman of the meeting shall prevail. "

According to article 37 internal rules: "Commissions that consist of no fewer than six members may deliberate in a valid manner in the presence of a majority of members. Commissions consisting of three members deliberate with the participation of all the members; in case one of them has an impediment, the President or the Vice President of the Council will appoint an alternate to substitute this member. The President or the Vice President of the Council may also appoint an alternate for any other Commission when one of its members has a temporary impediment; the number of substitutes may not exceed half the number of the members of the Commission".

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

The law provides that lay members should be elected at a joint session of Parliament, which selects them from among university professors in legal subjects and advocates who have exercised their profession for fifteen years or more (the so-called lay members). The lay members are elected with a secret vote and a special majority: 3/5 of entire Parliament. From the second scrutiny is sufficient the majority of 3/5 of the voters.

Q. Who appoints the representatives? Please outline the procedure?

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

(b) **Stemming from the practise?**

Yes. The article 104 Constitution provides that lay members are selected from among university professors in legal subjects and advocates who have exercised their profession for fifteen years or more (the so-called lay members).

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

Decision making powers?	Consultative powers?
Yes	

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No difference

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Four years. No difference from the Judicial members.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Full time

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes, they are remunerated. Also, there is a difference. In fact, according to article 401. 195/1958 "the Vice President of the Supreme Council shall be paid a gross monthly allowance equivalent to the overall treatment in terms of remuneration and representation expenses due to the First President of the Supreme Court of Cassation.

The other members elected by Parliament shall be paid a gross monthly salary that is equivalent to the overall treatment in terms of remuneration and representation expenses due to the President of the Chamber of the Court of Cassation and Attorney General of the same Court.

Whenever members elected by Parliament are in receipt of a salary or of allowances charged to the state budget, they are entitled to the most favourable treatment, with the onus resulting from the treatment that is already applicable to them remaining under the responsibility of the administration to which they belong while the component that is possibly in excess of the treatment to which they are entitled as members of the Supreme Council is to the account of the Ministry of Justice"

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

The article 104 Constitution provides that lay members are selected only from among university professors in legal subjects and advocates who have exercised their profession for fifteen years or more (the so-called lay members).

Q. What are the grounds for disqualification from office (is it different from other members)?

According to article 38 L.n. 195/1958: "elected Members of Parliament, if undergoing criminal proceedings for an offence committed intentionally, shall be rightfully suspended from office.

Elected Members of Parliament rightfully lose their office if, following an irrevocable criminal judgement, they are sentenced to imprisonment for an offence committed intentionally.

In other cases of conviction or acquittal for a case that has been closed regarding an offence, or for inadmissibility or impossibility of continuing criminal proceedings, the President of the Supreme Council will give notice to the Presidents of the two Chambers who will decide whether there should be a replacement. "

There is a difference with lay members. *In fact*, according to article 371. 195/1958: magistrates who are members of the Supreme Council shall be suspended by law from office if they are subjected to criminal proceedings for an offence committed intentionally and if

they are subjected to disciplinary proceedings. Magistrates who are members of the Supreme Council incur disqualification from office under the law if they face a disciplinary sanction. "

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

The Council must elect, from out the lay members, a deputy-Chair, who will chair the plenary of the C.S.M. whenever the President of the Republic is absent, or else upon the President's delegation, as well as chairing the Presidency Board.

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

The Council must elect, from out the lay members, a deputy-Chair, who will chair the plenary of the C.S.M. whenever the President of the Republic is absent, or else upon the President's delegation, as well as chairing the Presidency Board.

Part one: Non-judicial Representatives in Judicial Councils

Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?

In accordance with the law "On Judicial Power":

The Council for the Judiciary includes **eight permanent (ex officio) members**:

- 1) The Chief Justice of the Supreme Court;
- 2) The Chairperson of the Constitutional Court;
- 3) The Minister of Justice;
- 4) The Chairperson of the Legal Affairs Committee of the *Saeima* (Parliament);
- 5) The Prosecutor General;
- 6) The Chairperson of Latvian Council of Sworn Advocates;
- 7) The Chairperson of the Latvian Council of Sworn Notaries;
- 8) The Chairperson of the Latvian Council of Sworn Bailiffs.

The Council for the Judiciary also includes **seven elected members**:

- 1) **One** judge elected by the Plenary Session of the Supreme Court (general meeting of judges of the Supreme Court);
- 2) **Six** judges elected by the Judges' Conference (general meeting of judges of the state) (one judge from among judges of Land Registry offices; three judges from among judges of district (city) courts, and two judges from among judges of regional courts).

The Ombudsman and the Director of Court Administration or authorised representatives of these persons, or the representative delegated by experts in law approved by the Latvian Science Academy, and representatives of judges' associations may participate in work of the Council for the Judiciary in advisory capacity (not having right of voting).

Q. Is there a board of the Council? If yes, what is the composition of such body?

No, there is no such body.

The Chief Justice of the Supreme Court chairs the Council for the Judiciary. The deputy Chair of the Council for the Judiciary (discharges duties of the Chair of the Council for the Judiciary during his or her absence)

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Please, see the response to Question 1 (the composition of the Council for the Judiciary is established in the law "On Judicial Power")

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

(b) Stemming from the practise?

Please, see the response to Question 1

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

The Council for the Judiciary is a collegial institution, which participates in elaboration of policy and strategy of a court system, and improvement of organisation of work of a court system, and both officials and elected judges have equal powers in decision-making process.

Q. Do these differ from the powers and competences of judicial members? If yes, how?

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Term of office of a permanent (ex officio) member of the Council for the Judiciary ends, if his or her term of office as of official expires.

The term of office of elected (judicial) member of the Council for the Judiciary is four years. The member of the Council for the Judiciary may be re-elected, but not more than twice in turn.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

All members of the Council gather to the sitting of the Council once a month. Sometimes, the Council examines some urgent issue in written procedure (by electronic vote).

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Legal provisions do not include regulation on remuneration of representatives (officials).

The judge receives additional payment in amount of three per cent of a salary of a judge of a district (city) court for each attended sitting of respective institution of judicial self-government. The Chair of the Council for the Judiciary receives additional payment in amount of five per cent of a salary of a judge of a district (city) court for each attended sitting of respective institution of judicial self-government (The Law on Remuneration of Officials of State and Local Government Institutions).

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Q. What are the grounds for disqualification from office (is it different from other members)?

Term of office of a permanent (ex officio) member of the Council for the Judiciary ends, if his or her term of office as of official expires.

The term of office of elected (judicial) member of the Council for the Judiciary is four years. The member of the Council for the Judiciary may be re-elected, but not more than twice in turn.

Powers of elected (judicial) member of the Council for the Judiciary expire, if:

1) His or her term of office of a member of the Council for the Judiciary expires;

- 2) His or her term of office of a judge expires;
- 3) He or she refuses from discharge of duties of a member of the Council for the Judiciary, informing the Chair of the Council for the Judiciary about it in writing.

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

The law “On Judicial Power” stipulates that the Chief Justice of the Supreme Court is the Chair of the Council for the Judiciary.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

A judge of a district (city) court is appointed to the office by the Parliament (Saeima) upon proposal of the Minister of Justice, for the term of three years. After three years of service, the Parliament, upon proposal of the Minister of Justice and on the basis of statement of the Judicial Qualification Committee provided during assessment of professional activity of a judge, approves the judge of a district (city) court in the office without limitation of term of office, or re-appoints him or her to the office for the term not exceeding two years. On the basis of the decision of the Saeima regarding appointment of a judge to the office of a judge of a district (city) court, the **Council for the Judiciary** determines particular district (city) court or its court house, where the judge will discharge his or her duties.

The Judicial Qualification Committee is an institution of judicial self-government, which carries out assessment of professional activity of judges.

The judge of a regional court is appointed to the office by the Saeima, upon proposal of the Minister of Justice, without limitation of term of office. On the basis of the decision of the Saeima regarding appointment of a judge to the office of a judge of a regional court, the **Council for the Judiciary** determines particular regional court or its court house, where the judge will discharge his or her duties.

The judge of the Supreme Court is appointed to the office by the Saeima, upon proposal of the Chief Justice of the Supreme Court, without limitation of term of office.

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

The Council for the Judiciary includes eight officials. Please, see the response to Question 1 in Part Q. Is there a quorum in the decision-making process?

The Council for the Judiciary may adopt decision, if at least two thirds of its members (in total - 15 members) participate in the sitting. If votes are distributed equally, the vote of the Chair of the Council for the Judiciary is casting.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

Please, see the response to Question 1 Part one on composition of the Council for the Judiciary

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

- (a) **Prescribed by law?**
- (b) **Stemming from the practise?**

Please, see the response to Question 1 Part one on composition of the Council for the Judiciary

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

The Council for the Judiciary is a collegial institution, which participates in elaboration of policy and strategy of a court system, and improvement of organisation of work of a court system, and both officials and elected judges have equal powers in decision-making process.

Q. Do those differ from the powers and competences of judicial members? If yes, how?

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Term of office of a permanent (ex officio) member of the Council for the Judiciary ends, if his or her term of office as of official expires.

The term of office of elected (judicial) member of the Council for the Judiciary is four years. The member of the Council for the Judiciary may be re-elected, but not more than twice in turn.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

All members of the Council gather to the sitting of the Council once a month. Sometimes, the Council examines some urgent issue in written procedure (by electronic vote).

Legal provisions do not include regulation on remuneration of representatives (officials).

The judge receives additional payment in amount of three per cent of a salary of a judge of a district (city) court for each attended sitting of respective institution of judicial self-government. The Chair of the Council for the Judiciary receives additional payment in amount of five per cent of a salary of a judge of a district (city) court for each attended sitting of respective institution of judicial self-government (The Law on Remuneration of Officials of State and Local Government Institutions).

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Q. What are the grounds for disqualification from office (is it different from other members)?

Term of office of a permanent (ex officio) member of the Council for the Judiciary ends, if his or her term of office as of official expires.

The term of office of elected (judicial) member of the Council for the Judiciary is four years. The member of the Council for the Judiciary may be re-elected, but not more than twice in turn.

Powers of elected (judicial) member of the Council for the Judiciary expire, if:

- 1) His or her term of office of a member of the Council for the Judiciary expires;
- 2) His or her term of office of a judge expires;
- 3) He or she refuses from discharge of duties of a member of the Council for the Judiciary, informing the Chair of the Council for the Judiciary about it in writing.

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

The law “On Judicial Power” stipulates that the Chief Justice of the Supreme Court is the Chair of the Council for the Judiciary.

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Cases on disciplinary and administrative violations committed by judges of district (city) courts, Land Registry offices, regional courts and the Supreme Court are examined by the Judicial Disciplinary Committee. To assess lawfulness of decisions of the Judicial Disciplinary Committee, the Disciplinary Court has been convened in the Supreme Court.

The Judicial Disciplinary Committee consists of the Chair of the Department of the Supreme Court, four judges of the Supreme Court, two Chairs of regional courts, two Chairs of district (city) courts and two Heads of Lands Registry offices.

Members of the Judicial Disciplinary Committee are elected by the Judges’ Conference (general meeting of judges).

The Disciplinary Court consists of six judges of the Supreme Court (two judges from each department, namely, the Department of Civil Cases, the Department of Criminal Cases and the Department of Administrative Cases) elected by the Plenary Session of the Supreme Court (general meeting of judges of the Supreme Court).

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Please, see response to Question 1 of this Part

Q. Is there a quorum in the decision-making process?

Please, see response to Question 1 of this Part

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

Please, see response to Question 1 of this Part

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

- (a) **Prescribed by law?**
- (b) **Stemming from the practise?**

Please, see response to Question 1 of this Part

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

Q. Do those differ from the powers and competences of judicial members? If yes, how?

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Please, see response to Question 1 of this Part

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Please, see response to Question 1 of this Part

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Please, see response to Question 1 of this Part Please, see response to Question 1 of this Part

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Please, see response to Question 1 of this Part

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

Please, see response to Question 1 of this Part

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

Please, see response to Question 1 of this Part

Part one: Non-judicial Representatives in Judicial Councils

Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?

The Judicial Council of Lithuania consists of 23 members, all of them are judges.

Q. Is there a board of the Council? If yes, what is the composition of such body?

There is no board of the Council.

As far as there is no members of the Judicial council who are non-judicial, we are not providing answers to the following questions.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

This module is filled in three sections:

- I. *The Selection Commission of Candidates to Judicial Office.*
- II. *The Permanent Commission for the Assessment of Activities of Judges.*
- III. *The Examination Commission of Candidates to Judicial Office.*

I. The Selection Commission of Candidates to Judicial Office (hereinafter - the Selection Commission)

Q. Can non-judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes, the Selection Commission is composed of 7 persons and formed for a period of 3 years by the President of the Republic. 3 members of the Selection Commission shall be judges and 4 members shall be the representatives of the society.

Q. Is there a quorum in the decision-making process?

Yes, the session of the Selection Commission is legal when no less than 5 members of the Commission are participating. Decisions are taken by the majority of all members of the Commission.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

The President of the Republic shall form the Selection Commission from 7 members, 4 of them shall not be judges. The President is free to appoint the members of the Commission. Also the President shall appoint the Chairperson of the Selection Commission from among the members of the Commission. Members of the Judicial Council may not be appointed as members of the Selection Commission.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

(b) **Stemming from the practise?**

There are no criteria for becoming a member of the Selection Commission stated in law. It is left for the discretion of the President to choose the members of the Selection Commission. In the decree of the President of the State on the working procedure of the Selection Commission it is stated only that activities of the Selection Commission shall be based on the principles of collegiality, impartiality, independence, objectivity and legality.

Usually the President chooses the most respectful and influential members of the society: from academia, journalists, and members of NGOs having the best reputation.

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

Decision making powers?	Consultative powers?
<i>No decision making power.</i>	<i>Selection of candidates to the judicial office at a district court; selection of persons seeking judicial promotion i.e. candidates to the judicial office at regional court, regional administrative court, the court of appeal and the Supreme Administrative Court of the Republic of Lithuania;</i> <i>Selection of judges seeking judicial promotion at a court of the same level, i.e. candidates to the judicial office of Chairman, Vice Chairman or Chairman of the division at district court, regional court, regional administrative court, the supreme administrative court and the court of appeal of the Republic of Lithuania;</i> <i>Selection of judges willing to be transferred to another court of the same level or a court of the same level but another jurisdiction;</i> <i>Selection of judges willing to be appointed a judge of any lower court or a court of the lower level but another jurisdiction: any judges of higher courts who were dismissed on their request, appointed to other judicial office or transferred to other office on their request, willing to be appointed to court of the same level or court of a lower level if less than 5 years have lapsed from the end of his service as a judge.</i>

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No. As it was mentioned before, the Selection Commission decides by the majority of members' votes. Votes of all members are equal.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The term of office is 3 years for all members of the Selection Commission. No difference is made between the Judicial and non-judicial representatives.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Non-judicial members of the Selection Commission work the same amount of time as the other members. The Selection Commission organises its work in the form of weekly sessions which consist of the oral part (interviews with candidates) and closed session when the Commission considers the candidates and after discussions makes conclusions on the list of candidates.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

According to the decision of the Government of Lithuania (6 October 2010, No.1407), members of the Selection Commission are remunerated as the politicians and state officials for the actual hours spent while working at the Commission (the data about the number of hours spent while working at the Commission is taken from the Minutes of the Commission sessions).

The monthly salary is calculated using the coefficients of basic salary (9 for the chairperson, 7,3 for the vice-chairperson and 7 for the member) multiplying by 130,5 euro (basic salary for 2015).

Members of the Commission are remunerated from the budget allocated to the National Courts Administration.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

The Chairperson and members of the Selection Commission may not participate at the meetings of the Commission when they cannot fulfil the assigned functions due to illness or other serious reasons. The Chairperson and members of the Commission have to withdraw from the participation in activities of the Commission in case it may raise doubts concerning the impartiality and objectivity of the conclusion adopted by the Selection Commission. Candidates participating in the meeting of the Selection Commission may present a motion for removal to the members of the Commission, indicating the motives of such removal. The removal of the Commission member shall be approved by the Chairperson of the Commission, whereas the removal of the Chairperson shall be approved by the Commission. If there is tie, the vote of the eldest Commission member by age shall be determinant. The decision concerning the motion for removal of the Commission member shall be adopted by all the Selection Commission.

Q. What are the grounds for disqualification from office (is it different from other members)?

The member of the Selection Commission shall be dismissed in the following cases:

- 1) upon resignation from the position of the member of the Commission of his/her own free will;
- 2) when he/she is removed from the office of the member of the Commission due to improper performance of assigned functions;
- 3) when effective court judgement against member of the Commission comes into force.

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

Yes, there is such a possibility. In practice, as a rule, the Chairperson of the Selection Commission is not a judge.

II. The Permanent Commission for the Assessment of Activities of Judges (hereinafter referred to as Assessment Commission).

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes, the Assessment Commission shall be formed for the term of office of the Judicial Council from 7 members: 3 of them must not be judges.

Q. Is there a quorum in the decision-making process?

Yes, the session of the Assessment Commission is legal when no less than 4 members of the Assessment Commission are participating. Decisions are taken by the majority of members who vote. If votes are equally divided (in case of a tie), the vote of the Chairperson is decisive.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

4 members of the Assessment Commission shall be elected from judges by the Judicial Council, 3 members shall be appointed by the President of the Republic. The Chairperson of the Assessment Commission from the appointed members shall be elected by the Judicial Council.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

(b) **Stemming from the practise?**

There are no criteria for becoming a member of the Assessment Commission stated in law. It is left for the discretion of the President to choose the members for the Assessment Commission.

Usually the President chooses the most respectful and influential members of the society: from academia, journalists, and members of NGOs having a good repute.

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

Decision making powers?	Consultative powers?
<p><i>The Assessment Commission after the assessment of the judge 's activities shall write the reasoned conclusion no later than within 15 working days after the meeting. In the conclusion the Commission shall state the activities of the judge during the assessment period, achievements and deficiencies of the professional, organisational or administrative activities of the assessed judge if they are found and present proposals concerning the elimination of these deficiencies, as well other information which according to the Commission is important.</i></p> <p><i>If the assessment of the results of judges' activities shows the circumstances specified in paragraph 2 of part 1 of Article 81, part 2 of Article 83, or paragraph 5 or 6 of part 1 of Article 90 of the Law on Courts, the Chairperson on behalf of the Commission shall:</i></p> <ul style="list-style-type: none"> <i>- provide a reasoned motion to the Judicial Ethics and Discipline Commission regarding the possibility to start a disciplinary proceeding against the judge;</i> <i>- inform the Judicial Council and the President of the Republic about the ground to dismiss the judge or remove him from office according to the procedure established in Article 84, 90 or 91 of the Law on Courts.</i> <i>- Do those differ from the powers and competences of judicial members? If yes, how?</i> <i>- No. As it was mentioned before the Assessment Commission takes decisions by the majority of members ' votes. Votes of all members are equal.</i> 	<p><i>Analyse the capacities of judges to use in practice theoretical knowledge and skills, to establish the strengths and weaknesses of the activities of judges and use the negative results for the preparation of judicial training and qualification courses as well as promote the improvement of the judge 's qualification. The goal of assessing the activities of chairperson, vice chairperson and chairperson of division shall be to determine their management, organisational and administrative skills.</i></p> <p><i>Assessment of the activities of judges - procedure performed by the beforehand and clearly established criteria for obtaining information about the quality and efficiency of judicial activities that helps to determine the weaknesses of the professional, organisational and administrative activities of judges, which necessitate judges to improve their qualification and professional level.</i></p>

Q. What is the term of office of non-judicial representatives?

Does it differ from the Judicial members?

The term of office is 4 years and it is the same for all members of the Assessment Commission (no difference is made between the Judicial and non-judicial representatives).

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Non-judicial members of the Assessment Commission work the same amount of time as the other members. The Assessment Commission organises its work in the form of monthly sessions which consist of the preparatory part (collecting data about the person who will be assessed) and oral session (interviews with person who is evaluated) and deciding on the conclusions.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

According to the decision of the Government of Lithuania (6 October 2010, No.1407), members of the Assessment Commission are remunerated as the politicians and state officials for the actual hours spent while working at the Commission (the data about the number of hours spent while working at the Commission is taken from the Minutes of the Commission sessions).

The monthly salary is calculated using the coefficients of basic salary (9 for the chairperson, 7,3 for the vice-chairperson and 7 for the member) multiplying by 130,5 euro (basic salary for 2015).

Members of the Commission are remunerated from the budget allocated to the National Courts Administration.

Q. On what basis may a person be precluded from serving as non-judicial representatives?

A member of the Commission may be challenged by the judge whose activities are under evaluation or a person authorized by such judge, prior to the start of consideration of the matter as to its substance. Any later challenging shall only be allowed if the person making the challenge has become aware of the cause of challenge after the start of consideration of the matter as to its substance.

Any challenge or withdrawal from evaluation of the judge's activities shall be approved by the Commission, and upon such approval the Commission member concerned shall not take part in evaluation and the decision-making procedure. The Commission shall vote individually on each member who has been challenged or who has informed about his/her withdrawal. The member of the Commission whose challenge or withdrawal has been put to vote shall not take part in the voting.

Q. What are the grounds for disqualification from office (is it different from other members)?

It is not stated in the Law. In case of necessity it could be solved using analogy with the rules applicable to the Appointment Commission, as follows:

The member of the Commission shall be dismissed in the following cases:

- 1) upon resignation from the position of the member of the Commission of his/her own free
- 2) when he/she is removed from the office of the member of the Commission due to improper performance of assigned functions;
- 3) when effective court judgement against member of the Commission comes into force.

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

Yes, there is such a possibility. The Chairperson of the Assessment Commission from the appointed members shall be elected by the Judicial Council. The current Chairman of the Assessment Commission is the retired judge.

III. The Examination Commission of Candidates to Judicial Office (hereinafter referred to as Examination Commission)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes, the Examination Commission is composed of 7 persons; at least 4 members of the Commission must be judges, 3 of them could be not judges (non-judicial representatives), but they should be the academics having a law degree.

Q. Is there a quorum in the decision-making process?

Yes, the session of the Examination Commission is legal when no less than 5 members of the commission are participating. Decisions are taken by the majority of votes of participating members.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

The Examination Commission shall be formed by the Judicial Council. At least 4 members of the Commission must be judges. The Chairperson of the Judicial Council shall nominate to the Examination Commission 2 judges and 1 academic having a law degree, and the largest judicial association and the Minister of Justice shall each nominate 1 judge and 1 academic having a law degree. The Judicial Council shall appoint one member of the Examination Commission as the Chairperson of the Commission. The members of the Judicial Council cannot be appointed as the members of the Examination Commission.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

(b) **Stemming from the practice?**

Yes, the Law on Courts provides that 3 members (non-judicial representatives) should be academics having a law degree.

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

<i>Decision making powers?</i>	<i>Consultative powers?</i>
<i>Decision whether results of the examination is satisfactory</i>	<i>none</i>

Q. Do those differ from the powers and competences of judicial members? If yes, how?

Decision is taken according to the tests results and is taken by the majority of members' votes. Votes of all members are equal.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The Examination Commission shall be formed for a period of 3 years. The term of Office is the same for all members of the Examination Commission (no difference is made between the Judicial and non-judicial representatives).

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Non-judicial members of the Examination Commission work the same amount of time as the other members. The Examination Commission usually have one exam every half a year with the exception when there are no candidates for the exam.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

According to the decision of the Government of Lithuania (6 October 2010, No.1407), members of the Examination Commission are remunerated as the politicians and state officials for the actual hours spent while working at the Commission (the data about the number of hours spent while working at the Commission is taken from the Minutes of the Commission sessions).

The monthly salary is calculated using the coefficients of basic salary (9 for the chairperson, 7,3 for the vice-chairperson and 7 for the member) multiplying by 130,5 euro (basic salary for 2015).

Members of the Commission are remunerated from the budget allocated to the National Courts Administration.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Person taking the examination, not later than one day before the day of the meeting of the Commission, may present the motion for removal of the members of the Commission. The motion for the removal shall be in a written form and indicating the motives. The motion for the removal of the members of the Commission shall be submitted through the Secretary of the Commission to the Chairperson of the Commission.

The question regarding the legitimacy of the removal of the members of the Commission shall be decided by the members of the Commission to whom the motion for removal has not been presented at the closed meeting the same day as the examination take place by the majority of votes. In case there is an equal number of votes for and against the removal, it is considered that the member of the Commission is removed. In case the motion for removal is presented to one or two members of the Commission the question of the removal shall be considered without these members and in accordance with the requirements set up in the Rules. In case the motion for removal is presented to three or more members of the Commission the question of the removal shall be considered by the Commission in corpore.

Q. What are the grounds for disqualification from office (is it different from other members)?

It is not stated in the Law. In case of necessity it could be solved using analogy with the rules applicable to the Appointment Commission, as follows:

The member of the Commission shall be dismissed in the following cases:

- 1) upon resignation from the position of the member of the Commission of his/her own free will;
- 2) when he/she is removed from the office of the member of the Commission due to improper performance of assigned functions;

3) when effective court judgement against member of the Commission comes into force.

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

Yes, there is such a possibility. The Judicial Council shall appoint one member of the Examination Commission as the Chairperson of the Commission. The current Chairperson of the Examination Commission is a judge.

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

This module is filled in two sections:

I. The Judicial Ethics and Discipline Commission.

II. The Judicial Court of Honor.

I. The Judicial Ethics and Discipline Commission.

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

The Judicial Ethics and Discipline Commission consists of 7 members - 3 of them must be members of the public (representatives of the society), i.e. not judges.

Q. Is there a quorum in the decision-making process?

The decision of the Judicial Ethics and Discipline Commission shall be considered adopted if voted by not less than 4 members of the Commission.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

Two members of the Commission shall be appointed by the President of the Republic, 1 candidate to the Commission shall be appointed by the Speaker of the Seimas, 4 candidates - by the Judicial Council. The President of the Republic and the Speaker of the Seimas shall appoint the members of the public as members of the Commission.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

(b) **Stemming from the practice?**

The laws do not provide specific procedures and requirements for candidates to the Commission. It is left for the discretion of the President and the Speaker of the Seimas.

According to the practice both - the President and the Speaker of the Seimas - usually choose among respectful and honorable representatives from academia, media, non-governmental sector.

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

Decision making powers?	Consultative powers?
<p><i>The Judicial Ethics and Discipline Commission is an institution of autonomy of courts deciding the issues of instituting disciplinary actions against judges.</i></p> <p><i>Tasks of the Commission shall be:</i></p> <p><i>1) expeditiously and timely consider the motions for instituting a disciplinary case against judges;</i></p> <p><i>2) institute a disciplinary case against a judge in case there are grounds for disciplinary liability;</i></p> <p><i>3) upon direction of the Judicial Court of Honour organise the inspection of the judge activities, collect additional evidence on important factual circumstances for instituting a disciplinary case.</i></p>	<p><i>The Judicial Ethics and Discipline Commission has a right to provide consultations for judges on judicial ethics and discipline.</i></p>

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No, there is no difference.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

All members of the Judicial Ethics and Discipline Commission are appointed for a term of 4 years and the number of tenures of the members of the Commission shall be unlimited. The term of Office is the same for all members (no difference is made between the Judicial and non-judicial representatives).

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

The Judicial Ethics and Discipline Commission organises its work as a set of meetings. The meetings of the Commission shall usually be held in the premises of the National Courts Administration. The meeting of the Commission shall be convened by the Chairperson of the Commission. The Chairperson of the Commission shall settle the date and time of the meeting with regard to the agenda of the members and to the term identifies in the part 1 and 2 of the Article 84 of the Law on Courts. The number of meetings depends on the number of complaints received. All members of the Commission work on a part time basis.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom?

Does it differ from the Judicial members?

Non-judicial members of the Judicial Ethics and Discipline Commission are remunerated according to the rules set by the Government and the Law on Salaries for Politics and State Officials for actual hours spent in the meeting of the Commission. The monthly salary could be 7 multiplied to 130,5 euro. It is paid from the budget of the National Courts Administration.

Judges are not remunerated additionally for the work in the Commission.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Participation of the members of the Commission at the meetings of the Commission shall be obligatory. The non-participation at the meeting of the Commission shall be justified by serious reasons.

The term of office of a member of the Judicial Ethics and Discipline Commission shall expire when:

- 1) his term of office as the judge expires;
- 2) the term of office to which he was appointed member of Judicial Ethics and Discipline Commission expires;
- 3) he resigns on a voluntary basis from the office of the Judicial Ethics and Discipline Commission;
- 4) the decision of the Judicial Court of Honor to impose a disciplinary penalty on him becomes effective (if it is a judge);
- 5) he is recalled from his post in the Judicial Ethics and Discipline Commission.

The member of the Commission shall be recalled from the office of the member in case the party that appointed him adopts the reasoned decision on the improper performance of functions assigned to the member of the Commission. The powers of the member of the Commission - judge - shall be suspended by the decision of the Judicial Council when a disciplinary case is initiated against the member of the Commission.

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

A member of the Judicial Ethics and Discipline Commission shall be withdrawn from his post as the Judicial Ethics and Discipline Commission member if the entity which appointed him adopts a well-reasoned decision that the member of the Commission fails to perform the functions of the member of Judicial Ethics and Discipline Commission assigned to him.

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

The Judicial Council shall appoint the Chairperson of the Commission from the members of the Judicial Ethics and Discipline Commission. The Judicial Council is free to choose any member among the Commission to be appointed as a Chairperson.

II. The Judicial Court of Honor.

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes, 4 members out of 10 shall be not judges (non-judicial representatives). The rest of the members shall be judges.

Q. Is there a quorum in the decision-making process?

The session of the Court of Honor shall be deemed to be legitimate, if it is attended by at least 6 members of the Court of Honor with the majority of judges and at least 1 representative of society.

Decisions of the Court of Honor shall be taken by simple majority of the members of the Court of Honor attending the session.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives? Who appoints the representatives? Please outline the procedure?

The Judicial Court of Honor consists of 10 members: 2 candidates to the members of the Court of Honor shall be appointed by the President of the Republic of Lithuania, 2 candidates - by the Speaker of the Seimas of the Republic of Lithuania, 6 candidates - by the Judicial Council. The President of the Republic of Lithuania and the Speaker of the Seimas of the Republic of Lithuania shall appoint the representatives of society to the members of the Court of Honor.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

- (a) **Prescribed by law?**
- (b) **Stemming from the practice?**

The laws do not provide specific procedures and requirements for candidates to the Court of Honor. It is left for the discretion of the President and the Speaker of the Seimas. According to the practice both - the President and the Speaker of the Seimas - usually choose among respectful and honorable representatives from academia, media, non-governmental sector.

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

Decision making powers?	Consultative powers?
<p><i>The Judicial Court of Honor shall decide the disciplinary case by taking a decision.</i></p> <p><i>Having considered the disciplinary case, the Court of Honor can take a decision to:</i></p> <ol style="list-style-type: none"> <i>1. dismiss the disciplinary case due to non-existence of the grounds for disciplinary responsibility;</i> <i>2. dismiss the disciplinary case due to overdue dates for initiation of proceedings, as provided in the Law on Courts;</i> <i>3. restrict to hearing of the disciplinary case;</i> <i>4. impose to the judge one of the following disciplinary punishments: make a comment, give a reprimand, give a severe reprimand;</i> <i>5. propose to the President of the Republic of Lithuania or the Seimas of the Republic of Lithuania to dismiss the judge in the manner prescribed by the Law on Courts;</i> <i>6. propose to the President of the Republic of Lithuania to apply to the Seimas of the Republic of Lithuania for the impeachment against the judge.</i> 	<p>none</p>

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No, there is no difference.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The Judicial Court of Honor shall be constituted for the period of commission of the Judicial Council, i. e. for 4 years. The term of office is the same for all members (no difference is made between the Judicial and non-judicial representatives).

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Every member of the Judicial Court of Honor shall have the following rights and duties:

1. to attend the sessions of the Court of Honor. If he cannot attend the sessions of the Court of Honor, he shall inform the presiding judge or the secretary of the Court of Honor of the same beforehand not later than before the beginning of the session and indicate the reasons of such absence;
2. being appointed a speaker by the presiding judge of the Court of Honor, to prepare the material for the session of the Court of Honor and exercise the rights, provided in Paragraph 28 hereof;
3. to familiarize with any and all material of the session of the Court of Honor;
4. if having a different opinion about the decision taken by the Court of Honor, to submit the same in writing as a separate opinion not later than on the next day following the adoption of such decision;
5. to perform legal assignments given by the presiding judge of the Court of Honor in connection to the activities of the Court of Honor.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Non-judicial members of the Judicial Court of Honor are remunerated according to the rules set by the Government and the law on salaries for politics and state officials for actual hours spent in the Court sessions. The monthly salary could be: 9, 7,3 or 7 multiplied to 130,5 euro and paid from the budget of National Courts Administration.

Judges are not remunerated additionally for the work in the Court.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

The member of the Judicial Court of Honor shall abstain from hearing the disciplinary case or the petition for defense of honor of the judge, if there are circumstances, which raise doubts about impartiality of the member of the Court of Honor.

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

Participants of proceedings, who attend hearing of the disciplinary case or the petition for defense of honor of the judge, shall be entitled to declare judicial disqualification (recusal) to the member of the Judicial Court of Honor before the commencement of consideration of the matter in substance.

Subsequent judicial disqualifications shall only be allowed, when a person, who declares judicial disqualification, becomes aware of the grounds for recusal of the member of the Judicial Court of Honor after the commencement of hearing of the disciplinary case or the petition for defense of honor of the judge in substance.

The member of the Judicial Court of Honor shall be deemed to have been removed or have abstained from hearing of disciplinary case or the petition for defense of honor of the judge as well as shall not participate in decision-making, if it is approved by the Judicial Court of Honor. The Judicial Court of Honor shall individually vote regarding each member of the Judicial Court of Honor, to whom the judicial disqualification has been declared or who has declared self-disqualification, in absence of the member of the Court of Honor, whose matter of disqualification or self-disqualification is solved.

Commission of the member of the Judicial Court of Honor shall expire on the grounds and in the manner prescribed in the Law on Courts.

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

No. The presiding judge of the Judicial Court of Honor shall be elected by the Judicial Council from the member judges of the Judicial Court of Honor. So, non-judicial member of the Court could not be presiding judge of the Court of Honor.

Part one: Non-judicial Representatives in Judicial Councils**Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?**

According to article 84, paragraph 4, of the Judicial Organisation Act, the Council should consist of between 3 and 5 members. It is up to the Council itself to choose the actual number. Currently there are 4 members.

2 members of the 4 are judges. Article 84, paragraph 4 of the Judicial Organisation Act provides that when the Council consists of 4 members, at least 2 should be judges. The other two members held a variety of positions, including senior-level positions in the Dutch central government.

The chair and the vice-chair of the Council are always judges.

Q. Is there a board of the Council? If yes, what is the composition of such body?

The Board of the Council consists of the 4 members of the Council.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

The current procedure is described in the Judicial Organisation Act.

The application procedure starts with a job opening and a public announcement. Applicants have to send in their CV and motivation letter to the Chairman of the Council. An Advice committee for appointment is formed by the Board of Delegates (art. 90 of the Judicial Organisation Act). The Board consists of representatives of the courts, the Central Appeals Court for Public Service and Social Security Matters and the Administrative Court for Trade and Industry.

In the case that a non-judicial member is sought, the Board of Delegates consists of an equal number of judicial members and court officials. In the case that a judicial member is sought, the Board of Delegates consists only of judicial members.

Following the selection of applications and interviews the Advice committee will give an advice to the Committee of recommendation. The Committee of recommendation consists of a president of a court, a representative of the Dutch Association for the Judiciary, a member of the Board of Delegates, a director of operations of a court and a person designated by the Minister of Security and Justice. The committee is chaired by the president. The Committee sends its proposal to the Minister of Security and Justice for appointment by the Crown.

Who appoints?

Members of the Council for the Judiciary are appointed by the Crown for a 6-year term and can be reappointed once, for a maximum term of 3 years. They are nominated for appointment or reappointment by the Minister of Security and Justice.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

The members may not also be:

- a) a member of the States General;
 - b) a minister;
 - c) a state secretary;
 - d) vice-president or member of the Council of State;
 - e) president or member of the Court of Audit;
 - f) national ombudsman or deputy ombudsman;
 - g) a civil servant at a ministry or at the institutions, agencies and businesses that come under a ministry;
 - h) a judicial officer
 - i) vice-president, justice or justice extraordinary at the Supreme Court;
 - j) member of the Board of Delegates.
- (b) Stemming from the practise?

Non-judicial council members have in general worked in high administrative positions in the public or private sector. Depending on the function of the Council member: experience and knowledge in the financial and economic field or in Human resource management.

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

When the vote in the Council is tied, the President (who is always a judge) has the casting vote.

Decision making powers?	Consultative powers?
Yes	Yes

Q. Do these differ from the powers and competences of judicial members? If yes, how? No.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Non-judicial members are appointed for a 6-year term and can be reappointed once, for a maximum term of 3 years. This is the same as for the judicial members.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?
Full-time.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes, they receive a salary. This does not differ from salary of the Judicial members. The only difference lies on which basis this is done: for judicial members this is regulated in the Law on the

legal status of judicial officers and for non-judicial members this is regulated in the Central and Local Government Personnel Act.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

The members may not also be:

- a) a member of the States General;
- b) a minister;
- c) a state secretary;
- d) vice-president or member of the Council of State;
- e) president or member of the Court of Audit;
- f) national ombudsman or deputy ombudsman;
- g) a civil servant at a ministry or at the institutions, agencies and businesses that come under a ministry;
- h) a judicial officer
- i) vice-president, justice or justice extraordinary at the Supreme Court;
- j) member of the Board of Delegates.

Q. What are the grounds for disqualification from office (is it different from other members)?

If a member accepts an office or position that is incompatible (see the above-mentioned positions) with membership of the Council, such membership must be terminated by Royal Decree on the recommendation of the Minister.

A non-judicial member of the Council may be subjected to disciplinary punishment, suspended or dismissed by Royal Decree on the recommendation of the Minister.

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

No.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Formally appointment of judges is by Royal Decree (i.e. the Minister for Security and Justice) after an extensive consultation round within the Judiciary. Appointment is in fact based on the recommendation of the Council, which in turn is based on the opinions of the court boards and the advice of the selection committee.

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

No.

Q. Is there a quorum in the decision-making process?

n/a

Q. What are the procedures for the selection, election or appointment of non-judicial representatives? Who appoints the representatives? Please outline the procedure?

n/a

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

n/a

(b) Stemming from the practise?

n/a

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

Q. Do those differ from the powers and competences of judicial members? If yes, how?

n/a

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

n/a

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

N/a

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

N/a

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

n/a

Q. What are the grounds for disqualification from office (is it different from other members)?

n/a

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

n/a

Any additional remarks:

Although non-judicial representatives do not play a role in the appointment of judges, they do have a role in the selection procedure of judges (see part 4 of the questionnaire).

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Disciplinary proceedings

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

In disciplinary proceedings there are no positions for non-judicial representatives. In the Dutch system, disciplinary measures are only a last resort in case a judge really behaves inappropriately. At moment there are only two disciplinary measures that can be given to a judge:

1. An official warning by the president of the court.
2. The dismissal of the judge by the Supreme court.

Q. Is there a quorum in the decision-making process?

N/a

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

n/a

Q. Who appoints the representatives? Please outline the procedure?

n/a

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

n/a

(b) Stemming from the practise?

n/a

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

n/a

Q. Do those differ from the powers and competences of judicial members? If yes, how?

n/a

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

n/a

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

n/a

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

n/a

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

n/a

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

n/a

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

N/a

Complaints procedures

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes, non-judicial representatives can participate in the complaints advice committee. Moreover, the chairman of this committee can be a non-judicial representative.

Currently, there is no national policy on the number, the positions and the nomination of nonjudicial representatives in complaints advice committees. However, in practice 10 out of 15 courts do have a non-judicial chairman. One court has the intention to set up a complaints advice committee with a non-judicial chairman.

Complaints on judges and judicial officers are presented to the complaints advice committee. Complaints on judges are in principal presented to the (non-judicial) chairman.

Proposals on the non-judicial representation within the complaints advice committee and in particular the importance of a non-judicial chairman is currently being debated within the judiciary. Formalising the selection and nomination of such members is part of this debate.

Complaints on judges have always to be presented to the non-judicial chairman of the complaints advice committee. He decides if the complaint shall be presented to the complaints advice

committee. After the internal complaints procedure of the court on a complaint against a judge, complaints can be made to the Procurer general of the Supreme Court. The Procurer-general can then decide to present the complaint to the Supreme court.

Q. Is there a quorum in the decision-making process?

n/a at the moment

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

At the moment there is no uniform procedure for this.

Q. Who appoints the representatives? Please outline the procedure?

The board of the court is in principal responsible for the appointment.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)?

At the moment there are no uniform criteria.

If yes, please give details. Are they

(a) **Prescribed by law?**

(b) **Stemming from the practise?**

Q. What competencies, powers or functions do non-judicial representatives have in complaint/disciplinary procedures/Committees (or other kind of body)?

At the moment there are no uniform criteria.

Decision making powers?	Consultative powers?

Q. Do those differ from the powers and competences of judicial members? If yes, how?

See the above.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

At the moment there are no uniform criteria.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?
Part time.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes, they are remunerated for their time. This remuneration differs from the Judicial members as the judicial members do not receive any remuneration. Their membership is seen as part of their job.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

At the moment there are no uniform criteria.

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

At the moment there are no uniform criteria.

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

Yes, see the above answers.

Part one: Non-judicial Representatives in Judicial Councils

Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?

The Norwegian Courts Administration is managed by a board. This board is composed with nine members:

Four members are judges

One other member is from Court staff

Two members are lawyers

Two represents general public

Q. Is there a board of the Council? If yes, what is the composition of such body?

See above.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

The parliament appoints the two members, representing the general public.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

No

(b) **Stemming from the practise?**

No

These members has been both from Academia and former members of the parliament.

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

Yes

Q. Do these differ from the powers and competences of judicial members? If yes, how?

No

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Four years, the same as for Judicial members.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Part time for all members.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes, they are remunerated from the budget to the Norwegian Courts Administration. It is the same as for the Judicial members.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

N/A

Q. What are the grounds for disqualification from office (is it different from other members)?

The same for all members

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

In theory, yes.

Any additional remarks:

The 2010-2011 ENCJ Project on Councils for the Judiciary also mention some of this in their report.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Norway has an "Appointment board for judges". Two out of seven members are non-judicial.

Q. Is there a quorum in the decision-making process?

At least half of the members must participate.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

The members of the board are appointed by King in Council. There are informal proposals from the organisations of the judges (for the judge members) and the lawyers (for the lawyer members).

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

No

(b) **Stemming from the practise?**

No.

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The same

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Part time

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes, they are remunerated from the budget of The Appointment Board. It is the same as for the Judicial members.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

No difference from the judicial members.

Q. What are the grounds for disqualification from office (is it different from other members)?

No difference from the judicial members.

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

In theory, yes.

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

In Norway we have an "Supervisory committee for Judges". Two out of six members are nonjudicial.

Q. Is there a quorum in the decision-making process?

At least half of all members must participate.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

The members of the committee are appointed by King in Council. There are informal proposals from the organisations of the judges (for the judge members) and the lawyer (for the lawyer members).

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

No

(b) Stemming from the practise?

No

Q. What competencies, powers or functions do non-judicial representatives have in complaint/disciplinary procedures/Committees (or other kind of body)?

Yes

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Four years for all members.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Part time

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes, they are remunerated from the budget of The Supervisory committee for judges. It is the same as for the Judicial members.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Same rules for all members.

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

Same rules for all members.

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

Yes, in theory.

Part one: Non-judicial Representatives in Judicial Councils

Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?

There are 25 members of National Council for the Judiciary (KRS) in Poland:

President of the Supreme Court (*ex officio*)

President of the High Administrative Court (*ex officio*)

15 judges elected by their peers,

6 members appointed by the parliament (2 from the Senat, 4 from the Sejm),

Minister of Justice (*ex officio*)

1 member appointed by the Head of the State (President of the Republic).

Q. Is there a board of the Council? If yes, what is the composition of such body?

The Council's bodies are: the Chairman, two Deputy Chairmen and the Presidium of the Council.

The Council appoints the Chairman, two Deputy Chairmen and three members of the Presidium of the Council from among its members. (It means that Presidium consists of 6 members.)

Usually, all members of the Presidium are judges.

The term of office of each member of the Presidium of the Council lasts four years. Members of the Presidium of the Council cannot fulfil their functions for more than two terms of office.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives? Who appoints?

The Minister of Justice is a member of the Council *ex officio* - for the duration of holding his/her function.

The person appointed by the President of the Republic of Poland can be a judge but it is not obligatory. It depends on the decision of the President who is appointed (a judge or not a judge, a lawyer or even not a lawyer, a politician or an academic). During term of office of the previous President the person who represented the President was an activist of NGO's sector.

The person appointed by the President fulfils the function on the Council without specifying the term of office and can be dismissed at any time.

The mandate of the person appointed by the President expires at the latest within three months after the end of the term of office of the President or after the office of the President of the Republic of Poland is vacated.

The Sejm appoints four members of the Council from among its Deputies for a period of four years.

The Senate appoints two members of the Council from among the senators for a period of four years.

Members of the Council appointed by the Sejm and the Senate fulfil their functions until new members are appointed.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details.

There are not such criteria.

Are they : Prescribed by law? Stemming from the practise?

See above.

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

Decision making powers?	Consultative powers?
<p>1) considering and evaluating candidacy for holding a post of a judge at the Supreme Court and for holding judicial posts at common courts, administrative courts and military courts;</p> <p>2) presenting to the President of the Republic of Poland applications for appointment of judges of the Supreme Court, common courts, administrative courts and military courts;</p> <p>3) adopting collections of the rules of professional ethics of the judges and making sure that they are being abided by;</p> <p>4) adopting resolutions regarding applications to the Constitutional Tribunal to examine compliance with the Constitution of the Republic of Poland of normative acts within the scope concerning independence of courts and judges;</p> <p>5) considering applications for retirement of judges;</p> <p>6) considering applications of retired judges to return to judicial post;</p> <p>7) appointing the Disciplinary Commissioners of common courts and military courts.</p> <p>8) presenting the candidacy for the post of the Prosecutor General;</p> <p>9) naming three members of the Programming Council of the Polish National School of Judiciary and Public Prosecution;</p> <p>10) proposing two candidates for the post of members of the Council of the Institute of National Remembrance - Commission for the Prosecution of</p>	<p>1) expressing a stance on the status of the judicial staff;</p> <p>2) expressing a stance on matters concerning judiciary and judges, put on the agenda by the President of the Republic of Poland, other public authorities or judiciary self-government;</p> <p>3) expressing opinion on draft normative acts concerning the judiciary and the judges and presenting applications in this regard; expressing opinion on training programs as part of general traineeship and judge traineeship, the scope and manner of conducting contests for general traineeship and judge exams;</p> <p>4) expressing opinion on the annual training timetables within the scope concerning professional training and development of judges and court employees</p> <p>5) expressing opinion on appointment and dismissal of presidents and deputy presidents of common courts and military courts;</p> <p>6) expressing opinion on the appointment of the Director of the Polish National School of Judiciary and Public Prosecution.</p>

All the members of the Council have the same powers. There are no differences.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Yes, it differs.

The Minister of Justice is a member of the Council for the duration of holding this function.

The person appointed by the President of the Republic of Poland fulfils the function on the Council without specifying the term of office and can be dismissed at any time.

The mandate of the person appointed by the President expires at the latest within three months after the end of the term of office of the President or after the office of the President of the Republic of Poland is vacated.

The Sejm appoints four members of the Council from among its Deputies for a period of four years.

The Senate appoints two members of the Council from among the senators for a period of four years.

Members of the Council appointed by the Sejm and the Senate fulfil their functions until new members are appointed.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Just like every other member of the Council. Commitment of all members of the Council is a part time.

The Council deliberates during plenary meetings - meetings take place one week (5 days) every month.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Every member receives a *per diem* allowances for the participation in the plenary meeting of the Council. *Per diem* is the same for each member.

The remuneration is based on the legal regulation (the Act on National Council for the Judiciary)

For performing the duties on the Council members of the Council receive:

- 1) allowances for every day of participation in plenary meetings and other work of the Council in the amount equal to 20% of the basis for determining the judge's base salary referred to in Article 91 § 1c of the Act of 27 July 2001 - Law on the organization of common law courts;
- 2) reimbursement of the travel and accommodation expenses on terms stipulated in the regulations issued on the basis of Article 77 § 2 of the Act of 26 June 1974 - The labour code (Journal of Laws of 1998, No. 21, item 94, as amended) in accordance with the rules governing domestic business trips.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

The mandate of the appointed non-judicial member of the Council expires before the term of office is up in the event of:

- 1) death;

- 2) renunciation of the mandate;
- 3) expiry of the mandate of the Deputy or Senator.

Renunciation of the mandate in the Council becomes effective the moment the Chairman of the Council is informed about this in writing. The Chairman immediately notifies the body which appointed the member.

A new member of the Council should be appointed within two months of the day on which the mandate expires.

Q. What are the grounds for disqualification from office (is it different from other members)?

There are no regulations regarding the disqualification and it also never happened in the practice.

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

In theory yes, in practice it has never happened. In 25 years history of the Council only judges were the chairmen.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

In Poland there is no appointment procedure outside the National Council for the Judiciary.

See above.

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

The disciplinary court consists only of judges. The disciplinary commissioner is always a judge. Non Judicial Representatives do not take part in the disciplinary proceeding. The Council is always represented by a judge in the disciplinary proceeding. The disciplinary proceeding against a judge is regulated in criminal proceeding code which regulates in art. 91 that allowed to participate in court proceedings representative of the non-governmental organization may participate in the hearing, can comment and submit statements in writing. But that participant is not a member of the Council.

There is a complaint commission regarding the judges and courts at the Council. The head of the commission is a judge but the members can also be non-judicial representatives.

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes.

Q. Is there a quorum in the decision-making process?

Yes.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Every member of the Council is free to choose the participation in the Council's commission.

Who appoints the representatives? Please outline the procedure?

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

No

(b) **Stemming from the practise?**

No

Q. What competencies, powers or functions do non-judicial representatives have in complaint/disciplinary procedures/Committees (or other kind of body)?

The complaint commission analyze the complaint and only suggests the action to the Council.

Decision making powers?	Consultative powers?

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No. The powers are equal.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

See above.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

See above.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

See above.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

See above.

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

See above.

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

See above.

Part one: Non-judicial Representatives in Judicial Councils**Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?**

The High Judicial Council is composed of the President of the Supreme Court of Cassation, Minister of Justice and the Chairman of the Committee for the Judiciary of the National Assembly as members ex officio, and eight electoral members elected by the National Assembly in accordance with the Law on High Judicial Council.

Electoral members include six judges with permanent tenure of office, one of which is from the territory of autonomous provinces, and two respected and prominent lawyers with at least 15 years of professional experience: one is a practicing attorney and the other professor of a law faculty.

Q. Is there a board of the Council? If yes, what is the composition of such body?**Q. What are the procedures for the selection, election or appointment of non-judicial representatives?**

The elected members of High Judicial Council, including non-judicial ones, are elected by National Assembly at the proposal of authorised nominators.

Authorized proponent for the election of a Council member from the ranks of lawyers is the Bar Association of Serbia. Candidates for the election of a Council member from the ranks of Faculty of law professors propose joint session of deans of law faculties in the Republic of Serbia.

The Minister of Justice and the Chairman of the Committee for the Judiciary of the National Assembly are the members ex officio. The Minister is member of the Government and the Chairman of the Judiciary of the National Assembly is a Member of the Parliament.

The President of the Council shall submit the decision on the commencement of the procedure for the nomination of candidates for Elected Members of the Council to the President of the Serbian Bar Association and the Dean of the oldest Law Faculty in the Republic of Serbia.

The procedure for the nomination of candidates for the Elected Member of the Council from the ranks of attorneys shall be organised and conducted by the Bar Association of Serbia in a manner ensuring the broadest possible representation of its Members.

The procedure for candidature, election and nomination is carried out in a manner and within timeframes set by the Bar Association of Serbia in its act.

The Bar Association of Serbia shall submit nominations to the National Assembly.

The Dean of the oldest law faculty in the Republic of Serbia shall submit the proposal for the candidate for the Council Member from the ranks of Faculty of Law professors to the National Assembly, in accordance with the decision of the joint session of all Deans of law faculties in the Republic of Serbia.

The joint session of faculty of law Deans in the Republic of Serbia shall be convened and chaired by the Dean of the oldest law faculty in the Republic of Serbia.

Q. Who appoints?

The National Assembly.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

(b) Stemming from the practise?

The Law on High Judicial Council prescribed that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.

There is no age limitations or gender quota.

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

All members of the Council have a same competencies, powers or functions in High Judicial Council.

Decision making powers?	Consultative powers?

Q. Do these differ from the powers and competences of judicial members? If yes, how?

No. The Council shall have eleven members, and decisions of the Council shall be passed by majority vote of all Members.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The term of office of the Elected Member of the Council from the ranks of attorneys and from among Faculty of Law professors is five years.

The term of office of ex officio Members - the Justice Minister and the Chairman of the Committee for the Judiciary of the National Assembly depends on their term of office as a Minister or the Member of the Parliament.

The term of office of the Elected Member of the Council from the rank of judges is five years, and they may be re-elected, but not consecutively.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Only elected Council Members from the ranks of judges, during performing the office in the Council, are entitled to the rights deriving from their employment with the Council. It is a full

The ex officio members of the Council and members from the ranks of attorneys and Faculty of Law professors are entitled to a separate fee for the work in the Council.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes they are. The separate fee for the work in the Council for ex officio members of the Council and members from the ranks of attorneys and Faculty of Law professors is determined by the competent Committee of the National Assembly.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

According to Law on High Judicial Council the member of the Council shall be obligatory suspended from office if remanded in custody.

The elected Council Members from the ranks of attorneys and from among Faculty of Law professors shall be obligatory suspended from office when a motion for dismissal of a member of the Council is filed.

They may be suspended when proceedings for their dismissal or criminal proceedings for a dismissible offence have been instituted.

Q. What are the grounds for disqualification from office (is it different from other members)?

The Law on High Judicial Council stipulates that all members of the Council - elected members and ex officio members shall be obligatory suspended from office if remanded in custody.

Only the elected Members - from the rank of judges, attorneys and from among Faculty of Law professors shall be obligatory suspended from office when a motion for dismissal of a member of the Council is filed, and when proceedings for their dismissal or criminal proceedings for a dismissible offence have been instituted.

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

No. Only the President of the Supreme Court of Cassation who is by virtue of office also the President of the Council.

The President of the Council shall represent the Council, manage its operations and perform other duties in accordance with law.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes. As a Members of High Judicial Council they participate in judicial appointment procedure.

All members of the High Judicial Council, including non-judicial ones, have equal vote in making decision procedure. Since one of the jurisdiction of the High Judicial Council is appointing presidents of the courts, non-judicial members of the High Judicial Council are involved in this very same procedure by voting as every other judicial member of High Judicial Council.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

The elected members of High Judicial Council, including non-judicial ones, are elected by National Assembly at the proposal of authorised nominators.

Authorized proponent for the election of a Council member from the ranks of lawyers is the Bar Association of Serbia. Candidates for the election of a Council member from the ranks of Faculty of law professors propose joint session of deans of law faculties in the Republic of Serbia.

The Minister of Justice and the Chairman of the Committee for the Judiciary of the National Assembly are the members ex officio. The Minister is member of the Government and the Chairman of the Judiciary of the National Assembly is a Member of the Parliament.

The President of the Council shall submit the decision on the commencement of the procedure for the nomination of candidates for Elected Members of the Council to the President of the Serbian Bar Association and the Dean of the oldest Law Faculty in the Republic of Serbia.

The procedure for the nomination of candidates for the Elected Member of the Council from the ranks of attorneys shall be organised and conducted by the Bar Association of Serbia in a manner ensuring the broadest possible representation of its Members.

The procedure for candidature, election and nomination is carried out in a manner and within timeframes set by the Bar Association of Serbia in its act.

The Bar Association of Serbia shall submit nominations to the National Assembly.

The nomination of candidates for Elected Members of the Council from among Faculty of Law professors shall be carried out in a manner and under the procedure defined by an act of the joint session of Deans of all law faculties in the Republic of Serbia.

The Dean of the oldest law faculty in the Republic of Serbia shall submit the proposal for the candidate for the Council Member from the ranks of Faculty of Law professors to the National Assembly, in accordance with the decision of the joint session of all Deans of law faculties in the Republic of Serbia.

The joint session of faculty of law Deans in the Republic of Serbia shall be convened and chaired by the Dean of the oldest law faculty in the Republic of Serbia.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

(b) Stemming from the practise?

The Law on High Judicial Council prescribed that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.

There is no age limitations or gender quota.

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

All members of the Council have a same competencies, powers or functions in High Judicial Council.

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No. The Council shall have eleven members, and decisions of the Council shall be passed by majority vote of all Members.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The term of office of the Elected Member of the Council from the ranks of attorneys and from among Faculty of Law professors is five years.

The term of office of ex officio Members - the Justice Minister and the Chairman of the Committee for the Judiciary of the National Assembly depends on their term of office as a Minister or the Member of the Parliament.

The term of office of the Elected Member of the Council from the rank of judges is five years, and they may be re-elected, but not consecutively.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Only elected Council Members from the ranks of judges, during performing the office in the Council, are entitled to the rights deriving from their employment with the Council. It is a full time.

The ex officio members of the Council and members from the ranks of attorneys and Faculty of Law professors are entitled to a separate fee for the work in the Council.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes they are. The separate fee for the work in the Council for ex officio members of the Council and members from the ranks of attorneys and Faculty of Law professors is determined by the competent Committee of the National Assembly.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

According to Law on High Judicial Council the member of the Council shall be obligatory suspended from office if remanded in custody.

The elected Council Members from the ranks of attorneys and from among Faculty of Law professors shall be obligatory suspended from office when a motion for dismissal of a member of the Council is filed.

They may be suspended when proceedings for their dismissal or criminal proceedings for a dismissible offence have been instituted.

Q. What are the grounds for disqualification from office (is it different from other members)?

The Law on High Judicial Council stipulates that all members of the Council - elected members and ex officio members shall be obligatory suspended from office if remanded in custody.

Only the elected Members - from the rank of judges, attorneys and from among Faculty of Law professors shall be obligatory suspended from office when a motion for dismissal of a member of the Council is filed, and when proceedings for their dismissal or criminal proceedings for a dismissible offence have been instituted.

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

No. Only the judge may be a President of the appointment committee.

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

No. The non-judicial representative members - the Minister of Justice, the Chairman of the Committee for the Judiciary of the National Assembly, member from the ranks of attorneys and from among Faculty of Law professors can't be a members of disciplinary bodies.

Council shall appoint members of disciplinary bodies from the ranks of judges with a permanent judicial office.

Q. Is there a quorum in the decision-making process?

Decisions of the Council shall be passed by majority vote of all Members.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

The elected members of High Judicial Council, including non-judicial ones, are elected by National Assembly at the proposal of authorised nominators.

Authorized proponent for the election of a Council member from the ranks of lawyers is the Bar Association of Serbia. Candidates for the election of a Council member from the ranks of Faculty of law professors propose joint session of deans of law faculties in the Republic of Serbia.

The Minister of Justice and the Chairman of the Committee for the Judiciary of the National Assembly are the members ex officio. The Minister is member of the Government and the Chairman of the Judiciary of the National Assembly is a Member of the Parliament.

The President of the Council shall submit the decision on the commencement of the procedure for the nomination of candidates for Elected Members of the Council to the President of the Serbian Bar Association and the Dean of the oldest Law Faculty in the Republic of Serbia.

The procedure for the nomination of candidates for the Elected Member of the Council from the ranks of attorneys shall be organised and conducted by the Bar Association of Serbia in a manner ensuring the broadest possible representation of its Members.

The procedure for candidature, election and nomination is carried out in a manner and within timeframes set by the Bar Association of Serbia in its act.

The Bar Association of Serbia shall submit nominations to the National Assembly.

The nomination of candidates for Elected Members of the Council from among Faculty of Law professors shall be carried out in a manner and under the procedure defined by an act of the joint session of Deans of all law faculties in the Republic of Serbia.

The Dean of the oldest law faculty in the Republic of Serbia shall submit the proposal for the candidate for the Council Member from the ranks of Faculty of Law professors to the National Assembly, in accordance with the decision of the joint session of all Deans of law. The joint session of faculty of law Deans in the Republic of Serbia shall be convened and chaired by the Dean of the oldest law faculty in the Republic of Serbia.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

(b) Stemming from the practise?

The Law on High Judicial Council prescribed that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.

There is no age limitations or gender quota.

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

All members of the Council have a same competencies, powers or functions in High Judicial Council.

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No. The Council shall have eleven members, and decisions of the Council shall be passed by majority vote of all Members.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The term of office of the Elected Member of the Council from the ranks of attorneys and from among Faculty of Law professors is five years.

The term of office of ex officio Members - the Justice Minister and the Chairman of the Committee for the Judiciary of the National Assembly depends on their term of office as a Minister or the Member of the Parliament. The term of office of the Elected Member of the Council from the rank of judges is five years, and they may be re-elected, but not consecutively.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Only elected Council Members from the ranks of judges, during performing the office in the Council, are entitled to the rights deriving from their employment with the Council. It is a full

The ex officio members of the Council and members from the ranks of attorneys and Faculty of Law professors are entitled to a separate fee for the work in the Council.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes they are. The separate fee for the work in the Council for ex officio members of the Council and members from the ranks of attorneys and Faculty of Law professors is determined by the competent Committee of the National Assembly.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

According to Law on High Judicial Council the member of the Council shall be obligatory suspended from office if remanded in custody.

The elected Council Members from the ranks of attorneys and from among Faculty of Law professors shall be obligatory suspended from office when a motion for dismissal of a member of the Council is filed.

They may be suspended when proceedings for their dismissal or criminal proceedings for a dismissible offence have been instituted.

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

The Law on High Judicial Council stipulates that all members of the Council - elected members and ex officio members shall be obligatory suspended from office if remanded in custody.

Only the elected Members - from the rank of judges, attorneys and from among Faculty of Law professors shall be obligatory suspended from office when a motion for dismissal of a member of the Council is filed, and when proceedings for their dismissal or criminal proceedings for a dismissible offence have been instituted.

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

According to the Regulation on the procedure for determining disciplinary responsibility and court presidents (Article 11):

The Council shall appoint members of disciplinary bodies from the ranks of judges with a permanent judicial office.

For the Disciplinary Prosecutor may be appointed a judge with a minimum of fifteen years of judicial office who has never been issued a disciplinary sanction.

For the President and members of the Disciplinary Commission and their deputies may be appointed a judge with a minimum of fifteen years of judicial office who has never been issued a disciplinary sanction.

Part one: Non-judicial Representatives in Judicial Councils

Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?

Members of Slovak judicial Council are:

eight judges, who are elected and recalled by judges of the Slovak Republic, three members who are appointed and recalled by the President of the Slovak Republic,

- three members who are appointed and recalled by the Government of the Slovak Republic,
- three members who are appointed and recalled by the National Council of the Slovak Republic,

„Members" don't have to be judges. They can be lawyers, professors at universities.

Q. Is there a board of the Council? If yes, what is the composition of such body?

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints?

- three members who are appointed and recalled by the President of the Slovak Republic,
- three members who are appointed and recalled by the Government of the Slovak Republic,
- three members who are appointed and recalled by the National Council of the Slovak Republic,

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details.

As a member of the Judicial Council of the Slovak Republic may be appointed person who is of impeccable character and has university education in law and at least 15 years of Professional practice.

Are they

(a) **Prescribed by law?**

Yes, it is stipulated in Act No. 185/2002 Coll. On the Judicial Council of the Slovak Republic and on amendments of certain Acts

(b) **Stemming from the practise?**

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

Decision making powers?	Consultative powers?
<p>Constitutional competences (stipulated in Constitution):</p> <p>a) The President of the Judicial Council of the Slovak Republic shall be elected and recalled by the Judicial Council of the Slovak Republic from among its members,</p> <p>b) to ensure discharging the duties of public control of the judiciary,</p> <p>c) to adopt an opinion on whether a candidate for appointment to the judicial office meets the requirements of judicial competence which guarantee that he/she will perform the judicial office properly,</p> <p>d) to decide on the assignment or transfer of judges,</p> <p>e) to present to the President of the Slovak Republic proposals for appointment of the President of the Supreme Court of the Slovak Republic and the Vice President of the Supreme Court of the Slovak Republic and proposals to remove them from their offices,</p> <p>f) to present to the Government of the Slovak Republic proposals of candidates for the judicial offices who should act in respect of the Slovak Republic within international judicial bodies,</p>	<p>a) to comment on draft budget of courts of the Slovak Republic during the preparation of the proposal of the state budget and to present an opinion on the draft budget of Republic,</p> <p>b) to express an opinion on proposals of the Government of the Slovak Republic about the organization of the judiciary, proceedings before courts and the status of judges.</p> <p>c) The Councils of Judges shall provide cooperation to the Judicial Council in the performance of its jurisdiction. Councils of Judges shall at request provide documents and information to the Judicial Council, which are necessary for the decision making of the Judicial Council. If a Judicial Council Member asks the Council of Judges to attend its meeting, the Council of Judges is obliged to comply with the request.</p>

<p>g) to elect and recall members of disciplinary panels and elect and recall chairmen of disciplinary senates,</p> <p>h) to monitor whether a judge meets requirements of judicial competence which guarantee that he/she will perform the judicial office properly throughout the entire term of a judicial office,</p>	
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<p>i) to issue the principles of judicial ethics in cooperation with the bodies of judicial self-administration,</p> <p>Other competences stipulated in Act No. 185/2002 on the Judicial Council of Slovak republic</p> <p>a) to discuss reports on the drawing of budgetary funds of courts,</p> <p>b) to approve statutes of the Judicial Council and rules of procedure of the Judicial Council,</p> <p>c) to approve the organizational order of the Office of the Judicial Council of the Slovak Republic (hereinafter referred to as " Office of the Judicial Council"),</p> <p>d) to elect the vice-President of the Judicial Council,</p> <p>e) to elect specified number of members of the Board of the Judicial Academy under special</p> <p>The Judicial Council, after agreement with the Minister of Justice of the Slovak Republic, shall also:</p> <p>a) approve principles of judicial ethics.</p> <p>b) approve principles governing work in a domestic environment</p> <p>c) determine the scope of education of judges</p>	
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Q. Do these differ from the powers and competences of judicial members? If yes, how?

No, these competencies are same for the judges and for the non-judicial representatives.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

The term of office of all members (judges and non-judicial) of the Judicial Council of the Slovak Republic shall be five years. The same person may be elected or appointed as a member of the Judiciary Council for a maximum of two consecutive terms.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

To be a member of the Judicial Council of Slovak republic is an honor. Only the President of the Judicial Council is full time.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

No, only the President of the Judicial council is remunerated from the Office of the Judicial Council of Slovak republic - the administrative body of the Judicial Council (The tasks connected with the professional, organisational, personnel, administrative and technical securing of activities of the Judicial Council shall be carried out by the Office of the Judicial Council)

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

The office of the Judicial Council Member is incompatible with the office of the president or the vice-president of the Supreme Audit Office of the Slovak Republic, office of prosecutor, member of the Police Force of the Slovak Republic and member of the Slovak Information Service

The office of President of the Judicial Council of the Slovak Republic shall be incompatible with an office in another public authority, civil service, employment relationship, analogical working relationship, business activity, membership in a management or supervisory body of a legal person dealing with business activity, neither with another economic or gainful activity, except for the administration of one's own assets and scientific, educational, literary or artistic activity.

Q. What are the grounds for disqualification from office (is it different from other members)?

The Office of the member and President of the Judicial Council shall cease in the following cases:

- a) expiry of the term of office of a Judicial Council member,
- b) resignation of the President or the member of the Judicial Council,
- c) removal of the President or the member of the Judicial Council,
- d) death,
- e) the expiry of the judge's function if he/she was elected by the judges of the Slovak republic
- f) failure to remove the incompatibility of office

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

Yes, it is possible because the President of the Judicial Council is elected from and by the members of the Judicial council.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes, all members can participate in the above mentioned procedures/committees.

Q. Is there a quorum in the decision-making process?

The Judicial Council shall always decide by a resolution. For the adoption of a resolution of the Judicial Council, the consent of an absolute majority of all its members shall be required

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

There isn't any special procedure.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details.

NO

Are they

(a) **Prescribed by law?**

(b) **Stemming from the practise?**

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

Q. Do those differ from the powers and competences of judicial members? If yes, how?

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Q. What are the grounds for disqualification from office (is it different from other members)?

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

The Judicial Council of Slovak republic appoints the members of the disciplinary senates on the recommendation of the Slovak government, National council and councils of judges. This is the only competence concerning the disciplinary procedure. The competences concerning the whole disciplinary proceedings are completely in the powers of the Supreme Court of the Slovak republic. So the questions below are irrelevant to Slovak judicial Council.

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Q. Is there a quorum in the decision-making process?

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) **Prescribed by law?**

(b) **Stemming from the practise?**

Q. What competencies, powers or functions do non-judicial representatives have in complaint/disciplinary procedures/Committees (or other kind of body)?

Q. Do those differ from the powers and competences of judicial members? If yes, how?

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

Part one: Non-judicial Representatives in Judicial Councils**Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?**

According to Art. 131 of the Slovene Constitution: "The Judicial Council is composed of eleven members. The National Assembly elects five members on the proposal of the President of the Republic from among university professors of law, attorneys, and other lawyers, whereas judges holding permanent judicial office elect six members from among their own number. The members of the Council select a president from among their own number."

As "lay" members on the Council are concerned "other lawyers," in accordance with the cited Art. 131 of the Constitution, have so far been (2) two public notaries and (2) lawyers from business companies.

Q. Is there a board of the Council? If yes, what is the composition of such body?

There is no special board of the Council. The chairpersons of the Council are the president and a vice-president, who are elected by Council members for one year term with the possibility of re-election maximum three times in their entire term of six years.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?**Who appoints?**

The National Assembly elects five members on the proposal of the President of the Republic. This constitutional provision is in more detail implemented by the Courts Act, providing that a list of candidates that the President proposes to the National Assembly must include more candidates than to be elected but twice as much as elected at most, and that the election is confidential.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

(b) Stemming from the practise?

The Constitution prescribes that "university professors of law, attorneys, and other lawyers" may be elected non-judicial members of the Council while the Courts Act has no provision on that. In practice the President of the Republic sends the above-mentioned list of candidates to the parliament from proposals that he or she receives on the basis of a call for applications sent to law faculties, the Slovene bar association, the Slovene public notaries association, and the association of Slovene business lawyers. The candidates must fulfil the conditions for their respective profession as there are no special conditions for them to meet so to be elected members of the Council.

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

Decision making powers?	Consultative powers?
<ul style="list-style-type: none"> • Propose to the National Assembly the candidates for election to judicial office; • propose to the National Assembly the dismissal of a judge; • appoint and dismiss presidents of the Courts except the president of the Supreme Court; • decide on the exceptional promotion of judges; • decide on judges' complaints concerning their regular promotion, which is in the competence of courts' presidents; • decide on the incompatibility of judicial office; • adopt the quantitative and qualitative criteria for the assessment of judges' work; • decide on the justifiability of the appeal by a judge who believes that his/her legal rights, or his/her independent position, or the independence of the judiciary have been violated; • decide on complaints against decisions on judges' transfer or appointment to a different judicial post, their promotion in terms of title and salary; 	<ul style="list-style-type: none"> • Provide an opinion on the proposed budget for the judiciary, and provide the National Assembly with an opinion on laws (i.e. draft laws) governing the status, rights, and duties of judges as well as judicial personnel; and • give consent to policies of discovering and combating corruption in the judiciary.

<ul style="list-style-type: none"> • adopt a code of judicial ethics; • adopt criteria for selection of candidates for judicial posts after a previous opinion by the Minister of Justice; • appoint members of the Ethics and Integrity Commission. 	
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Q. Do these differ from the powers and competences of judicial members? If yes, how?

Basically not, however, there is a provision in the Courts Act that only judicial members of the Council may be members of the Ethical Commission that is established at the Council.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

In accordance with the Courts Act provision, six years; no difference with respect to the judicial members of the Council.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

According to provisions of the Courts Act, their commitment is part time, which also applies to the judicial members.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

The Courts Act determines that both judicial and non-judicial members of the Council are remunerated for attending Council sessions. The volume of financial resources for the work of the Judicial Council and its professional service are provided within the framework of the state budget of the Republic of Slovenia for judiciary. The direct budget proposer in this respect is the Supreme Court of the Republic of Slovenia, however, only a small piece of the overall budget for Slovene judiciary is dedicated to the Judicial Council.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

There are no specific legal provisions on that but since only members of the above-mentioned legal professions having reputation in terms of knowledge and moral integrity are nominated by the President of the Republic and then elected by the National Assembly, persons lacking such capacity would normally be considered as unfit for that office.

Q. What are the grounds for disqualification from office (is it different from other members)?

There are two joint provisions for both types of members in the Courts Act concerning grounds for disqualification from office: (a) cessation of time for which they have been appointed; and (b) resignation. Furthermore, disqualified from office are: (c) a judicial member whose judicial office terminates (e.g. over 70 years of age) or is dismissed from the judicial office; (d) a non-judicial member who becomes incapable for performing their office or loses the professional status in connection with which they have been appointed.

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

Yes, and it has occurred twice in the short history of the Slovene Judicial Council that law professors became presidents of the Council.

Any additional remarks:

As due to relatively few provisions on the Judicial Council in the Courts Act, there has already been drafted a new Judicial Council Act. This draft in more detail define the legal status of the Council concerning its organizational, functional, and financial autonomy. Pursuant to the Slovene Constitution's regulation of the legislative procedure one of the proposers of new statutes is the Government, the Council has already urged the Minister of Justice to come up with this new draft which the Minister accepted positively but has not yet submitted it to the parliamentary procedure.

Moreover, also upon the proposal by the Council, the Minister agrees with amending the Constitution in the part determining that upon the Council's proposal new judges are elected by the National Assembly. One of the reasons for such, but so far no official proposals have already been

made, is that the Assembly has recently distrusted several proposals by the Councils, of which one was even unsuccessful and others have hardly passed through the parliament.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes, in no different manner than the judicial members of the Council.

Q. Is there a quorum in the decision-making process?

There is a general quorum for deciding at plenary sessions of the Council determining that for more important decisions of the Council at least two-thirds majority of all the members, which is in the case of the Slovene Council eight (out of eleven), must support such a decision. One of such important decisions that are specifically determined by the Courts Act is nomination or appointment of a candidate be it his or her (a) nomination for election by the parliament or (b) appointment of an already elected judge to a different judicial post.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

The National Assembly elects five members on the proposal of the President of the Republic. This constitutional provision is in more detail implemented by the Courts Act, providing that a list of candidates that the President proposes to the National Assembly must include more candidates than to be elected but twice as much as elected at most, and that the election is confidential.

The Constitution prescribes that "university professors of law, attorneys, and other lawyers" may be elected non-judicial members of the Council while the Courts Act has no provision on that. In practice the President of the Republic sends the above-mentioned list of candidates to the parliament from proposals that he or she receives on the basis of a call for applications sent to law faculties, the Slovene bar association, the Slovene public notaries association, and the association of Slovene business lawyers.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

(b) Stemming from the practise?

The candidates must fulfil the conditions for their respective profession as there are no special conditions prescribed by law for them to meet so to be elected members of the Council. However, in practice from the proposals submitted the President of the Republic selects those with a higher reputation in terms of both professional experience and moral integrity.

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

Decision making powers?	Consultative powers?
<ul style="list-style-type: none"> Propose to the National Assembly the candidates for election to judicial office; propose to the National Assembly the dismissal of a judge; appoint and dismiss presidents of the Courts except the president of the Supreme Court; and adopt criteria for selection of candidates for judicial posts after a previous opinion by the Minister of Justice. 	

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

In accordance with the Courts Act provision, six years; no difference with respect to the judicial members of the Council.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

According to provisions of the Courts Act, their commitment is part time, which also applies to the judicial members.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

The Courts Act determines that both judicial and non-judicial members of the Council are remunerated for attending Council sessions. The volume of financial resources for the work of the Judicial Council and its professional service are provided within the framework of the state budget of the Republic of Slovenia for judiciary. The direct budget proposes is the Supreme Court of the Republic of Slovenia; one small piece of the overall budget for Slovene judiciary is dedicated to the Judicial Council.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

There are no specific legal provisions on that but since only members of the above-mentioned legal professions having reputation in terms of knowledge and moral integrity are nominated by the President of the Republic and then elected by the National Assembly, persons lacking such capacity would normally be considered as unfit for that office.

Q. What are the grounds for disqualification from office (is it different from other members)?

There are two joint provisions for both types of members in the Courts Act concerning grounds for disqualification from office: (a) cessation of time for which they have been appointed; and (b) resignation. Furthermore, disqualified from office are: (c) a judicial member whose judicial office terminates (e.g. over 70 years of age) or is dismissed from the judicial office; (d) a non-judicial

member who becomes incapable for performing their office or loses the professional status in connection with which they have been appointed.

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

Candidates for judicial office are interviewed and their applications discussed only at plenary sessions of the Judicial Council so no special appointment committees exist. As a non-judicial representative may be president of the Council so he or she may also preside over it when new appointments are discussed.

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

The Slovene Judicial Council is not empowered to carry out disciplinary proceedings. Disciplinary courts are established at the Supreme Court of Slovenia. The Council may only propose the institution of such disciplinary proceedings. Thus, the below replies provided only concern the Council's deciding on complaints against decisions on judges' transfer or appointment to a different judicial post, and their promotion in terms of title and salary.

Q. Is there a quorum in the decision-making process?

There is a general quorum for deciding at plenary sessions of the Council determining that for more important decisions of the Council at least two-thirds majority of all the members, which is in the case of the Slovene Council eight (out of eleven), must support such a decision. One of such important decisions that are specifically determined by the Courts Act is also deciding on judges' complaints against decisions on their transfer or appointment to a different judicial post, and their promotion in terms of title and salary.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Who appoints the representatives? Please outline the procedure?

The National Assembly elects five members on the proposal of the President of the Republic. This constitutional provision is in more detail implemented by the Courts Act, providing that a list of candidates that the President proposes to the National Assembly must include more candidates than to be elected but twice as much as elected at most, and that the election is confidential.

The Constitution prescribes that "university professors of law, attorneys, and other lawyers" may be elected non-judicial members of the Council while the Courts Act has no provision on that. In practice the President of the Republic sends the above-mentioned list of candidates to the parliament from proposals that he or she receives on the basis of a call for applications sent to law faculties, the Slovene bar association, the Slovene public notaries association, and the association of Slovene business lawyers.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

(b) Stemming from the practise?

The candidates must fulfil the conditions for their respective profession as there are no special conditions prescribed by law for them to meet so to be elected members of the Council. However, in practice from the proposals submitted the President of the Republic selects those with a higher reputation in terms of both professional experience and moral integrity.

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

Decision making powers?	Consultative powers?
• Decide on judges' complaints against decisions on their transfer or appointment to a different judicial post, and their promotion in terms of title and salary.	

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

In accordance with the Courts Act provision, six years; no difference with respect to the judicial members of the Council.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

According to provisions of the Courts Act, their commitment is part time, which also applies to the judicial members.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

The Courts Act determines that both judicial and non-judicial members of the Council are remunerated for attending Council sessions. The volume of financial resources for the work of the Judicial Council and its professional service are provided within the framework of the state budget of the Republic of Slovenia for judiciary. The direct budget proposer in this respect is the Supreme Court of the Republic of Slovenia, however, only a small piece of the overall budget for Slovene judiciary is dedicated to the Judicial Council.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

There are no specific legal provisions on that but since only members of the above-mentioned legal professions having reputation in terms of knowledge and moral integrity are nominated by the President of the Republic and then elected by the National Assembly, persons lacking such capacity would normally be considered as unfit for that office.

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

There are two joint provisions for both types of members in the Courts Act concerning grounds for disqualification from office: (a) cessation of time for which they have been appointed; and (b) resignation. Furthermore, disqualified from office are: (c) a member judge whose judicial office terminates (e.g. over 70 years of age) or is dismissed from judicial office; (d) a non-judicial member who becomes incapable for performing their office or loses the status in connection with which they have been appointed.

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

Judges' complaints are discussed at plenary sessions of the Judicial Council so no special complaint committees exist. As a non-judicial representative may be president of the Council so he or she may also preside over it when such complaints are discussed.

Part one: Non-judicial Representatives in Judicial Councils**Q. Who are the members of the Councils for the Judiciary? Is it confined to judges or are there other categories of members? If there are other categories, please give details?**

The Spanish General Council for the Judiciary is a collegiate body composed of:

- a) Twenty members, called "Vocales", appointed by the King and elected by the Spanish Parliament (Congress and Senate) among judges and jurists of recognized competence.
- b) A Chairman, Chairman of the Supreme Court and of the General Council for the Judiciary, appointed by the King following the proposal by the Plenary of the Council during its constitutive sitting. He is elected among the members of the Spanish Judiciary or among jurists of recognized competence.

Number of members nominated by the Congress is 10: 6 judges (judicial members), 4 jurists of recognized competence (non-judicial members)

Number of members nominated by the Senate is 10: 6 judges (judicial members), 4 jurists of recognized competence (non-judicial members)

Chairman: Elected by the Plenary of the General Council of the Judiciary among the members of the Spanish Judiciary eligible to be appointed justices of the Supreme Court or jurist of recognized competence.

Q. Is there a board of the Council? If yes, what is the composition of such body?

The Plenary of the Council is composed by all the member of the General Council for the Judiciary.

The Standing Committee is composed by the President of the Supreme Court and the General Council for the Judiciary, who shall chair the Committee, and seven other members: four drawn from those appointed among practising judges (judicial members), and three drawn from those appointed among jurists of recognised competence (non-judicial members).

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Candidate Jurists: Competent jurists with more than fifteen years of practice in their profession. Also, judges who are not in active service, but have over fifteen years of professional experience.

All members are elected by a qualified majority of three fifth of each of the Chambers of Parliament (Congress and Senate).

All candidates for appointment must undergo an interview before the Committee for Legal Affairs of the relevant Chamber of Parliament.

Who appoints?

Members of the General Council of the Judiciary shall be appointed by the King by Royal Decree following the proposal by the Chambers of Parliament and will take up their posts under oath or affirmation before the King.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

Yes. Pursuant to article 567.2 and 3 of the Act on the Judiciary non-judicial members of the Council for the Judiciary must be practising jurists with at least 15 years of professional experience.

(b) Stemming from the practise?

Yes. Non-judicial members of the Council for the Judiciary tend to be appointed from different legal professions, such as prosecutors, university professors of legal subjects, practising advocates, court registrars, notaries public, state advocates ("Abogados del Estado"), etc. by both Chambers of Parliament.

Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?

Decision making powers?	Consultative powers?
<ul style="list-style-type: none"> • The Plenary of the Council is composed by all the member of the General Council for the Judiciary. • The Standing Committee is composed by the President of the Supreme Court and the General Council for the Judiciary, who shall chair the Committee, and seven other members: four judicial members and three non-judicial members. • The Disciplinary Committee shall comprise seven Members of the CGPJ: four judicial members and three non-judicial members. • The Economic Affairs Committee shall comprise three members of the Council with any background (judicial or non-judicial). • The Equality Committee shall comprise three members of the Council with any background (judicial or non-judicial), ensuring balance between the number of male and female members. 	<ul style="list-style-type: none"> • Both judicial and non-judicial members of the Council have the same consultative powers in the context of the Plenary or the Committees to which they belong.
<ul style="list-style-type: none"> • Both judicial and non-judicial members of the Council have the same decision making powers in the context of the Plenary or the Committees to which they belong 	

Q. Do these differ from the powers and competences of judicial members? If yes, how?

No, they do not. The only difference affects the powers and competences of the members of the Council for the Judiciary who are also members of its Standing Committee, since the eight members of the Standing Committee (both judicial and non-judicial members and also the President of the Council) work full-time as members of the Council and are paid a salary accordingly. The other members of the Council for the Judiciary who are not members of the Standing Committee only work part-time for the Council for the Judiciary and are paid per diems on the basis of the meetings of the Plenary and Committees actually attended by them.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

- No, it does not. Five years is the term of office for all Members of the Council for the Judiciary (both judicial and non-judicial).
- Members belonging to the Judiciary (i.e. judicial members) should cease when they are no longer in active service in the judiciary or reach the age of compulsory retirement.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

Depending whether they are also members of the Standing Committee of the Council for the Judiciary or not. As it has been already explained:

- Members of the Standing Committee (both judicial and non-judicial), shall serve on a full-time basis.
- Members of the General Council for the Judiciary who are not members of its Standing Committee serve on a part-time basis and remain on active duty if they belong to the Judiciary or any official body. Those being lawyers, solicitors of the courts or exercising any another legal profession will continue their professional activity.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Both judicial and non-judicial members of the Council for the Judiciary are remunerated in the same way. The only relevant difference affects members of the Standing Committee of the Council and other members of the Council. The former work full-time as members of the Council and are paid a salary accordingly irrespective of their background (i.e. judicial members or non-judicial members).

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Not having fifteen years of professional experience as a jurist required to be appointed or not being a recognised competent jurist.

Q. What are the grounds for disqualification from office (is it different from other members)?

- Members of the CGPJ shall only cease by the expiration of the five years term for which they were appointed, as well as by resignation accepted by the President of the General Council for the Judiciary. They may also be disqualified from office by incapability, incompatibility or serious breach of duties, assessed by three-fifths majority of the Plenary of the General Council for the Judiciary.
- There are no differences between members of the Council for the Judiciary as regards grounds for disqualification from office.

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

Yes, he could, provided he is eligible for the position of justice of the Supreme Court, which requires 25 years of professional experience as a jurist and recognized competence or prestige, pursuant to article 586.1 of the Act on the Judiciary.

Any additional remarks:

To be elected President of the Supreme Court and of the General Council for the Judiciary , it is mandatory to be either:

- a member of the judiciary with the rank of Justice of the Supreme Court who meets the qualifications to be Chairman of Division of the Supreme Court, or
- a jurist of recognized competence or prestige with more than twenty five years of professional experience.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes they can:

The Selection Committee appoints the Panels of Examination for initial judicial appointment as member of the Judiciary.

The Selection Committee is chaired by a Member of the General Council for the Judiciary (or a Senior Supreme Court Prosecutor, alternatively for each year). The other members of the Selection Committee are: a judge, a prosecutor, the Director of the Judicial School, the Director of the Centre for Legal Studies of the Administration of Justice and a member of the technical bodies (advisor) of the General Council for the Judiciary, or a member of the staff of the Ministry of Justice with a minimum level of Deputy Director General, both law graduates, who alternatively will act as secretary of the Commission.

The Panel of Examination assessing the tests for admission to the Judicial Career is chaired by a Supreme Court (or High Court) Judge or a Prosecutor of the Supreme Court (or High Court). Members of the panel should be: two judges, two prosecutors, one university professor of legal discipline, one state advocate ("Abogado del Estado") and one practising advocate with over 10 years of professional practice.

Q. Is there a quorum in the decision-making process?

Decisions on results are taken by majority. All members of the Panel should vote. If a member fails, a substitute is named.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

Appointment of members of the Panel shall be made by the Selection Committee as follows: the Chair, upon the joint proposal of the General Council for the Judiciary and the Attorney General; the two judges, by the General Council for the Judiciary; the two prosecutors, by the Attorney General; university professor, by the University Coordination Council; the state attorney ("Abogado del

Estado") and the court registrar, by the Ministry of Justice; and the practising advocate proposed by the General Council of Bar Associations.

Q. Who appoints the representatives? Please outline the procedure?

The Selection Committee is to appoint the representatives as above said.

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

No, they are not

(b) Stemming from the practise?

Each proposing body has its own internal procedures.

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

Decision making powers?	Consultative powers?
Full competences. Eguai as the other members of the Panels.	Full competences. Eguai as the other members of the Panels.

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No, they do not.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Same term applies for every member of the panels. The general term is determined by the Selection Committee upon the foreseen selection plan.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

All members of the panels have a part time commitment which is compatible with their normal working activity.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

They are remunerated by the Selection Committee. The applicable fees and per diems are equal to all members.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Not being a member of the proposing bodies.

Q. What are the grounds for disqualification from office (is it different from other members)?

Grounds for disqualification are not specifically envisaged in the law.

Q. Could a non-judicial representative assume the presidency of the appointment Committee?

A non-judicial member of the Council for the Judiciary can assume the presidency of the Selection Committee for initial judicial appointment. However, the Chairpersons of examination panels must be a Judge or a Prosecutor.

Any additional remarks:

Apart from the already explained procedure for initial judicial appointments, the Plenary of the Council for the Judiciary is responsible to decide on the promotion of practicing judges and on the appointment of holders of high judicial offices (including court presidents, justices of the Supreme Court and two judges of the Constitutional Court). The decisions on these issues are made by a majority of the members of the Council (except the appointment of the President of the Supreme Court and of the General Council for the Judiciary and the appointment of two judges of the Constitutional Court, which require a qualified majority of two thirds of the members of the Council), and both judicial and non-judicial members of the Council have the same decision making powers.

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes, they can. Pursuant to article 603.2 of the Act on the Judiciary, the Disciplinary Committee of the Council for the Judiciary shall comprise seven members: four appointed among the judicial members of the Council and three appointed among non-judicial members of the Council.

Q. Is there a quorum in the decision-making process?

Yes. According to article 603.4 of the Act on the Judiciary, all members of the Disciplinary Committee should attend the meetings.

Q. What are the procedures for the selection, election or appointment of non-judicial representatives?

The Plenary of the General Council for the Judiciary appoints the members of the Disciplinary Committee at the beginning of the mandate of the Council.

Who appoints the representatives? Please outline the procedure?

All the members of the Disciplinary Committee of the Council for the Judiciary are appointed by the Plenary of the Council following the proposal made by the President of the Council

Q. Are there any criteria (qualities) applicable to non-judicial representatives (age limitations, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)? If yes, please give details. Are they

(a) Prescribed by law?

There are no specific criteria or qualities applicable to non-judicial members of the Disciplinary Committee of the Council for the Judiciary. These non-judicial members must meet the criteria or qualities generally applicable to non judicial members of the Council for the Judiciary.

(b) Stemming from the practise?

Gender balance criteria are usually taken into account when making the proposal for appointment of all the members of the Disciplinary Committee of the Council for the Judiciary.

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

Decision making powers?	Consultative powers?
Full competences. Equal as the other members of the Committee	Full competences. Equal as the other members of the Committee

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No, they do not.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Five years. This term of office is the same for all members of the Disciplinary Committee of the Council.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

All the members of the Disciplinary Committee of the Council for the Judiciary (judicial and non-judicial) have part time commitment.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

All the members of the Disciplinary Committee of the Council for the Judiciary (judicial and non-judicial) are remunerated on equal basis. Since they work part-time for the Council for the Judiciary, they are only paid per diems on the basis of the meetings of the Committee actually attended by them.

Q. On what basis may a person be precluded from serving as a non-judicial representatives?

Not being a member of the Council for the Judiciary or not meeting the qualifying criteria to be a member of the Council for the Judiciary.

Q. What are the grounds for disqualification from membership by a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

The grounds for disqualification are those generally applicable to members of the Council for the Judiciary. These grounds are common to judicial and non-judicial members of the Disciplinary Committee of the Council.

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

No. Pursuant to article 603.3 of the Act on the Judiciary, the Disciplinary Committee of the Council for the Judiciary is chaired by the most senior of the judicial members of the Committee.

Any additional remarks:

Apart from the competences of the Disciplinary Committee of the Council for the Judiciary, and pursuant to article 599.10 of the Act on the Judiciary, the Plenary of the Council for the Judiciary is the only responsible body to impose the disciplinary sanction consisting in removal from office. The decisions on disciplinary cases are made by a majority of the members of the Plenary of the Council and both judicial and non-judicial members of the Council have the same decision making powers in this context.

Part one: Non-judicial Representatives in Judicial Councils**Q. What is the composition of the Councils for the Judiciary with regard to its members: only judges? Other categories of members? What categories?**

The Turkish High Council of Judges and Prosecutors consists of twenty-two regular and twelve substitute members. It consists of members elected by the first instance judges and prosecutors, the Plenary Sessions of the Court of Cassation and the Council of State and the Plenary Session of the Justice Academy of Turkey from among their members as well as the ones elected by the President of the Republic from among university jurist lecturers and lawyers.

Q. Is there a board of the council? If yes, what is the composition of such body?

There is only an inspection board which is subordinated to the Council.

Q. What are the procedures of non-judicial representatives selection/election/appointment?**Who appoints, in what procedure?**

Four members of the Council are assigned by the President of the Republic from among jurist lecturers and lawyers who have served for at least 15 years in the law discipline of higher education institutions and from among lawyers who have actually worked for at least 15 years.

Q. What criteria (qualities), if any, non-judicial representatives should fulfill (age, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)?

Four members of the Council are assigned by the President of the Republic from among jurist lecturers and lawyers who have served for at least 15 years in the law discipline of higher education institutions and from among lawyers who have actually worked for at least 15 years.

Prescribed by law?

The High Council of Judges and Prosecutors relies on Article 159 of the Constitution of the Republic of Turkey. The Law No. 6087 on the High Council of Judges and Prosecutors also regulates comprehensively the matters indicated in the mentioned Article of the Constitution.

Stemming from the practise?**Q. What competencies, powers or functions do non-judicial representatives have in the Councils for the Judiciary?**

Decision making powers?	Consultative powers?
Non-judicial representatives are members of the Plenary of the Council. They are also members of the First, Second and Third Chambers of the Council. Thus they have decision making powers at the Council.	

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Four years. They do not differ from the judicial members.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

It is a full time commitment.(disengaged from their position)

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes they are remunerated on the basis of judicial members.(These members are subject to the provisions regarding the heads of the departments at the Court of Cassation during their terms of office at the Council)

Q. What are the causes of incompatibility regarding the office to be hold by non-judicial representatives?

Q. What are the grounds for disqualification from membership as a non-judicial member of a Council for the Judiciary (is it different from other members)?

It is subject to same procedure with the judicial members. The rules concerning disqualification are regulated in the Law No: 6087.

Q. Could a non-judicial representative assume the presidency of the council for the judiciary?

They could only assume the deputy presidency of the Council.

Part two: Non-Judicial Representatives in judicial appointment procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes, they can. They are members of both First, Second, Third Chamber and the Plenary of the Council. The First Chamber is engaged in the appointment procedure. The first chamber has also a non-judicial representative can vote.

Q. Is there a quorum in the decision-making process?

The Plenary convenes with (the absolute majority of the total number of the members) at least twelve members and takes decisions with the absolute majority of the total number of its members. (Quorum for meetings: 12, quorum for decisions:12)

The chambers convenes with (the absolute majority of the total number of the members) at least four members and takes decisions with an absolute majority of the total number of its members(4)

Q. What are the procedures of non-judicial representatives selection/election/appointment?

Who appoints, in what procedure?

4 regular non-judicial representatives are appointed by the President of the Republic from among the academics who have served for at least 15 years in the law discipline of higher education institutions and from among lawyers who have actually worked for at least 15 years.

Q. What criteria (qualities), if any, non-judicial representatives should fulfill (age, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)?

From among the academics who have served for at least 15 years in the law discipline of higher education institutions and from among lawyers who have actually worked for at least 15 years and who do not have any obstacle in law to work as a judge.

Prescribed by law?

The High Council of Judges and Prosecutors relies on Article 159 of the Constitution of the Republic of Turkey. The Law No. 6087 on the High Council of Judges and Prosecutors also regulates comprehensively the matters indicated in the mentioned Article of the Constitution.

Stemming from the practise?

Q. What competencies, powers or functions do non-judicial representatives have in judicial appointments procedures/Committees (or other kind of body)?

Decision making powers?	Consultative powers?
Non-judicial representatives are members of the Plenary of the Council. They are also members of the First, Second and Third Chambers of the Council. Thus they have decision making powers at the Council. They can participate all decision making process of the chambers and the plenary of the Council.	

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Four years. They do not differ from the judicial members.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

It is a full time commitment. Those members became disengaged from their previous positions.

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes they are remunerated on the basis of judicial members by its own budget of the Council according to the Law 6087. They are also subject to the provisions regarding the heads of the departments at the Court of Cassation during their terms of office at the Council).

Q. What are the causes of incompatibility regarding the office to be held by non-judicial representatives?

Q. What are the grounds for disqualification from membership as a non-judicial member of an appointment Committee (is it different from other members)?

It is subject to same procedure with the judicial members. The rules concerning disqualification are regulated in the Law No: 6087.

Q. Could a non-judicial representative assume the presidency of the appointment Committee? They could assume the presidency of the appointment Committee.(It has never happened so far.)

Part three: Non Judicial Representatives in complaint and disciplinary procedures/Committees (or other kind of body)

Q. Can non judicial representatives members participate in the above mentioned procedures/Committees (or other kind of body)?

Yes, they can. They are members of both First, Second, Third Chamber and the Plenary of the Council. The Second Chamber is engaged in the disciplinary procedure and the Third Chamber is engaged in the compliant procedure. Both they have a non-judicial representative.

Q. Is there a quorum in the decision-making process?

The Plenary convenes with at least twelve members and takes decisions with the absolute majority of the total number of its members. (Quorum for meetings: 12, quorum for decisions:12)

The chambers convenes with at least four members and takes decisions with an absolute majority of the total number of its members(4)

Q. What are the procedures of non-judicial representatives selection/election/appointment?

Who appoints, in what procedure?

4 regular non-judicial representatives are appointed by the President of the Republic from among the academics who have served for at least 15 years in the law discipline of higher education institutions and from among lawyers who have actually worked for at least 15 years.

Q. What criteria (qualities), if any, non-judicial representatives should fulfill (age, professional experience, professional title, membership/nomination by relevant professional body, gender quota, other)?

From among the academics who have served for at least 15 years in the law discipline of higher education institutions and from among lawyers who have actually worked for at least 15 years and who do not have any obstacle in law to work as a judge.

Prescribed by law?

The High Council of Judges and Prosecutors relies on Article 159 of the Constitution of the Republic of Turkey. The Law No. 6087 on the High Council of Judges and Prosecutors also regulates comprehensively the matters indicated in the mentioned Article of the Constitution.

Stemming from the practise?

Q. What competencies, powers or functions do non-judicial representatives have in compliant/disciplinary procedures/Committees (or other kind of body)?

Decision making powers?	Consultative powers?
Non-judicial representatives are members of the Plenary of the Council. They are also members of the First, Second and Third Chambers of the Council. Thus they have decision making powers at the Council. They can participate all decision making process of the chambers and the plenary of the Council.	

Q. Do those differ from the powers and competences of judicial members? If yes, how?

No.

Q. What is the term of office of non-judicial representatives? Does it differ from the Judicial members?

Four years. They do not differ from the judicial members.

Q. What is the level of commitment of non-judicial representatives? Is it a full time or a part time?

It is a full time commitment. (These members are subject to the provisions regarding the heads of the departments at the Court of Cassation during their terms of office at the Council)

Q. Are non-judicial representatives remunerated for their time? If so, on what basis and by whom? Does it differ from the Judicial members?

Yes they are remunerated on the basis of judicial members by its own budget of the Council according to the Law 6087. (These members are subject to the provisions regarding the heads of the departments at the Court of Cassation during their terms of office at the Council)

Q. What are the causes of incompatibility regarding the office to be hold by non-judicial representatives?

Q. What are the grounds for disqualification from membership as a non-judicial member of a complaint/disciplinary Committee (or other kind of body) (is it different from other members)?

It is subject to same procedure with the judicial members.

Q. Could a non-judicial representative assume the presidency of the complaint/disciplinary Committee (or other kind of body)?

They could assume the presidency of the complaint/disciplinary Committee.