## Kohtukorraldus liikmesriikides

Liikmesriikide kohtusüsteemid on väga mitmekesised, kajastades erinevusi riikide kohtumõistmise tavas.

### Kohtud

Enamikus liikmesriikides on eri kohtuharud. Üldiselt esineb kolme liiki kohtuid:

üldkohtud,

erikohtud ja/või

põhiseaduskohtud.

Üldkohtud arutavad tavaliselt tsiviilasju (s.t kodanike ja/või ettevõtete vahelisi vaidlusi) ja/või kriminaalasju. Lisaks on paljud liikmesriigid loonud kohtuid eri küsimuste jaoks, näiteks riigiasutuste ja kodanike või ettevõtete vahelised vaidlused (haldusasjad jne).

Peale selle on mitmel liikmesriigil institutsioon või kohus põhiseaduse järgimise tagamiseks. Paljude nende institutsioonide või kohtute käest võib küsida, kas teatav õigusakt on kooskõla põhiseaduslike nõuetega. Mõned neist arutavad üksikisikute asju, kuid alles viimase astmena.

Lisaks riikide kohta esitatud teabele (vt lipukesi paremal küljel) võite leida väärtuslikku teavet järgmistelt Euroopa veebisaitidelt (loetelu ei ole ammendav):

Euroopa õigusatlas – sisaldab otsingumootorit pädeva kohtu väljaselgitamiseks,

Euroopa Liidu Kõrgema halduskohtu pädevusega Riiginõukogude ja Kõrgemate Kohtute Assotsiatsioon (ACA Europe) – veebisaidi menüüs sisaldub Euroopa ringvaade, mis käsitleb eelkõige põhiseaduslikke ja haldusvaidlusi,

ELi ülemkohtute presidentide võrgustik – teave liikmesriikide ülemkohtute kohta.

### Õige kohtu leidmine

Kui Te osalete kohtumenetluses või peaksite selles osalema hakkama, on Teil vaja leida oma asjas pädev kohus, see tähendab, et tuleb välja selgitada kohtualluvus. Kui Te pöördute valesse kohtusse või kui tekib vaidlus kohtualluvuse üle, võib menetlus oluliselt venida või kohtuasja ei hakata arutama, sest kohtualluvus on vale.

Kui kohtuasi on laadilt piiriülene ja hõlmab näiteks eri liikmesriikides elavaid pooli, tuleb Teil kõigepealt välja selgitada, millises liikmesriigis menetlus toimuma peaks. Portaali osa kohtusse pöördumine aitab Teid selles küsimuses.

### Muud kohtuasutused ja institutsioonid

Lisaks kohtutele hõlmab enamiku liikmesriikide kohtusüsteem muid kohtuasutusi ja institutsioone, kes on avaliku võimu kandjad, nagu näiteks prokurörid ja paljudel juhtudel riiklikud kaitsjad, notarid ja kohtutäiturid. Erasektori advokaatide, notarite ja muude kohtusüsteemis olulist rolli täitvate seotud ametialade töötajate kohta palume tutvuda õigusvaldkonna ameteid käsitleva osaga.

Euroopa Nõukogu juures tegutseva Euroopa Prokuröride Konsultatiivnõukogu veebisait pakub riigiprofiile ELi liikmesriikide ja muude Euroopa riikide kohta, Euroopa õigusalase koostöö võrgustik kriminaalasjades.

Viimati uuendatud: 17/11/2021

Käesolevat lehekülge haldab Euroopa Komisjon. Sellel veebisaidil avaldatud teave ei kajasta tingimata Euroopa Komisjoni ametlikku seisukohta. Komisjon ei võta mingit vastutust ega kohustusi seoses käesolevas dokumendis esitatud või viidatud teabe ega andmetega. Palun lugege õigusteabe viida alt ELi veebilehtede autoriõiguste eeskirjade kohta.

Juhime tähelepanu sellele, et käesoleva lehekülje fr originaalkeelset versiooni on hiljuti muudetud. Valitud keeleversiooni meie töötajad parajasti tõlgivad.

## National justice systems - Belgium

This section presents an overview of the organisation of the courts and tribunals.

### The judicial system

The Belgian judicial system is a **system in the civil law tradition**, in which a set of codified rules is applied and interpreted by judges.

The organisation of the courts in Belgium is a **solely federal responsibility**.

### Principles

Before setting out the court system in Belgium, it is useful to look at some constitutional and general principles **relating to the organisation of the judiciary**.

Alongside the legislative power and the executive power, the Constitution established the judicial power, exercised by the law courts. The courts thus constitute an **independent power** alongside the other constitutional powers.

The judicial power is exercised by the courts in accordance with the constitutional and legal provisions. The role of the judiciary is to judge cases. When it rules in disputes between citizens, it applies the civil law, and where a person has committed an offence it applies the criminal law. A distinction is made between the judges adjudicating cases in court (*la magistrature assise/de zittende magistratuur,* 'sitting judges') and the law officers who work in the State Counsel's Office or Prosecutor's Office (*ministère public/openbaar ministerie*), who essentially bring prosecutions (*la magistrature debout/de staande magistratuur,* 'standing judges', also known as the *parquet/parket,* 'the well of the court').

Under Articles 144 and 145 of the Constitution, disputes about civil rights belong exclusively to the competence of the courts, and disputes concerning political rights belong to the competence of the courts except where otherwise provided for by the law.

A court or other body capable of rendering judgment can be established only by statute. Under Article 146 of the Belgian Constitution, no extraordinary courts or commissions may be created, no matter what they may be called.

Court **hearings** are **public**, unless public access would endanger morals or the peace; if such is the case, the Court so declares in a judgment (Article 148(1) of the Constitution). The principle of public hearings ensures the transparency of justice.

A judgment must state the **reasons on which it is based.** It is delivered in public (Article 149 of the Constitution). The requirement to give reasons imposed by the Constitution and by Article 780 of the Judicial Code (*Code Judiciaire/Gerechtelijk Wetboek*) means that the court must respond to the factual and legal arguments put forward in the parties' submission. The reasons must be given in full and must be clear, precise and sufficient. The requirement to give reasons, like the independence of the judiciary, protects the litigant against possible arbitrary action, and he or she can decide in the light of the reasons given whether to lodge an appeal before an appeal court or the Court of Cassation (*Cour de cassation/Hof van Cassatie*).

Article 151(1) of the Constitution provides for the **independence of judges** in the exercise of their office, and the independence of the State Counsel's Office in the conduct of investigations and prosecutions in individual cases, subject only to the right of the responsible minister to order that a prosecution be brought and to issue binding criminal policy guidelines, including guidelines on investigation and prosecution policy.
Under Article 151(4), judges are **appointed by the King** under the conditions and in the manner specified by the law.
Judges are appointed for life. They retire at an age determined by law and receive a pension provided for by law. A judge can be deprived of his or her position or suspended only by a court judgment. A judge can be transferred only by appointing him or her to a new position and only with his or her consent (Article 152 of the Constitution). Officers of the State Counsel's Office are likewise appointed and dismissed by the King (Article 153 of the Constitution).
Salaries of members of the judiciary are determined by the law (Article 154 of the Constitution).
Judges cannot accept a salaried position from a government, unless they act free of charge and the position does not entail an incompatibility as determined by the law (Article 155 of the Constitution).

## Type of court

Belgium has five major judicial areas, each within the jurisdiction of a **court of appeal** (*cour d'appel/hof van beroep*), of which there are five: Brussels, Liege, Mons, Ghent and Antwerp.
These areas are divided into judicial districts (*arrondissements judiciaires/gerechtelijke arrondissementen*), **each having a court of first instance** (*tribunal de première instance/rechtbank van eerste aanleg*). There are 12 judicial districts in the country. The Brussels judicial district has two courts of first instance, one of which is Dutch-speaking and the other French-speaking.
In addition, the judicial districts have **9 labour tribunals** (*tribunaux du travail/arbeidsrechtbanken*) and **9 commercial courts** (*tribunaux de commerce /rechtbanken van koophandel*).
The districts are divided, in turn, into judicial cantons (*canton judiciaire/gerechtelijk kanton*), each with a **civil magistrate's court** (*justice de paix/vredegrerecht)* . There are 187 cantons in the country.
Each of the ten provinces, as well as the Brussels Capital administrative district, has an **assize court** (*cour d'assises/hof van assisen*). The assize court is not a permanent court. It is convened whenever an accused person is committed for trial before it.
The **type of court** that must hear the case is determined by the nature and severity of the offence, or the nature of the dispute, and also the size of the sums involved.
In some circumstances it is the nature of the dispute that determines the court with jurisdiction. Thus, a civil magistrate's court has jurisdiction over neighbourhood disputes, and the court of first instance has jurisdiction over divorce. In other cases it is the capacity of the parties that determines the appropriate court. Generally, most disputes between traders go before the commercial court.
Once the type of court with jurisdiction has been determined, it is necessary to designate **the place** where the case will be considered.
**In civil matters** the proceedings may be heard before the court of the defendant's place of residence or before the court of the place where the obligation was contracted or was to be performed.
**In criminal matters** jurisdiction lies with the court of the place where the offence was committed, the court of the place where the suspect resides, or the court of the place where the suspect may be found. In the case of legal persons, the court with jurisdiction is the court of the place where the legal person has its registered office or its principal place of business.

## Courts and their hierarchy

The ordinary courts are organised in a hierarchy. The structure of courts is as follows:

| | | | | |
|---|---|---|---|---|
| 4 | COURT OF CASSATION | | | |
| 3 | Appeal courts | Labour courts | | Assize courts |
| 2 | First instance courts | Labour tribunals | | Commercial courts |
| 1 | Civil magistrates | | Police courts | |
| | | | | |

The judgments of lower courts are called *jugements/vonnissen*. Judgments of the appeal courts, the employment courts, the assize courts and the Court of Cassation are called *arrêts/arresten*.
**Civil courts** mainly deal with private disputes between persons, both natural and legal.
The purpose of the **criminal courts** is to penalise the perpetrators of punishable acts by means of the sentences prescribed by law (imprisonment, community service, fine, etc.).
There are occasions when one of the parties does not agree with a judgment. Various forms of **redress** are open to the parties to the litigation or, in certain cases, to third parties to obtain a fresh judgment. Redress procedures fall into two categories: ordinary redress procedures and extraordinary redress procedures.
There are two types of **ordinary redress procedure**: **objection** (*opposition/oppositie*) and **appeal on points of fact and law** (*appel/hoger beroep*).
The **objection** procedure allows a defendant to object to a judgment. In this case, the case can be reconsidered by the court that ruled on it.
Apart from a limited number of instances when it is not possible, **appeal on points of fact and law** is a right that may be exercised by any of the parties concerned. A convicted person, a party claiming damages, an applicant, a defendant or the State Counsel's Office have the opportunity to have the case heard a second time. The appeal is always considered by a court higher than the one delivering the initial judgment.
The following table gives an **overview of the courts dealing with appeals,** depending on which body issued the judgment being appealed:

| Judgment | | Appeal |
|---|---|---|
| Civil magistrate | civil cases | Court of first instance (civil section) |
| | commercial cases | Commercial court |
| Police court | criminal cases | Court of first instance (Criminal court) |
| | civil cases | Court of first instance (Civil court) |
| Labour tribunal | | Labour court |
| Court of first instance | | Court of appeal |
| Commercial court | | Court of appeal |

**At the appeal stage** the judges (of the court of first instance or the court of appeal) deliberate the merits of the case for a second and last time and give a final ruling. The parties, however, still have the opportunity to bring **an appeal on points of law** (*pourvoi/cassatieberoep*) before the Court of Cassation.

In addition to these ordinary redress procedures, therefore, there are **'extraordinary' procedures**, the main one being the **appeal on points of law** to the court of Cassation. Appeal to the Court of Cassation does not constitute a third instance or a third level of court. The Court of Cassation does not examine the facts of the case referred to it, but rather whether the judgment complies with the law.
In addition to the courts mentioned above, two other types of court exist in Belgium. They have a monitoring role: the **Council of State** (*Conseil d'Etat/Raad van State*) and the **Constitutional Court** (*Cour Constitutionnelle/Constitutionele Hof*). The Council of State is a superior administrative court and monitors the administration. It considers applications from members of the public who believe that an administrative body has not observed the law. The role of the Constitutional Court is to ensure that acts, decrees and ordinances are in conformity with the Constitution and to oversee proper separation of powers between the public authorities.

**Legal databases**

The portal of the judiciary of Belgium gives access, among other things, to judgments, legislation and the Official Gazette (*Moniteur belge/Belgisch Staatsblad*).

**Is access to these databases free of charge?**

Yes, access to the database is free of charge.

**Related links**

Federal Public Service for Justice

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## National justice systems - Bulgaria

This section provides information about the judiciary in Bulgaria.

**Organisation of justice – judicial system**

The administration of justice in Bulgaria is based on three instances. The courts are state bodies that administer justice in civil, criminal and administrative cases.
The following courts exist in Bulgaria:
district courts– 113
provincial courts– 28
administrative courts – 28
Specialised Criminal Court – 1
courts of appeal – 5
Specialised Criminal Court of Appeal – 1
military courts – 5
Military Court of Appeal – 1
Supreme Court of Cassation – 1
Supreme Administrative Court – 1

**Administration of the courts**

The organisation and activities of the Bulgarian courts are governed by the Judicial System Act, which lays down the structure and operating principles of the judicial bodies and governs their interaction with each other and with the legislative and executive bodies.
Under the Judicial System Act, published in State Gazette No 64/2007, the Supreme Judicial Council is the highest administrative authority and is responsible for managing the judiciary and ensuring its independence. It determines the composition and organisation of the judiciary and manages its affairs without interfering with the independence of the bodies concerned.
The Supreme Judicial Council determines the number of judicial districts and the seats of the district, provincial, administrative and appeal courts on the basis of a proposal by the Minister of Justice and – as regards military courts – in coordination with the Minister of Defence.
The territorial jurisdictions of the district, provincial, administrative, military and appeal courts do not necessarily coincide with the administrative division of the country.

**Types of courts – brief description**

**District courts** – The district courts are the main courts for examining cases in the first instance. Their decisions are subject to appeal before the relevant provincial court.

**Provincial courts** – The provincial courts act as courts of first and second instance. As courts of first instance, they examine a precisely defined category of cases involving significant sums or substantial societal interest. When acting as a second (appellate) instance, they re-examine decisions taken by the district courts.

**Administrative courts -** The administrative courts have jurisdiction over all actions seeking: the issue, amendment, repeal or annulment of administrative acts; a declaration that an agreement covered by the Administrative Procedure Code is null or void; redress against unwarranted actions and omissions by the administration; protection against unlawful coercive enforcement; compensation for injury resulting from unlawful acts, actions or omissions by administrative authorities and officials; compensation for injury resulting from coercive enforcement; the annulment, invalidation or setting-aside of judgments rendered by administrative courts; a finding that an administrative act covered by the Administrative Procedure Code is not authentic.
Anyone can bring a legal action for ascertainment of the existence or non-existence of an administrative right or legal relationship, provided he or she has an interest and no other remedy is available.
Cases are examined by the Administrative Court within whose geographical jurisdiction the seat of the authority which issued the contested administrative act is located. If that seat is located abroad, cases are referred to the Sofia City Administrative Court.
Administrative acts directly implementing Bulgaria's national foreign, defence or security policy are not subject to judicial appeal, unless otherwise provided for in law.

**Other Specialised Courts**

**Military courts** examine, as courts of first instance, criminal cases concerning offences allegedly committed in the performance of their duties, or in connection therewith, by generals, officers, non-commissioned officers and rank-and-file in the Bulgarian army, civilian staff at the Ministry of Defence and personnel at other ministries and agencies within the structures reporting to the Minister of Defence, at the National Security Agency and at the National Intelligence Service. For such cases, the court of second instance is the Military Court of Appeal. The Criminal Procedure Code sets out the jurisdiction of the military courts. These courts have the same status as a provincial court.
There is only one **Military Court of Appeal,** which examines appeals and objections lodged against decisions handed down by military courts nationwide.
**The courts of appeal** consider appeals and objections against first-instance rulings by provincial courts within their territorial jurisdictions.
**The Specialised Criminal Court**, which has its seat in Sofia, is equivalent to a provincial court. Its jurisdiction is laid down by law. The criminal offences coming under the jurisdiction of the Specialised Criminal Court – essentially those committed by or for organised criminal groups – are exhaustively listed in Article 411a of the Criminal Procedure Code.
**The Specialised Criminal Court of Appeal** considers appeals and objections lodged against decisions handed down by the Specialised Criminal Court.
**The Supreme Court of Cassation** is the supreme judicial instance in criminal and civil cases. Its jurisdiction covers the entire territory of the Republic of Bulgaria. It exercises supreme judicial review over the proper and uniform application of laws by all courts. It has its seat in Sofia.
**The Supreme Administrative Court** exercises supreme judicial review over the proper and uniform application of laws by administrative courts.
The Supreme Administrative Court deals with complaints and objections against acts by the Council of Ministers, Prime Minister, Deputy Prime Minister, ministers, heads of other institutions directly subordinate to the Council of Ministers, acts of the Supreme Judicial Council, acts of the Bulgarian National Bank, acts of district governors and other acts established by statute; it adjudicates on challenges to the lawfulness of statutory instruments of secondary legislation; as a cassation instance, it examines judicial acts, adjudicates in administrative cases and examines applications for final judicial decisions in administrative cases to be set aside.
**Arbitration Court at the Bulgarian Chamber of Commerce and Industry**
The Arbitration Court settles civil disputes and disputes over filling gaps in contracts or adapting contracts to new circumstances, regardless of whether one or both parties have their registered office or domicile in the Republic of Bulgaria.
**Constitutional Court of the Republic of Bulgaria**
The Bulgarian **Constitutional Court** acts as guarantor for the irreversibility of the democratic processes in Bulgaria, the realisation of which is the Constitution's main aim. This court is not part of the judicial system; it is an independent body which derives its powers directly from the Constitution and which operates under a special law. The Court's decisions on, *inter alia*, the protection of citizens' human rights and legal interests, the separation of powers, the inviolability of private property, free enterprise, the independence of the media, the prohibition of censorship and the constitutionality of the Framework Convention for the Protection of National Minorities have won considerable public and international acclaim.
Legal database
Every court in Bulgaria maintains a website, which provides information both on the court's structure and activities and on cases past and present.
The website of the **Supreme Judicial Council** provides a detailed list of the courts in Bulgaria, along with their addresses and websites (available in Bulgarian only).
The main court websites are:
Sofia District Court (*Sofiyski Rayonen Sad*) (SRS)
Sofia City Court (*Sofiyski Gradski Sad*) (SGS)
Sofia Provincial Court (*Sofiyski Okrazhen Sad)* (SOS)
Specialised Criminal Court (*Spetsializiran Nakazatelen Sad*) (SpNS)
Sofia Court of Appeal (*Sofiyski Apelativen Sad*) (SAS)
Military Court of Appeal (*Voenno Apelativen Sad*)
Specialised Criminal Court of Appeal (*Apelativen Spetsializiran Nakazatelen Sad*) (ASpNS)
Supreme Administrative Court (*Varhoven Administrativen Sad*) (VAS)
Supreme Court of Cassation (*Varhoven Kasatsionen Sad*) (VKS)
Constitutional Court (*Konstitutsionen Sad*) (KS)
**Electronic legislation databases:**
**Commercial**
Apis
Ciela
Juridical Encyclopaedia (*Yuridicheska Entsiklopedia*)
**Free of charge**
Lex
Electronic Official Journal (*Elektronen Darzhaven Vestnik)*
**Other useful websites providing legal information:**
National Assembly (*Narodno Sabranie*)
Council of Ministers (*Ministerski Savet*)
Ministry of Justice (*Ministerstvo na Pravosadieto*)
Supreme Judicial Counc (*Vissh Sadeben Savet*)
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## National justice systems - Czechia

**Organisation of justice/judicial systems**
The judicial system in the Czech Republic consists of the Constitutional Court of the Czech Republic and the 'ordinary' court system.
The ordinary court system consists of the Supreme Court (*nejvyšší soud*), the Supreme Administrative Court (*nejvyšší správní soud*), high courts (*vrchní soudy*), regional courts (*krajské soudy*) and district courts (*okresní soudy*).

**Court administration**
The central state administrative body for the courts is the Ministry of Justice of the Czech Republic.

The Ministry of Justice administers the high courts, regional courts and district courts within the scope of Act No 6/2002 on law courts and judges, either directly or through the Presidents of the courts; the district courts may also administered by the Ministry of Justice through the Presidents of the regional courts.
Some central government tasks are carried out by the President of the Supreme Court of the Czech Republic (or the Vice-President where appropriate) and the President of the Supreme Administrative Court of the Czech Republic (or the Vice-President where appropriate).
The state administration of the courts is carried out taking into account the observations of the relevant Councils for the Judiciary established within the Supreme Court of the Czech Republic, the Supreme Administrative Court of the Czech Republic, the high courts, regional courts and all district courts.
Certain administrative activities are carried out by the administrative director of the court, who reports to the President of the court.

**Types of courts - short description**

The ordinary court system consists of four organisational branches:
the district courts; the area courts (*obvodní soudy*) in the capital Prague and the Municipal Court in Brno have the same status as the district courts
the regional courts in Brno, České Budějovice, Hradec Králové, Ostrava, Plzeň, Prague, Ústí nad Labem and the Municipal Court in Prague
the high courts in Prague and Olomouc
the Supreme Court and the Supreme Administrative Court in Brno.

**The special court system consists only of the Constitutional Court of the Czech Republic.**

**Court hierarchy**

The Czech Republic has a two-instance system, which is a determining factor in the hierarchical organisation of the system of remedies. From this point of view, the hierarchical relationship between the courts, based on the level of that branch within the judicial system, has three tiers.

**Further information is set out in the section on the ordinary court system in the Czech Republic.**

**Pursuant to Act No 6/2002 on law courts and judges:**

**District courts**

(a) rule as courts of first instance except where otherwise laid down by acts concerning court proceedings
(b) rule on other cases laid down by the Act.

**Regional courts**

(a) rule on cases laid down by the Act concerning court proceedings as courts of second instance in cases decided at first instance by the district courts belonging to their areas;
(b) rule on cases laid down by the Act concerning court proceedings as courts of first instance;
(c) rule on matters of administrative justice in cases laid down by the Act;
(d) rule on other cases laid down by the Act.

**High courts**

(a) rule on cases laid down by the Act concerning court proceedings as courts of second instance in cases decided at first instance by the regional courts belonging to their areas;
(b) rule on other cases laid down by the Act.

**Supreme Court of the Czech Republic**

As the supreme judicial authority in matters relating to the jurisdiction of the courts in civil and criminal proceedings, the Supreme Court of the Czech Republic ensures the consistency and legality of decisions by
(a) ruling on extraordinary appeals in cases laid down by the Acts concerning court proceedings;
(b) ruling on other cases laid down by specific legislation or by an international treaty ratified by Parliament which is binding on the Czech Republic and has been promulgated.
The Supreme Court also rules on:
(a) the recognition and enforcement of judgments by foreign courts, where required by specific legislation or by an international treaty ratified by Parliament which is binding on the Czech Republic and has been promulgated;
(b) other cases laid down by specific legislation or by an international treaty ratified by Parliament which is binding on the Czech Republic and has been promulgated.
The Supreme Court monitors and assesses the final judgments by courts in civil and criminal proceedings, and on the basis thereof, in the interests of consistent decision-making by the courts, delivers opinions concerning decision-making by the courts in particular types of case.

**Pursuant to Act No 150/2002, the Code of Administrative Procedure:**

**Supreme Administrative Court of the Czech Republic**

As the supreme judicial authority in matters relating to the jurisdiction of the courts in the administrative judiciary, the Supreme Administrative Court ensures the consistency and legality of decisions by ruling on applications for review in cases laid down by the Act and by ruling on other cases laid down by this or a specific Act.
The Supreme Administrative Court monitors and assesses the final decisions taken by courts in the administrative judiciary, and on the basis thereof, in the interests of consistent decision-making by the courts, delivers opinions concerning decision-making by the courts in particular types of case.
In the interests of legal and consistent decision-making by administrative authorities, the Supreme Administrative Court may, in cases laid down by this Act and using a procedure laid down therein, decide on a fundamental resolution as part of its decision-making activity.

**Legal databases**

Justice Portal
Portal of the Public Administration

**Is access to the database free of charge?**

Both internet portals may be accessed free of charge.

**Brief description of content**

The Justice Portal contains information on the Ministry of Justice, individual courts, the Public Prosecutor and their contact details.
The official government portal provides the legislation of the Czech Republic published in the Collection of Acts.

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## National justice systems - Denmark

This section provides you with an overview of the court system in Denmark.

### Organisation of justice – judicial systems

The Danish courts system is composed of:

The **Supreme Court**

The **two high courts**

The **Maritime and Commercial Court**

The **Land Registration Court**

**24 district courts**

The **courts of the Faroe Islands and Greenland**

The **Appeals Permission Board**

The **Special Court of Indictment and Revision**

The **Danish Judicial Appointments Council** and

The **Danish Court Administration**.

### Administration of courts

The courts are administered by the **Danish Court Administration,** which was established as a new independent institution on **1st July 1999**. This body ensures the proper and adequate administration of the funds, staff, buildings and IT of the courts and the Appeals Permission Board.

The Danish Court Administration is headed by a **board of governors** and a **director**. The Danish Court Administration falls under the Ministry of Justice, but the Minister has no powers of instruction and cannot change decisions made by the Danish Court Administration.

The board of governors is the chief executive and generally liable for the activities of the Danish Court Administration. The director – who is appointed and may be discharged by the board of governors – is responsible for day-to-day management. The director is not required to hold a law degree.

The Danish Court Administration Act determines the composition of the Danish Court Administration's board of governors. The board of governors has 11 members, eight of whom are court representatives, one a lawyer and two who have special management and social insights.

### Legal databases

For more information, please consult the continuously updated overview and description of the Danish judicial system.

### Related Links

Civil Affairs Agency

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Järgmised keeleversioonid: de on juba tõlgitud.

## National justice systems - Germany

This section provides you with an overview of the court system in Germany.

### Organisation of justice – judicial systems

Because of the federal order of the Federal Republic of Germany, the court system is also structured federally. Jurisdiction is exercised by federal courts and by the courts of the **16 federal states** (Länder). The main workload of the administration of justice lies with the Länder.

The German court system is divided into five **independent specialised branches or jurisdictions**:

Ordinary jurisdiction

Labour jurisdiction

General administrative jurisdiction

Fiscal jurisdiction

Social jurisdiction.

In addition to these specialised jurisdictions, there is the constitutional jurisdiction, which consists of the **Federal Constitutional Court** and the **constitutional courts of the Länder**.

You can see an overview of the structure of the courts on website of the German Federal Ministry of Justice.

### Administration of courts

The courts of the Länder are generally administered by the federal ministries of justice. At the federal level, the Federal **Minister of Justice** is responsible for the Federal Court of Justice, the Federal Administrative Court and the Federal Finance Court. The Federal Ministry of Labour and Social Affairs is responsible for the Federal Labour Court and the Federal Social Court.

The responsible ministries also administer the necessary budgetary resources. The only exception is the Federal Constitutional Court, which has been granted organisational autonomy as an independent constitutional organ. It presents its own court budget for approval.

### Types of courts – short description

In Germany, the court structure is divided between ordinary jurisdiction and specialised courts. The ordinary jurisdiction consists of the civil and criminal jurisdiction. The specialised courts are the administrative courts, the finance courts, the labour courts and the social courts. In addition, there is the constitutional jurisdiction, which consists of the Federal Constitutional Court and the constitutional courts of the Länder.

### Hierarchy of courts

See the hierarchy of courts (overview) provided by the Federal Ministry of Justice.

### Related Links

Website of the German Federal Ministry of Justice

Federal Court of Justice

Federal Administrative Court

Federal Finance Court

Federal Labour Court

Federal Social Court

Federal Constitutional Court

Federal Ministry of Justice

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## National justice systems - Estonia

This section provides you with an overview of the court system in Estonia.

### Organisation of justice – judicial systems

The Estonian Constitution requires that justice be administered solely by courts. Courts must administer justice in accordance with the Constitution and other laws. Pursuant to the Constitution, the Estonian court system has exclusive competence to administer justice. A court is separate from both the executive and legislative spheres in the performance of its duties.

### Administration of courts

Courts of first and second instance are administered by the Ministry of Justice together with the Council for Administration of Courts. The Council for Administration of Courts is an advisory board set up to run the court system and its work is directed by the Chief Justice of the Supreme Court. The courts of first and second instance are financed from the State budget, through the budget of the Ministry of Justice. The Supreme Court is independently responsible for its own administration and has its own budget.

**The Council for Administration of Courts is composed of:**

the Chief Justice of the Supreme Court (also the chair of the Council);
five judges appointed for three years by all judges sitting together (*en banc*);
two Members of the Estonian Parliament;
an attorney-at-law appointed by the board of the Bar Association;
the Chief Public Prosecutor or a public prosecutor appointed by him or her;
the Chancellor of Justice or a representative appointed by him or her;
the Minister of Justice, or their representative, who participates in Council sessions and has the right to speak.

You can find more information on the Council for Administration of Courts here.

### Hierarchy of courts

Estonia's court system consists of **three levels**:

**County courts** and **administrative courts** are courts of first instance.

**District courts** (courts of appeal) are courts of second instance.

The **Supreme Court** is the court of final appeal (cassation).

As general courts, county courts hear civil, criminal and misdemeanour cases. As courts of first instance, administrative courts hear those administrative cases which are placed under their jurisdiction by law. District courts are courts of second instance which scrutinise rulings given by the country and administrative courts in the event of an appeal. The Supreme Court is the highest court and hears appeals in cassation lodged against district court rulings. The Supreme Court is also the court of constitutional review.

### Legal databases

General information on the Estonian legal system can be found on the website of the Ministry of Justice.

An overview of the court system in Estonia can be found on the Courts website.

### Is access to this database free of charge?

Access to information concerning the Estonian legal and court system is **free of charge**.

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## National justice systems - Ireland

This section gives you an overview of the court system in Ireland.

### Organisation of Justice – Ireland

The Courts Service, which is an independent corporate body that came into existence in November 1999 and was established by the Government under the Courts Service Act, 1998, has the following statutory responsibilities:

a. To manage the courts,
b. To provide support services for the judges,
c. To provide information on the courts system to the public,
d. To provide, manage and maintain court buildings, and
e. To provide facilities for users of the courts.

The Constitution of Ireland prescribes that justice shall be administered in courts established by law by judges appointed by the President on the advice of the Government; the judges of all courts are under the Constitution completely independent in the exercise of their judicial functions. A judge may not be removed from office except for stated misbehaviour or incapacity and then only on foot of resolutions passed by both Houses of the Oireachtas (Parliament).

### Hierarchy of courts

The Constitution outlines the structure of the court system as comprising a court of final appeal, the Supreme Court, the Court of Appeal which has jurisdiction in both criminal and civil matters, and courts of first instance which include a High Court with full jurisdiction in all criminal and civil matters and courts of limited jurisdiction, the Circuit Court and the District Court organised on a regional basis.

In relation to criminal trials, Article 38 states that "No person shall be tried on any criminal charge save in the due course of law". Minor offences are tried in courts of summary jurisdiction while a person accused of a more serious offence cannot be tried without a jury. The Constitution also makes provision for the establishment of Special Courts to secure the effective administration of justice where the ordinary courts would be unable to do so.

The public are welcome to enter all courts except those displaying the 'in camera' sign which means that the case is not open to the general public.

**The courts which try civil matters are organised in the following structures:**

| Supreme Court | Court of Appeal |
| --- | --- |
| | |

| | |
|---|---|
| (Based in Dublin)<br>Appellate Jurisdiction | (Based in Dublin)<br>Appellate Jurisdiction |
| **High Court** | **Circuit Court** |
| **(Based in Dublin)**<br>**Full original Jurisdiction and appellate Jurisdiction from the Circuit Court and certain other tribunals** | (Based in each of the 26 county towns)<br>Original Jurisdiction up to €75,000. (€60,000 in personal injuries actions) and appellate Jurisdiction from the<br>District Court and certain other tribunals |
| **District Court** | |
| (Based in 24 districts)<br>Original jurisdiction up to €15,000 (Includes Small Claims procedure for certain consumer claims up to €2,000) | |

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## National justice systems - Greece

This section provides you with an overview of the court system in Greece.

Organisation of justice - judicial systems

Justice in Greece is one of the three functions of the State. According to the principle of **separation of powers**, the judiciary is **independent** from the legislative and executive authorities.

### Types of courts – short description

Courts in Greece are divided into the following main **categories**:

Administrative courts (*Dioikitika dikastiria*)

Civil courts (*Politika dikastiria*)

Criminal courts (*Poinika dikastiria*)

### Court administration

The Courts are managed by judicial officers and, in particular, by the President of the Court or the Three-Member Council of the Court, as appropriate.

### Court hierarchy

**Civil courts:**

Supreme Court (*Areios Pagos*), Court of Appeal, Courts of First Instance, District Courts

**Criminal Courts:**

Supreme Court, Courts of Appeal, Magistrate's Courts, Misdemeanour Courts

**Administrative courts:**

Council of State, Administrative Courts of Appeal, Administrative Courts

### Related links

- Council of State
- Athens Administrative Court of First Instance
- Public Prosecutor's Office at the Athens Court of First Instance
- Ministry of Justice
- Supreme Court

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Juhime tähelepanu sellele, et käesoleva lehekülje es originaalkeelset versiooni on hiljuti muudetud. Valitud keeleversiooni meie töötajad parajasti tõlgivad.

## National justice systems - Spain

This section provides a general overview of the court system in Spain.

**Organisation of justice. System of courts.**

### Administration of justice

In terms of contemporary legal systems, the Spanish system follows what is known as the continental model.

The basic features of this model are:

a separation between the public and private sectors of the legal system, which is divided into sections covering constitutional, criminal, administrative, tax, civil, commercial, labour and procedural matters;

primacy of statute law and written law, within the system of sources as defined in the Civil Code, namely statute, custom and the general principles of law;

hierarchical organisation of the judiciary with a system of judicial appeals.

### Types of courts – brief description

The Spanish Constitution of 1978 states that Spain is a social and democratic state subject to the rule of law, which advocates liberty, justice, equality and political pluralism as the overriding values of its legal system.

The Constitution is based on the indissoluble unity of the Spanish Nation, the common and indivisible homeland of all Spaniards, and it recognises and guarantees the right to selfgovernment of the nationalities and regions of which it is composed, and solidarity among them all.

Title VI of the Constitution is given over to the judiciary, with Article 117 stating that the principle of the unity of the judicial power is the basis for the organisation and operation of the courts.

All these principles inform the organisation of the courts in Spain, resulting in the existence of a single judiciary making up the ordinary courts.

Numerous courts exist, among which the work is distributed according to criteria for determining jurisdiction – subject matter, amount, person, function or region – since the unity of the judicial power does not preclude the existence of different courts with different areas of jurisdiction.
The ordinary courts are those regulated by the Organic Law on the Judiciary provided for in Article 122 of the 1978 Constitution.
A distinction must be made between three fundamental aspects:
the territorial aspect;
whether it is a single judge or a bench of judges who sit in the court;
jurisdiction.

**The territorial aspect**

In accordance with the explanatory memorandum to Organic Law 6/1985 of 1 July 1985 on the Judiciary, the State is divided **territorially**, for judicial purposes, into municipalities, districts (*partidos*), provinces and autonomous communities, with jurisdiction over them being exercised by justice of the peace courts (*Juzgados de Paz*), courts of first instance and preliminary investigations (*Juzgados de Primera Instancia e Instrucción*), administrative courts ( *Juzgados de lo Contencioso-Administrativo*), labour tribunals (*Juzgado de lo Social*), courts responsible for the welfare and supervision of prisoners ( *Juzgados de Vigilancia Penitenciaria*) and juvenile courts (*Juzgados de Menores*), provincial courts (*Audiencias Provinciales*) and the autonomous communities' high courts (*Tribunales Superiores de Justicia*). The National Criminal and Administrative Court (*Audiencia Nacional*), the Supreme Court ( *Tribunal Supremo*), the central courts of preliminary investigations (*Juzgados Centrales de Instrucción*) and the central administrative courts (*Juzgados Centrales de lo Contencioso-administrativo*) have nation-wide jurisdiction.

**Single judge or bench of judges**

A single judge sits in all the courts with the exception of the Supreme Court, the National Criminal and Administrative Court, the autonomous communities' high courts and the provincial courts.
The **Supreme Court** comprises its president, the divisional presidents (*presidentes de sala*) and the judges (*magistrados*) assigned by the law to each division. There are five divisions: civil, criminal, administrative, labour and military.
The **National Criminal and Administrative Court** (*Audiencia Nacional*) consists of a president, the divisional presidents and the judges assigned by the law to each division (appeals, criminal, administrative and labour).
The autonomous communities' **high courts** (*Tribunales Superiores de Justicia*) comprise four divisions (civil, criminal, administrative and labour). They consist of a president, who is also the president of the civil and criminal divisions, the divisional presidents and the judges assigned by the law to each division.
The **provincial courts** (*Audiencias Provinciales*) comprise one president and two or more judges. They hear civil and criminal cases. There may be sections with the same composition.

**The Courts Office**

The Organic Law on the Judiciary defines the Courts Office (*Oficina Judicial*) as an administrative organisation which acts as a support for the judicial work of judges and courts.
It was designed to improve the efficiency, effectiveness and transparency of judicial proceedings, to streamline the resolution of cases, and to encourage cooperation and coordination between the various administrations. The launch of this Office is thus a response to the undertaking to ensure a quality public service that is close to the people, complies with constitutional values and is in keeping with the actual needs of citizens.
It is a new organisational model that introduces modern management techniques based on a combination of different administrative units: units providing direct support for judicial procedures equivalent to the old courthouses (*juzgados*), which support the judge in his judicial duties, and common procedural services headed by registrars (*Secretarios Judiciales*), which carry out and decide on all the tasks that are not strictly judicial such as receiving documents, handling summonses, enforcing decisions, non-judicial proceedings, admission of a petition for trial, notification of parties, remedying of procedural shortcomings, etc.
There are three types of common procedural services:
Common General Service
Common Case Management Service
Common Enforcement Service.
The new organisational model was launched in Burgos and Murcia in November 2010. In February 2011, the Courts Office was established in Cáceres and Ciudad Real, and in Leon, Cuenca and Mérida in June 2011. It will also be established in Ceuta and Melilla in 2013. This model coexists alongside the former model of courthouses (*juzgados* and *tribunals*) which is found elsewhere in Spain.

**Jurisdiction**

In addition to the territorial aspect, the matters or issues that can come before the courts are of different kinds, and are dealt with by **four systems of courts:**
**Civil courts**: deal with disputes not explicitly assigned to another class of court. They can therefore be described as ordinary courts.
**Criminal courts**: criminal cases and proceedings must be dealt with in the criminal system. In Spanish law, however, civil action arising out of a criminal offence can be brought at the same time as the criminal action. In such a case, the appropriate damages to be paid in order to make good the loss caused by the offence or misdemeanour will be determined by the criminal court.
**Administrative courts**: examine the legality of acts carried out by the authorities and financial claims made against them.
**Labour tribunals**: deal with claims made under labour law, both in individual disputes between workers and employers arising from the employment contract, and in relation to collective bargaining, as well as social security claims or claims against the state when it bears liability under employment legislation.
In addition to these four court systems, there are also **military courts in Spain**.
The military courts are an exception to the principle of the unity of the judicial power.
**For further information please consult the factsheet on ordinary courts in Spain.**
In Spain no system of extraordinary courts exists; however, in the context of the judicial systems mentioned, **special courts have been created for specific matters, for example courts dealing with violence against women, courts responsible for the welfare and supervision of prisoners and juvenile courts. These are ordinary courts but are specialised in a particular area. For more information, see the factsheet on specialised courts in Spain**.

**Hierarchy of courts**

The system of appeals gives rise to a hierarchical structure of courts within the appeal system.
You must find out what the Spanish legal system says as regards the jurisdiction of each court in order to see what possibilities of appeal exist and before which court an appeal must be lodged. **For further information, see the factsheet on ordinary courts in Spain.**

**Data bases on law**

**Is access to the data bases free of charge?**

Yes, access is free of charge.

**Brief summary of contents**

Data bases on legislation. Spanish Official State Gazette.
Data bases on case law. Centre of Court Documents.

**Related links**

GENERAL COUNCIL OF THE JUDICIARY

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## National justice systems - France

This section provides an overview of the organisation of the courts.

### Organisation of the courts - ordinary courts and administrative courts

#### The structure of the courts

**Ordinary courts**

**1. First instance:**

**Civil courts**

General court (*tribunal judiciaire*)

Specialised civil courts (employment tribunal (*conseil de prud'hommes*), commercial court (*tribunal de commerce)*, etc.)

**Criminal courts**

Police court (*tribunal de police*), dealing with minor offences (*contraventions*)

Criminal court (*tribunal correctionnel*), dealing with intermediate offences (*délits*)

Assize court (*cour d'assises*), dealing with serious offences (*crimes*)

**2. Second instance: Courts of appeal (*cours d'appel*)**

**3. Court of Cassation (*Cour de cassation*)**

**Administrative courts**

**1. First instance**

Administrative court (*tribunal administratif*)

Specialised administrative courts (financial courts, such as the regional auditors' office (*chambre régionale des comptes*), social welfare courts (*juridictions d' aide sociale*), professional disciplinary courts (*juridictions disciplinaires*)

**2. Second instance:**

Administrative courts of appeal (*cours administratives d'appel)*

Specialised administrative courts of appeal (*juridictions administratives d'appel spécialisées)*, such as the Court of Auditors (*Cour des comptes*) or the Central Commission for Social Welfare (*Commission centrale d'aide sociale*)

**3. Council of State (*Conseil d'Etat*)**

More information can be found on the Council of State website.

**Legal databases**

Access to legal databases in France is provided via the Internet as a public service. The Légifrance site covers:

judgments of the Court of Cassation and the courts of appeal (« CASS », « INCA » and « CAPP »databases)

decisions of the Council of State

decisions of the administrative courts of appeal

decisions of some administrative courts (in the « JADE » database).

#### Is access to these databases free of charge?

Access to these databases is free of charge.

**Related links**

Finding competent court

Organisation of the courts - France

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## National justice systems - Croatia

**Justice system in the Republic of Croatia**

The Constitution of the Republic of Croatia provides that authority in the Republic of Croatia is organised according to the principle of tripartite separation of powers, so that legislative authority is exercised by the Croatian Parliament, executive authority by the Government of the Republic of Croatia and judicial authority by the courts of the Republic of Croatia; the authorities cooperate with and check each other, while maintaining independence from the other branches of authority in their work and decision-making. As holders of judicial authority, the courts administer justice according to the Constitution, laws, regulations and international treaties which the Republic of Croatia has signed and ratified. Judicial office is held by judges appointed by the State Judicial Council. In exercising their judicial office, judges must be independent and autonomous and they enjoy immunity in accordance with the law. Judicial office is permanent, and a judge may not perform any other duty.

The judicial (justice) system of the Republic of Croatia consists of the judiciary (courts), autonomous and independent judicial bodies (public prosecutor's offices), the executive (Ministry of Justice), autonomous and independent bodies (State Judicial Council and Council of Public Prosecutors), an autonomous and independent service (legal profession), an autonomous and independent public service (notaries) and a public institution (Judicial Academy).

**Organisation of the judicial system in the Republic of Croatia**

**The task of the Ministry of Justice is to preserve the fundamental values of the legal order, to ensure the conditions for its sound functioning and to further develop the judicial system.**

**The Ministry of Justice performs:**

**administrative and other tasks related to:**

civil, criminal, misdemeanour and commercial law, and administrative justice; organisation, operation and professional training in authorities enforcing criminal and misdemeanour penalties; administrative and other tasks in the notarial and legal professions; court and notary fees; international legal assistance and other forms of legal assistance; the enforcement of criminal and misdemeanour penalties, pardons and conditional release; administrative and professional tasks concerning probation when deciding on prosecution and when choosing the type and extent of criminal penalties; the enforcement of non-custodial sentences imposed on adult perpetrators of criminal offences; tasks for the development and coordination of the system to support victims and witnesses; the computerisation of the judiciary; and **monitoring the performance of administrative tasks in the judicial bodies, Public Prosecutor's Office and law enforcement bodies;**

**administrative and other tasks related to:**

right of ownership, property matters relating to expropriation and other restrictions on ownership, property matters concerning construction, agricultural and forest land, land consolidation, the sale and purchase of land and buildings and those agricultural operations that do not fall within the remit of another government body, the property of foreign nationals, compensation for property confiscated during the Yugoslav communist rule that do not fall within the remit of another government body, and matters concerning the succession of property, rights and liabilities of the former Socialist Federal Republic of Yugoslavia (SFRY);

administrative and professional tasks related to the cooperation of the Government of the Republic of Croatia with international criminal courts, representation of the Republic of Croatia before the International Court and other international courts, unless otherwise provided for by a specific decision of the Government of the Republic of Croatia, and tasks related to the protection of human rights and the rights of national minorities that do not fall within the remit of another government body;

participating with the Ministry responsible for state asset management in the tasks of managing and disposing of stocks and shares of companies constituting state assets owned by the Republic of Croatia and in respect of companies principally engaged in activities within the Ministry's remit;

tasks related to the participation of the Republic of Croatia in the work of the bodies of the European Union in the areas under the Ministry's jurisdiction;

other tasks within the Ministry's competence under a specific law.

**Courts in the Republic of Croatia**

The Courts Act (*Zakon o sudovima*) regulates the organisation, remit and jurisdiction of the courts.

In the Republic of Croatia, judicial authority is exercised by the courts as separate bodies of state authority. They exercise their authority autonomously and independently within the scope and jurisdiction prescribed by law.

The courts take decisions on the basis of the Constitution of the Republic of Croatia, international treaties that form part of the legal order of the Republic of Croatia, laws and other regulations that have been adopted in accordance with the Constitution of the Republic of Croatia, international treaties or laws.

The courts decide on cases concerning fundamental human rights and obligations, the rights and obligations of the Republic of Croatia and of local and regional self-government units and the rights and obligations of other legal persons; impose penalties and other measures against the perpetrators of crimes, misdemeanours and offences specified by law and other regulations; review the legality of general and individual acts of the public administration authorities; decide on disputes concerning the personal relations of citizens, labour, commercial, property and other civil cases; and decide on other legal cases as provided for by law. Courts administer justice according to the Constitution, international treaties, laws and other valid sources of law.

Judicial authority in the Republic of Croatia is administered by the **ordinary** and **specialised courts**, and the **Supreme Court of the Republic of Croatia (*Vrhovni sud Republike Hrvatske*), which is also the highest court in the Republic of Croatia**.

**Ordinary courts** are courts which deal with matters over which no specialised court has jurisdiction. These are the municipal courts (*općinski sudovi*) and county courts (*županijski sudovi*).

**Specialised courts** are courts which deal with matters over which the law has given them jurisdiction. They are commercial courts (*trgovački sudovi*), administrative courts (*upravni sudovi*), misdemeanour courts (prekršajni sudovi), the High Commercial Court of the Republic of Croatia (*Visoki trgovački sud Republike Hrvatske*), the High Administrative Court of the Republic of Croatia (*Visoki upravni sud Republike Hrvatske*) and the High Misdemeanour Court of the Republic of Croatia (*Visoki prekršajni sud Republike Hrvatske*).

The courts are further divided into courts of first and second instance.

Proceedings to settle a legal matter are brought before the courts of first instance. These are the municipal, administrative, misdemeanour and commercial courts.

The courts of second instance take decisions on appeal against decisions of courts of first instance and carry out other tasks laid down by law. These are the county courts (in relation to municipal courts), the High Commercial Court of the Republic of Croatia (in relation to commercial courts), the High Misdemeanour Court of the Republic of Croatia (in relation to misdemeanour courts) and the High Administrative Court of the Republic of Croatia (in relation to administrative courts).

Municipal and misdemeanour courts are established for the territory of one or more municipalities, one or more towns or parts of an urban area, whereas the county, commercial and administrative courts are established for the territory of one or more counties.

The High Commercial Court of the Republic of Croatia, the High Administrative Court of the Republic of Croatia, the High Misdemeanour Court of the Republic of Croatia and the Supreme Court of the Republic of Croatia are established for the territory of the Republic of Croatia.

**Supreme Court of the Republic of Croatia**

The **Supreme Court of the Republic of Croatia** is based in Zagreb.

It ensures uniform application of law and the equality of everyone in the application of law;

It decides on ordinary legal remedies when this is provided for by a dedicated law;

It decides on extraordinary legal remedies against final judgments of the courts in the Republic of Croatia;

It decides on conflicts of jurisdiction when this is provided for by a dedicated law;

It deals with current case-law issues, examines the need for professional training of judges, court clerks and trainee judges and carries out other tasks as provided for by law.

**Supreme Court of the Republic of Croatia**

Trg Nikole Šubića Zrinskog 3

10 000 Zagreb

Tel.: +385 1 486 22 22, +385 1 481 00 36

Fax: +385 1 481 00 35

Email: vsrh@vsrh.hr

http://www.vsrh.hr/

**President of the Supreme Court of the Republic of Croatia**

The President of the Supreme Court of the Republic of Croatia represents the Supreme Court of the Republic of Croatia and the judicial authority, and performs court administration tasks and other tasks defined by law and by the Rules of Procedure of the Supreme Court of the Republic of Croatia.
The President of the Supreme Court is elected for a period of four years by the Croatian Parliament, following a proposal from the President of the Republic of Croatia once the General Assembly (*Opća sjednica*) of the Supreme Court of the Republic of Croatia and the competent committee of the Croatian Parliament have given their opinion, and may be re-elected for the same post at the end of that period. No one may be elected for this post more than twice.
Anyone who fulfils the general and specific conditions to be a judge of the Supreme Court of the Republic of Croatia may be elected President of that court. If a person who has not served as a judge in the Supreme Court of the Republic of Croatia is elected President of that court, the State Judicial Council will appoint that person also as a judge of that court.

**The Territories and Seats of Courts Act (*Zakon o područjima i sjedištima sudova*) (*Narodne novine* (NN; Official Gazette of the Republic of Croatia) No 67/18) implemented a territorial organisation and further rationalisation of the court network, creating 15 county courts, 34 municipal courts, 9 commercial courts and 4 administrative courts**.

*Courts Act*

*Territories and Seats of Courts Act*

**Judicial authorities**

The judicial authorities in the Republic of Croatia comprise courts and public prosecutor's offices.

**Courts**

**Supreme Court of the Republic of Croatia**

| | | | |
|---|---|---|---|
| County courts (15) | High Commercial Court (1) | High Administrative Court (1) | High Misdemeanour Court (1) |
| Municipal courts (34) | Commercial courts (9) | Administrative courts (4) | |

**Public Prosecutor's Office (*Državno odvjetništvo*)**

The Public Prosecutor's Office is an autonomous and independent judicial body that is authorised and obliged to take action against perpetrators of crimes and other punishable offences, to take legal action to protect the assets of the Republic of Croatia and to submit legal remedies to protect the Constitution of the Republic of Croatia and the legislation.
The Public Prosecutor's Office exercises its powers on the basis of the Constitution of the Republic of Croatia, international treaties that form part of the legal order of the Republic of Croatia, the EU *acquis*, legislation and other sources of law.
The Public Prosecutor's Office of the Republic of Croatia has been established to cover the entire territory of the Republic of Croatia; municipal public prosecutor's offices (*općinska državna odvjetništva*) have been set up to deal with municipal courts and public law bodies; and county public prosecutor's offices (*županijska državna odvjetništva*) have been set up to deal with county, commercial and administrative courts. The law may establish dedicated public prosecutor's offices to deal with certain types of case and before courts designated by law.
Municipal public prosecutor's offices are subordinate to the county public prosecutor's offices; the county public prosecutor's offices and dedicated public prosecutor's offices are subordinate to the Public Prosecutor's Office of the Republic of Croatia.
A public prosecutor's office is headed by a public prosecutor, who is responsible for performing the tasks within the remit of the public prosecutor's office that he/she represents and manages.
The Prosecutor-General (*Glavni državni odvjetnik*) of the Republic of Croatia is head of the Public Prosecutor's Office of the Republic of Croatia. Anyone who fulfils the general and specific conditions for appointment as Deputy Prosecutor-General of the Republic of Croatia may be appointed as Prosecutor-General of the Republic of Croatia. The Prosecutor-General of the Republic of Croatia is appointed for a period of four years by the Croatian Parliament, following a proposal from the Government of the Republic of Croatia once the Justice Committee of the Croatian Parliament has given its opinion, and may be reappointed for the same post at the end of that period. No one may be appointed to this post more than twice.

**The Territories and Registered Offices of Public Prosecutor's Offices Act (*Narodne novine* (NN; Official Gazette of the Republic of Croatia) No 67/18) streamlined the network of public prosecutor's offices, creating 15 county public prosecutor's offices and 25 municipal public prosecutor's offices.**

**Public Prosecutor's Office of the Republic of Croatia**

| | |
|---|---|
| Office for the Prevention of Corruption and Organised Crime (*Ured za suzbijanje korupcije i organiziranog kriminaliteta, USKOK*) | County public prosecutor's offices |
| | Municipal public prosecutor's offices |

Public Prosecutor's Office of the Republic of Croatia
Gajeva 30a, 10 000 Zagreb
http://www.dorh.hr/
Prosecutor-General
Tel.: +385 1 459 18 88
Fax: +385 1 459 18 54
Email: tajnistvo.dorh@dorh.hr
Criminal Division (*Kazneni odjel*)
Tel.: +385 1 459 18 00
Fax: +385 1 459 18 05
Email: tajnistvo.kazneni@dorh.hr
Civil and Administrative Affairs Division (*Građansko upravni odjel*)
Tel.: +385 1 459 18 61
Fax: +385 1 459 19 12
Email: tajnistvo.gradjanski@dorh.hr [VJ1]

County and municipal public prosecutor's offices

Public Prosecutor's Office Act

Territories and Registered Offices of Public Prosecutor's Offices Act

**Office for the Prevention of Corruption and Organised Crime**

The Zagreb-based Office for the Prevention of Corruption and Organised Crime (USKOK) is a dedicated public prosecutor's office specialising in the prosecution of corruption and organised crime, which covers the entire territory of the Republic of Croatia. The jurisdiction of the Office for the Prevention of Corruption and Organised Crime is laid down in the Act on the Office for the Prevention of Corruption and Organised Crime.

Office for the Prevention of Corruption and Organised Crime
Gajeva 30a
10 000 Zagreb
Tel.: +385 4591 874
Fax: + 385 1 4591 878
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Act on the Office for the Prevention of Corruption and Organised Crime

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# National justice systems - Italy

This section provides you with an overview of the court system in Italy.

## Organisation of justice – judicial systems

The Italian judicial system is based on the civil law.

The function of a judge, as well as of that of a public prosecutor, is exercised by members of the judiciary. The administrative function is carried out by the Ministry of Justice.

The judicial function can be broken down into the following areas:

Ordinary civil and criminal

Administrative

Accounting

Military

Taxation

Jurisdiction over administrative matters is exercised by regional administrative courts (Tribunali Amministrativi Regionali or TAR) and by the Council of State (Consiglio di Stato).

Jurisdiction over accounting matters is exercised by the State Auditors' court (Corte dei conti). The office of its general public prosecutor is based at the same court.

Jurisdiction over taxation matters is exercised by the Provincial Taxation Commissions and the District Taxation Commissions.

Jurisdiction in military affairs is exercised by the military courts, the military appeals court, the surveillance military court, military prosecutors based at the military courts, general military prosecutors based at the military appeals court, and the general military prosecutor based at the Court of Cassation.

Jurisdiction over ordinary civil and criminal matters is exercised by magistrates belonging to the judicial order, which is divided into judges on the one hand and magistrates of the public prosecutor's office on the other, fulfilling the roles of judges and investigators respectively.

### Administration of courts

The Constitution, among the government structures, puts the Ministry of Justice in charge of court administration because of its special function, role and relationship with the judiciary.

After a very difficult public examination, magistrates are assigned to courts in a certain area of competence, according to their personal choice. They cannot be assigned, promoted, removed, transferred or punished without deliberation by the Consiglio Superiore della Magistratura or CSM (the superior council of magistrates) and with special guarantees of protection.

All matters related to magistrates must be evaluated by the CSM, which protects the independence of the magistrates and their status.

The President of the Italian Republic is also president of the CSM.

The Ministry of Justice carries out its administrative and organisational functions at two levels:

Within the central structures (dipartimenti), mainly in Rome and, for special areas of competence, also in local sections

In judicial offices, tribunals, courts and so on

The administrative function is also responsible for the personnel assigned to judicial services.

At the top level of the courts (or public prosecution offices), there is:

A chief magistrate, who is in charge of the judiciary and has the last word on office decisions

A court manager (dirigente) dedicated to the organisation of judicial services for the public and internal assistance to judges and prosecutors. The dirigente is the highest position in the administrative personnel.

### Types of courts – short description

Courts are set up as follows:

#### First instance

Justices of the peace (giudici di pace) – who are honorary (not professional) judges. They hear minor civil and criminal matters

Courts or tribunals (tribunali) – hear the more serious cases

The penal office (ufficio di sorveglianza) – hears cases in the first instance involving penal (criminal) justice (questions about prisoners, convictions, etc.)

Juvenile court (tribunale per i minorenni)

#### Second instance

To claim against the first decision on factual grounds and the interpretation of the law:

Courts of appeal (corte d'appello)

Penal tribunals (tribunale di sorveglianza) – second instance (and, in some special matters, first instance) courts in matters involving penal justice

#### Third instance

To obtain recourse for infringement of the law at the highest level:

Supreme court (corte di cassazione) – with overall competence and final instance

Inside the main tribunals, there are also special sections. Courts of assizes (corti d'assise) sit with two professional judges and six jurors. Jurors are chosen from the body of citizens to serve for short periods, to cooperate and represent the various sectors of society. These courts take decisions on serious crimes (murder, serious assault and similar).
Magistrates who play the role of the public prosecutors in the trials are:
Chief prosecutors of first instance (procuratore della Repubblica presso il Tribunale) and their deputies (sostituti procuratori)
Chief prosecutors of second instance (procuratore generale presso la Corte d'appello) and their deputies (sostituti procuratori generali)
Attorney general for the supreme court (procuratore generale presso la Corte di cassazione) and his or her deputies (sostituti procuratori generali)
In Italy, the role of public prosecutor is played by career magistrates, who exercise their functions under the supervision of the chief of their bureau. This operates as a kind of hierarchy that applies only to the public prosecutors' offices.

**Hierarchy of courts**

<table>
<tr><td></td><td>Civil Jurisdiction</td><td>Criminal Jurisdiction</td><td>Juvenile Jurisdiction</td><td>Penal Jurisdiction</td></tr>
<tr><td>I Degree</td><td>Justice of the Peace</td><td>Justice of the Peace</td><td>Juvenile Court</td><td>Penal Office/Penal Tribunal</td></tr>
<tr><td rowspan="2">II Degree</td><td>Tribunal</td><td>Tribunal</td><td rowspan="2">Specialised Section of the Court of Appeal</td><td rowspan="2">Penal Tribunal</td></tr>
<tr><td>Court of Appeal</td><td>Court of Appeal</td></tr>
<tr><td>Infringement of law</td><td>Supreme Court (or Court of Cassation)</td><td>Supreme Court (or Court of Cassation)</td><td>Supreme Court (or Court of Cassation)</td><td>Supreme Court (or Court of Cassation)</td></tr>
</table>

## Legal databases

The website of the Italian Ministry of Justice contains information about the judiciary, the Ministry of Justice, the respective competences of and contact details for various offices.
The website of the Superior Council of Magistrates offers details about the Italian judicial system in Italian, English and French.
Both websites are accessible free of charge.

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# National justice systems - Cyprus

## Organisation of justice – Judicial systems

### Administration of courts

Cyprus was a British colony until 1960 and the legal systems established are based almost entirely on the English legal system and legislation was passed on the basis of the principles of common law and equity.
The legal system which has been in force since the Republic of Cyprus was established retains the influence of the English legal system. The courts of the Republic of Cyprus apply the following laws:
The Constitution of the Republic of Cyprus (Σύνταγμα της Κυπριακής Δημοκρατίας)
The laws retained by virtue of Article 188 of the Constitution
The principles of common law and the principles of equity
The laws passed by the House of Representatives (Βουλή των Αντιπροσώπων).
Following the accession of the Republic of Cyprus to the European Union in 2004, the Constitution of the Republic of Cyprus was amended so that European law has supremacy.

### Types of courts – a short description

There are courts of two instances in Cyprus: the Supreme Court (Ανώτατο Δικαστήριο) (second instance) and the various courts of first instance listed below:
SUPREME COURT (ΑΝΩΤΑΤΟ ΔΙΚΑΣΤΗΡΙΟ)
DISTRICT COURTS (ΕΠΑΡΧΙΑΚΑ ΔΙΚΑΣΤΗΡΙΑ)
ASSIZE COURTS (ΚΑΚΟΥΡΓΙΟΔΙΚΕΙΑ)
FAMILY COURTS (ΟΙΚΟΓΕΝΕΙΑΚΑ ΔΙΚΑΣΤΗΡΙΑ)
RENT CONTROL TRIBUNAL (ΔΙΚΑΣΤΗΡΙΑ ΕΛΕΓΧΟΥ ΕΝΟΙΚΙΑΣΕΩΝ)
INDUSTRIAL DISPUTES TRIBUNAL (ΔΙΚΑΣΤΗΡΙΑ ΕΡΓΑΤΙΚΩΝ ΔΙΑΦΟΡΩΝ)
MILITARY COURT (ΣΤΡΑΤΙΩΤΙΚΟ ΔΙΚΑΣΤΗΡΙΟ)

## Legal databases

There is still no official legal database. There are a number of private legal databases, some of which provide subscriber services and some of which provide free access.
They contain information on court judgments and primary legislation.

### Related Links

Supreme Court of Cyprus (Ανώτατο Δικαστήριο Κύπρου)

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Järgmised keeleversioonid: lv on juba tõlgitud.

# National justice systems - Latvia

This section provides you with an overview of the court system in Latvia.

## Organisation of justice – judicial systems

Alongside the legislative and the executive branches of government, Latvia has an independent judiciary, with a three-tiered court system. The Constitution states that judicial power is vested in district and city courts, regional courts, the Supreme Court and the Constitutional Court and, in the event of war or a state of emergency, also in military courts.

## Administration of courts

Pursuant to the Law on Judicial Power, the main public authority for the administration of courts is the **Ministry of Justice**.

The Ministry of Justice:

may issue internal regulations on how the administrative work of district and city courts, regional courts and land registry offices is organised;

may request district and city courts, regional courts and land registry offices to provide it with the information necessary for it to perform the functions assigned to it under laws and regulations;

is responsible for the institutional governance of district and city courts, regional courts and land registry offices;

carries out inspections in district and city courts, regional courts and land registry offices.

**The Courts Office (*Tiesu administrācija*)** arranges and ensures performance of the administrative work of district and city courts, regional courts and land registry offices. It is under the authority of the Minister for Justice, who acts via the Ministry of Justice.

**The Supreme Court (*Augstākā tiesa*)** has no administrative links to district or city courts or regional courts. The Chief Justice of the Supreme Court organises the work of the Supreme Court. The Supreme Court has a separate department for performing administrative tasks, the Supreme Court Administration (*Augstākās tiesas Administrācija*).

**The Judicial Council (*Tieslietu padome*)** is a collegiate body involved in formulating court system policy and strategy and improving the way the work of the court system is organised.

## Types of courts: brief description and hierarchy

### Ordinary courts: courts of first instance and appellate courts

**District and city courts (*rajonu (pilsētu) tiesas*)** are the courts of first instance in civil, criminal and administrative cases. A district or city court may have structural units, i.e. courthouses located at various places within the territorial jurisdiction of the relevant district or city. District or city courts may have a **land registry office**. A land registry office manages land registers (where items of immovable property and associated rights are recorded) and considers claims for undisputed enforcement, debt recovery orders, and approval of statements of auction.

**Regional courts (*apgabaltiesas*)**, as appellate courts, hear civil, criminal and administrative cases in a panel of three regional court judges. A regional court may have structural units, i.e. courthouses located at various places within the territorial jurisdiction of the relevant regional court.

According to the Law on judicial power, **military courts** may operate in a state of war or emergency. Pursuant to the Law on military courts, the order that military courts are to begin operating is given by the Minister for Justice. Should that occur, one or several military courts of first instance and a military court of appeal begin operations.

### Supreme Court

**The Supreme Court (*Augstākā tiesa*)** comprises a Senate, consisting of three divisions (*departamenti*) (Civil Cases, Criminal Cases and Administrative Cases) and two chambers (*palātas*) (Civil Cases and Criminal Cases). The Supreme Court is the court of appeal on points of law (*kasācijas instance*), unless the law provides otherwise. The Supreme Court had two chambers (Civil Cases and Criminal Cases) until 31 December 2014, but from 1 January 2015 to 31 December 2016 it has only a chamber of civil cases.

**The full bench (*plēnums*)** is the general assembly of the judges of the Supreme Court. It deliberates on immediate questions of interpretation of legal provisions. The full bench also elects members of the Disciplinary Tribunal (*Disciplinārtiesa*). The Disciplinary Tribunal is made up of six judges from the divisions of the Supreme Court. The Disciplinary Tribunal is convened to review the legality of the decisions of the Judicial Disciplinary Committee (*Tiesnešu disciplinārkolēģija*). Immediate questions of interpretation of legal provisions may be considered, in order to ensure the uniform application of the law, not only by the full bench of the Supreme Court but also by the full bench of the relevant chamber or division.

**The Constitutional Court (*Satversmes tiesa*)** is an independent judicial body that considers cases of the constitutionality of laws and other legal acts within the remit laid down for it in the Constitution and the Law on the Constitutional Court. It also considers other cases referred to it under the Law on the Constitutional Court.

## Legal databases

Latvia has the following legal databases:

The website of the Ministry of Justice, which contains information on the court system, persons operating within that system (certified notaries and certified bailiffs) and links to other court-system-related websites.

Latvia's National Portal Latvija.lv

The 'Latvija.lv' portal gives access to the internet resources of central and local government bodies. Information is classified by topic.

The section of the portal entitled 'e-services' (***E-pakalpojumi***) gives access to e-services generally provided using dedicated centralised infrastructure. This section contains a virtual working space where users can request and receive central and local government e-services, follow progress in the provision of those services, and receive information on the outcomes.

The section for finding services ('Service catalogue', *Pakalpojumu katalogs*) is a centralised point of access to central and local government services. The 'Service catalogue' can be used to obtain essential information on central and local government services, conditions for requesting and receiving those services, the cost of those services and a description thereof. The descriptions of online services contain a link to the relevant resource (information, website, direct link or e-service). Users can access the information either via the catalogue, which is divided into sections corresponding to various life situations, or by using the portal's search functions. The content of the centralised catalogue is maintained by the government bodies providing the services.

Latvia's national portal, Latvija.lv, has as its **objective** to enable Latvian and foreign residents to access the internet resources of Latvian government bodies and act as a centralised point of access for e-services provided by a range of institutions.

The portal can be accessed **free of charge**.

## Links

National Courts portal, Supreme Court, Constitutional Court, Courts Office, Ministry of Justice

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# National justice systems - Lithuania

This section provides you with an overview of the courts in Lithuania.

### Organisation of justice. Judicial system

In Lithuania there are 22 **ordinary** courts and 3 **specialised** (administrative) courts.

### Administration of the courts

The **General Meeting of Judges** (*Visuotinis teisėjų susirinkimas*) is the highest body of judicial autonomy, involving all judges in Lithuania.

The Lithuanian **Council of Courts** (*Teisėjų taryba*) is an executive body of judicial autonomy, composed of 23 members, which ensures the independence of the courts and judges.

The **Judicial Court of Honour** (*Teisėjų garbės teismas*) is an institution of judicial autonomy, which hears disciplinary cases against judges and judges' petitions against defamation.

The **National Courts Administration** (*Nacionalinės teismų administracija*) seeks to ensure that the institutions of the judiciary operate effectively and helps to guarantee the independence of the courts and judges and the organisational autonomy of the courts.

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## National justice systems - Luxembourg

This section presents an overview of the organisation of the courts in Luxembourg.

### Organisation of justice – judicial systems

The judicial system of the Grand Duchy of Luxembourg is divided into a judicial branch and an administrative branch. In addition to these two branches, there is also the Constitutional Court (*Cour constitutionnelle*).

### Ordinary courts of law

The Constitution requires the courts to exercise judicial power and to apply general and local regulations and orders only insofar as they comply with the law.

**1. Ordinary courts of law**

**The Supreme Court of Justice**

At the top of the hierarchy of courts in the judicial system stands the Supreme Court of Justice (*Cour supérieure de Justice*), which comprises a **Court of Cassation** (*Cour de Cassation*) and a **Court of Appeal** (*Cour d'Appel*), plus a **Supreme Prosecutor's Office** (*Parquet Général*). It is in Luxembourg.

**District courts**

The Grand Duchy of Luxembourg is divided into **two judicial districts** (*arrondissements judiciaires*), and each has a District Court (*Tribunal d'Arrondissement*): one is in Luxembourg and the other is in Diekirch.

**Justices of the Peace**

There are **three courts of justices of the peace** (*justices de paix*), one in Luxembourg, one in Esch-sur-Alzette (which is in the Luxembourg judicial district) and one in Diekirch (Diekirch judicial district).

**2. Specialised courts**

**Social Insurance Appeals Board**

The Social Insurance Appeals Board (*Conseil supérieur de la sécurité sociale*) comprises a president, two associate judges, one assessor representing employers and one assessor representing employees.

**Social Insurance Arbitration Board**

The Social Insurance Arbitration Board (*Conseil arbitral de la sécurité sociale*) comprises a president, one assessor representing employers and one assessor representing employees.

### Courts of law within the administrative branch

**The Administrative Court**

The Administrative Court (*Cour administrative*) comprises a single division of three judges.

**The Administrative Court of First Instance**

The Administrative Court of First Instance (*Tribunal administratif*) comprises four divisions of three judges.

### Legal databases

Information on the Ministry of Justice, legal professions, legislation, the courts, the prisons, citizens' services, forms and news are available on the website of the Ministry of Justice.

### Is access to the database free of charge?

Yes, access to the databases is **free of charge**.

### Related links

Legilux
Justice Portal
Courts of law within the administrative branch
Ministry of Justice
Luxembourg Government

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## National justice systems - Hungary

This section provides an overview of the court system in Hungary.

### Administration of the courts

**The President of the National Judicial Office**

The central administration of the courts is managed by the President of the **National Judicial Office (NJO)**, supported by the General Vice-President and further Vice-Presidents, as well as by the NJO's staff. The administrative work of the President of the NJO is supervised by the National Judicial Council

(NJC). The President of the NJO is responsible for the conduct and efficiency of the central administration and for the performance of its duties in a manner compatible with the constitutional principle of judicial independence, insofar as this is provided for by law. In exercising his or her administrative powers, the President of the NJO hands down decisions, regulations and recommendations.
The President of the NJO is elected by a two-thirds majority of the members of the Hungarian Parliament, on the recommendation of the President of the Republic. Only a judge may be elected as President of the NJO.

### The National Judicial Council

The **National Judicial Council (NJC)** is the body that supervises the central administration of the courts. The NJC has its seat in Budapest and consists of 15 members. The President of the *Kúria* (Supreme Court) is a member of the NJC, whereas its other 14 members are elected at a meeting of judge delegates from among the delegates by simple-majority, secret ballot voting. At the first meeting, the judge delegates elect one judge from a court of appeal, five from general courts, seven from local tribunals and one from a labour court. (District courts, administrative and labour courts will commence operations on 1 January 2013.)

### Organisation of the courts

In Hungary, justice is exercised by the following types of courts:
**The *Kúria*** (The Supreme Court of Hungary);
**regional courts of appeal** (‘*ítélőtáblák’* in Hungarian);
**general courts** (‘*törvényszékek’* in Hungarian);
**district courts** (‘*járásbíróságok’* in Hungarian) and
**administrative and labour courts**.
The courts’ **area of jurisdiction** generally corresponds to administrative boundaries, with the name of a court indicating the location of its seat.
**Non-professional judges** (*nem hivatásos bíró*) may participate in judicial proceedings as **assessors** in certain cases and under conditions prescribed by law, but only **professional judges** may act as single judges (*egyesbíró*) or presidents of council (*tanácselnök*).
**Professional judges** are appointed by the President of the Republic and may be removed from office only on the grounds, and in accordance with the procedures, specified by law. Judges are independent and subject only to the law, and they may not be members of political parties or involved in political activities.

### Hierarchy of the courts

#### District courts, administrative and labour courts

District courts and administrative and labour courts hear cases in the **first instance**. (Until 31 December 2012, cases are heard in the first instance by local courts and labour courts.)
An **administrative and labour court** hears cases concerning the judicial review of administrative decisions or relating to employment and similar relations (and other cases referred to them by law).
**Sections may be established** within the district courts and administrative and labour courts for handling specific types of cases.

#### General courts

General courts hear cases in the **first instance** where the law so provides, and also hear **appeals** brought against decisions handed down by local courts and labour courts before 31 December 2012 or by district courts or administrative and labour courts after 1 January 2013.
General courts operate in the form of **panels** (*tanács*), **sections** and **criminal, civil, economic, administrative and labour divisions** (*kollégium*). Various divisions may also function collectively.
Specific cases are heard by **military tribunals** (*katonai tanács*) at designated general courts, with defined areas of jurisdiction.

#### Regional Courts of Appeal

Regional courts of appeal operate in **Debrecen**, **Szeged**, **Budapest**, **Győr** and **Pécs**. These courts hear **appeals** filed against decisions handed down by local and general courts before 31 December 2012 or by district and general courts after 1 January 2013 in cases specified by law, and hear other cases referred to their jurisdiction by law. Until 31 December 2012, appeals in administrative cases are heard by the Budapest Court of Appeal.
The regional courts of appeal contain **panels** and **criminal and civil divisions**. Until 31 December 2012, the Budapest Court of Appeal also has an administrative division.

#### Areas of jurisdiction

Szeged Regional Court of Appeal: Csongrád, Bács-Kiskun and Békés county;
Pécs Regional Court of Appeal: Baranya, Somogy, Tolna and Zala county;
Debrecen Regional Court of Appeal: Hajdú-Bihar, Borsod-Abaúj-Zemplén, Jász-Nagykun-Szolnok and Szabolcs-Szatmár-Bereg county;
Győr Regional Court of Appeal: Győr-Moson-Sopron, Komárom-Esztergom, Vas and Zala county;
Budapest Regional Court of Appeal: Budapest, Fejér county, Heves county, Pest county and Nográd county.

### The Kúria (Supreme Court)

The ***Kúria*** is the supreme judicial body of Hungary and has its seat in Budapest. The *Kúria* or Supreme Court ensures that courts apply the law uniformly and adopts law harmonising decisions to this end which are binding on all courts.
The President of the Supreme Court is elected by the Hungarian Parliament, with a two-thirds majority of its members, on the recommendation of the President of the Republic. Only a judge may be elected as President of the Supreme Court. The President of the Republic appoints the Vice-Presidents of the Supreme Court on the recommendation of the President of the Supreme Court.
The *Kúria* (Supreme Court)
hears **appeals** filed against decisions handed down by **general courts** and **regional courts of appeal** (in cases specified by law);
hears **motions for review** (*felülvizsgálati kérelem*);
adopts **law harmonising decisions** (*jogegységi határozat*) which are binding on all courts of justice;
**analyses the case law** established by final judgments, and audits and reviews the general adjudication practice of the courts;
adopts **judicial decisions** and **judgments of legal principle**;
adopts decisions on the incompatibility of **local authority decrees** with other laws and on the annulment of such decrees;
adopts decisions establishing that a local authority has failed to meet its obligation to enact legislation, as specified by law, and
hears other cases referred to its jurisdiction.
**The Supreme Court consists of adjudication and harmonisation panels (*ítélkező és jogegységi tanács*), panels concerning municipal administration and decisions of legal principle, as well as criminal, civil and administrative and labour divisions (*kollégium*) and sections for case law analysis.**

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## National justice systems - Malta

This section provides an overview of the court system in Malta.

### Organisation of justice – judicial systems

Essentially, the judiciary system in Malta is **a two-tier system** comprising a court of first instance presided over by a judge or magistrate and a court of appeal. The Court of Appeal in its superior jurisdiction is composed of three judges and hears appeals from the court of first instance, which is presided over by a judge. The Court of Appeal in its inferior jurisdiction is presided over by one judge and hears appeals from the court of first instance presided over by a magistrate. There is also a range of tribunals that deal with specific areas of the law and have varying degrees of competence. Almost all appeals against decisions taken by any of these Tribunals are dealt with by the Court of Appeal in its inferior jurisdiction, while others are dealt with by the Court of Appeal in its superior jurisdiction.

The Director General (Courts), who is appointed by the Prime Minister, is responsible for the administration of the courts. He is assisted by the Registrar (Civil Courts and Tribunals), the Registrar (Criminal Courts and Tribunals), the Registrar (Gozo Courts and Tribunals) and by the Director (Support Services). The Director General (Courts) is responsible for the management and administration of the Courts of Justice Department, including the registries, archives and other services, and also heads this Department. All court executive officers performing duties in the Courts of Justice Department take their instructions from, and are answerable to, the Director General (Courts).

### Types of court - short description

You can find a short description of each court in the table below.

### Hierarchy of courts

| | | | |
|---|---|---|---|
| **The Court of Appeal** | Second instance<br>Appellate | The Court of Appeal hears **appeals** from the **civil courts** in both their superior and inferior jurisdiction.<br>(i) This court hears appeals from the First Hall of the Civil Court and the Civil Court (Family Section).<br>(ii) Appeals from the Court of Magistrates in its civil jurisdiction, the Small Claims Tribunal and the administrative tribunals are also heard by this court. | (i) Composed of three judges.<br>(ii) Composed of one judge. |
| **The Court of Criminal Appeal** | Second instance<br>Appellate | This court, with superior jurisdiction, hears **appeals** by persons convicted by the **Criminal Court**.<br>This court, with inferior jurisdiction, hears **appeals** in respect of cases decided by the Court of Magistrates sitting as a criminal court. | Composed of three judges<br>Composed of one judge |
| **The Criminal Court** | First instance | This court serves as a criminal court and hears **criminal cases** beyond the competence of the Court of Magistrates. | Presided over by a judge who may sit with a jury of nine persons. |
| **The Civil Court:**<br>The First Hall of the Civil Court<br>Civil Court (Voluntary Jurisdiction Section)<br>The Civil Court (Family Section) | First instance | The First Hall of the Civil Courts hears **cases of a civil and/or a commercial** nature exceeding the jurisdiction of the Court of Magistrates. Within its constitutional jurisdiction, it also hears cases relating to violations of the **human rights and fundamental freedoms** protected by the Constitution and by the European Convention of Human Rights and Fundamental Freedoms.<br>The Civil Court (Voluntary Jurisdiction Section) is a voluntary jurisdiction court and is responsible for the **interdiction or incapacitation of persons of unsound mind**, the nomination of tutors for these persons, the opening of successions and the confirmation of testamentary executors. It is also a repository for secret wills.<br>This court hears all cases relating to **family matters** such as marriage annulment, personal separation, divorce, maintenance and custody of children. | Presided over by a judge<br>Presided over by a judge<br>Presided over by a judge |
| **The Court of Magistrates** | First instance | In the **civil field** the Courts of Magistrates only have inferior jurisdiction of first instance, in general **limited to claims not exceeding €15 000**.<br>In the **criminal field**, the Court has a twofold jurisdiction: as a court of criminal judicature for cases falling within its jurisdiction, and as a court of inquiry in respect of crimes falling within the jurisdiction of the Criminal Court.<br>(i) **Court of Criminal Judicature** – this Court is competent to hear all cases related to offences punishable by a sentence of up to six months' imprisonment.<br>(ii) **Court of Inquiry** – the Court conducts preliminary inquiries in respect of indictable offences and transmits the corresponding records to the Attorney General. If there is no objection from the accused, the Attorney General may refer cases punishable by up to | Presided over by a magistrate |

| | | | |
|---|---|---|---|
| | | ten years' imprisonment back to the Court of Magistrates to be heard and decided upon. | |
| **The Court of Magistrates for Gozo** | First instance | In the civil field, the Court of Magistrates for Gozo has **two-fold jurisdiction**:<br>an inferior jurisdiction comparable to that exercised by its counterpart court in Malta, and a superior jurisdiction, with the same competence as the First Hall of the Civil Court, apart from the constitutional jurisdiction, and as the Civil Court (Voluntary Jurisdiction Section).<br>In the criminal field, the Court of Magistrates for Gozo has the same competence as the Court of Magistrates when sitting as a criminal court and as a court of inquiry. | Presided over by a magistrate |
| **The Juvenile Court** | First instance | The Juvenile Court hears charges against, and holds other proceedings relating to, **minors** under the age of 16 years, and may also make care orders. | Presided over by a magistrate and two members |
| **Small Claims Tribunal** | First instance | This tribunal summarily decides, on principles of equity and law, **claims of a value of less than €5 000.** | Presided over by an adjudicator |

**Legal databases**

The official Government website of the Ministry for Justice, Culture and Local Government provides a range of online services. The site, in Maltese and English, includes information on the Ministry for Justice and Home Affairs, as well as on the courts of justice, the judiciary system and the judicature, the Office of the Attorney General, court services and legal services.

The following are links to the various court services and legal services available:

Ministry for Justice, Culture and Local Government
Court Services
Court Services - Sentenzi Online
Court Services - Court Proceedings
Court Services - Hall Usage
Court Services – Statistics
Court Services - Judicial Sales by Auction
Court Services - Civil Forms (in Maltese)
Court Experts
Legal Services (Laws of Malta)

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## National justice systems - Netherlands

This page provides an overview of the court system in the Netherlands.

### Organisation of justice – judicial systems

**Administration of the courts**

The **Council for the Judiciary** (*Raad voor de rechtspraak*) is part of the judicial system, but does not administer justice itself. It has taken over responsibility for a number of tasks from the Minister for Justice. These tasks are operational in nature and include the allocation of budgets, supervision of financial management, personnel policy, ICT and accommodation. The Council supports the courts in carrying out their tasks in these areas. It was also given the task of improving the quality of the judicial system and advising on new legislation that has implications for how justice is administered. It also acts as a spokesperson for the judiciary in social and political debate. The Council's tasks relate to operational matters (in the broadest sense of the term), budgetary matters and the qualitative aspects of the administration of justice.

It has a pivotal role in preparing, implementing and accounting for the judicial system's budget. The budget system is based on a workload-measurement system maintained by the Council. The Council encourages and supervises the development of operational procedures in the day-to-day running of the courts. Its specific tasks relate to personnel policy, accommodation, ICT and external affairs. The Council has a range of formal statutory powers, which enable it to carry out these tasks. For instance, it is empowered to issue binding general instructions with regard to operational policy, although it prefers to exercise this power as little as possible.

The Council is responsible for the recruitment, selection and training of judicial and court officials. It carries out its tasks in these areas in close consultation with the court councils (*raden van de gerechten*). The Council has a significant say in appointing members to court councils.

The Council's task in respect of the quality of the judicial system involves promoting the uniform application of the law and enhancing judicial quality. In view of the overlap in the content of judicial rulings, the Council has no mandatory powers in this area.

The Council also has a general advisory role. It advises the government about new laws that have implications for the judicial system. This process takes place in ongoing consultation with the members of the court councils.

Although the Council has formal powers at its disposal, the relationship between the Council and the courts should not be seen as hierarchical. The Council's primary goal is to support the courts in the performance of their tasks. In order to ensure that the various tasks are completed properly, the Council consults regularly with court presidents, directors of operations, sector heads and the Board of Representatives (*College van afgevaardigden* – an advisory body made up of representatives from the courts).

### Types of courts – brief description

**District courts (*rechtbanken*)**

The Netherlands is divided into 11 judicial districts (*arrondissementen*), each with its own court. Each court has a number of sub-district venues (*kantonlocaties*). The district court is made up of at least four sectors (*sectoren*). These always include the administrative sector, civil sector, criminal sector

and sub-district sector. Family and juvenile cases are often put into a separate sector, as is also sometimes the case with cases involving aliens. The court board (*bestuur van het gerecht*) is free to determine such matters.

**Sectors**

**Sub-district**

It is relatively simple for ordinary citizens to have their cases heard in the sub-district sector. This means that they have the right to argue their own cases and do not need a lawyer to represent them in court. In terms of civil law, the sub-district judge deals with all cases involving rent, hire purchase and employment, as well as all disputes involving amounts up to EUR 25 000.

In criminal law, the sub-district judge deals with minor offences only. Often these are cases in which the police or the public prosecutor has proposed a settlement. If the accused refuses to accept such a proposal, then the case comes before the sub-district judge. The sub-district judge usually delivers an oral judgment immediately after the session.

**Criminal law**

Judges in the criminal sector deal with all criminal cases that do not come before a sub-district judge. These cases can be heard in single-judge divisions or in full-bench divisions with three judges. The full-bench division deals with more complex cases and all cases in which the prosecution demands a sentence of more than one year's imprisonment.

**Civil law/family law**

The civil sector also handles cases not specifically allocated to the sub-district judge. Most of these are decided by a single judge, but here, too, there are full-bench divisions with three judges to deal with more complex cases. A number of district courts have a separate sector for family and juvenile cases. This possibility is used when the number of such cases is considerable.

**Administrative law (*bestuursrecht*)**

With only a handful of exceptions, administrative disputes are heard by the district court; in many cases the hearing by the administrative law sector is preceded by an objection procedure before the administrative authorities. It is usual for these cases to be heard by a single-judge division, but here, too, the district court can decide to appoint three judges to a case which is complex or which involves fundamental issues. If the district court in question has no separate sector to handle cases involving aliens, such cases are dealt with by the administrative law sector or a division thereof. In cases involving civil servants and social security issues, appeal is a matter for a special appeals tribunal – the Central Appeals Tribunal (*Centrale Raad van Beroep*) – and, in most other cases, for the Administrative Jurisdiction Division of the Council of State (*Afdeling bestuursrechtspraak van de Raad van State*).

**Courts of Appeal (*gerechtshoven*)**

The 11 judicial districts are divided into four areas of Court of Appeal jurisdiction: The Hague, Amsterdam, Arnhem-Leeuwarden and 's-Hertogenbosch. With regard to criminal and civil law, Court of Appeal judges deal only with cases where an appeal has been lodged against the judgment passed by the district court. The Court of Appeal re-examines the facts of the case and reaches its own conclusions. In most cases, it is possible to contest the Court of Appeal's decision by appealing in cassation to the Supreme Court of the Netherlands (*Hoge Raad der Nederlanden*). In addition to criminal and civil cases, the Court of Appeal also deals with all appeals against tax assessments.

**Special Tribunals**

The **Central Appeals Tribunal** (*Centrale Raad van Beroep*) is a board of appeal that is principally active in cases pertaining to social security and the civil service. In these areas, it is the highest judicial authority. The Tribunal is based in Utrecht.

The **Trade and Industry Appeals Tribunal** (*College van Beroep voor het bedrijfsleven*) is a special administrative court, which rules on disputes in the area of social-economic administrative law. In addition, this appeals tribunal also rules on appeals relating to specific laws, such as the Competition Act (*Mededingingswet*) and the Telecommunications Act (*Telecommunicatiewet*). The Tribunal is based in The Hague.

**Supreme Court (*Hoge Raad*)**

The Supreme Court of the Netherlands, located in The Hague, examines whether the lower court applied the law properly in reaching its decision. At this stage, the facts of the case as established by the lower court are no longer subject to discussion. The appeal in cassation therefore fulfils an important function in promoting unity of law.

**Legal databases**

Further information can be found on the general website about the Dutch judiciary.

Case law can be found in a common judgment database.

**Is access to these databases free of charge?**

Yes, access is **free of charge**.

**Related links**

Dutch judiciary

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## National justice systems - Austria

This section of the Portal provides an overview of the courts in Austria.

**Organisation of justice - judicial system**

Alongside the legislative and executive branches, the judiciary is considered to be the third pillar of government in a country under the rule of law. The judiciary ensures that laws are enforced, together with the executive branch. The judicial system is kept separate from the executive at all levels. The courts are State institutions established by law and are made up of independent and impartial judges who cannot be removed or transferred from office and who make their decisions on the basis of the law only, subject to a formal procedure and free from outside influences.

The judicial system consists of the **ordinary courts** (*ordentliche Gerichte*) that adjudicate on civil-law claims and on criminal charges, administrative courts (*Verwaltungsgerichte*) and the Constitutional Court (*Verfassungsgerichtshof*). The ordinary courts include the district and regional courts (*Bezirks- und Landesgerichte*), higher regional courts (*Oberlandesgerichte*), and the Supreme Court (*Oberster Gerichtshof)* for final appeals in civil and criminal cases. Each province has an administrative court. In addition, there is a Federal Administrative Court (*Bundesverwaltungsgericht*) in Vienna with federal jurisdiction (and offices in Graz, Linz and Innsbruck) and a Federal Fiscal Court (*Bundesfinanzgericht*). The Supreme Administrative Court (*Verwaltungsgerichtshof*) hears final appeals from the Administrative Courts.

**Public prosecutor's offices** (*Staatsanwaltschaften*) are special bodies that are separate from the courts. Their main task is to represent the public interest in the administration of criminal justice. They direct the preliminary investigation in criminal proceedings, bring charges and conduct the prosecution. Public

prosecutors are regarded as forming part of the ordinary court system, but are subject to the instructions of their superiors. At the top of the instructions hierarchy is the Minister for Justice, who must answer to Parliament when carrying out their duties. Instructions must be reasoned and issued in written form, as they will be included in the file. **Prisons** (*Justizanstalten*) are responsible for the enforcement of custodial sentences and other orders for detention. They are responsible for pre-trial detention, enforcement of custodial sentences and any orders for preventive detention (*Maßnahmenvollzug*). Prisons may take the form of regional facilities for pre-trial detention (*Landesgerichtliche Gefangenenhäuser*), correctional centres for enforcing custodial sentences ( *Strafvollzugsanstalten für den Vollzug von Freiheitsstrafen*) or secure psychiatric centres (*Forensisch Therapeutische Zentren*) for enforcing orders for preventive detention. Correctional centres include special correctional centres (*Sonderanstalten*) for adolescents, and for women. The principle behind the modern correctional centre is to deprive the inmates of liberty but with the aim of helping them to become law-abiding citizens capable of adapting to the needs of life in a community, and to prevent them from giving in to criminal leanings (social rehabilitation). In addition, the centre should help them understand why the behaviour leading to their sentence was socially unacceptable.

**Probationary services** *(Bewährungshilfeeinrichtungen*) take care of persons with conditional sentences and prisoners released on probation. For the most part, these tasks have been transferred to private associations, which, nevertheless, are under the supervision of the Federal Ministry of Justice.

Strictly speaking, the judiciary in Austria is made up of the ordinary courts, public prosecutors, prisons and probationary services. The Federal Minister for Justice heads the judicial system as the supreme authority. They are in charge of the **Federal Ministry of Justice**. The Federal Minister for Justice is a member of the federal government, and is in charge of political management and coordination in the ministry and the overall supervision of all the associated bodies and departments.

**The ordinary courts can be divided into several levels:**

District courts (*Bezirksgerichte*)

Regional courts (*Landesgerichte*), also known as courts of first instance (*Gerichtshöfe erster Instanz*)

Higher regional courts (*Oberlandesgerichte*), also known as courts of second instance (*Gerichtshöfe zweiter Instanz)*

The Supreme Court (*Oberster Gerichtshof*)

**Legal databases**

The Austrian Justice Portal provides general information on the Austrian judicial system.

**Is access to the database free of charge?**

Yes, access to the Austrian Justice Portal is **free of charge**.

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## National justice systems - Poland

This section provides you with an overview of the court system in Poland.

**Organisation of justice – judicial systems**

Chapter VIII of the Polish Constitution deals with courts and tribunals and lists the authorities vested in the administration of justice in Poland, namely:

Supreme Court (Sąd Najwyższy)

Common courts (sądy powszechne)

Administrative courts (sądy administracyjne)

Military courts (sądy wojskowe).

**Administration of courts**

**Types of courts – short description**

The system of **common courts** includes the appellate (sądy apelacyjne), provincial (sądy okręgowe) and district courts (sądy rejonowe). These courts decide, among other things, cases concerning criminal, civil, family and juvenile law, commercial law, labour and social security laws – except for cases vested in other special courts (e.g. military). Common courts also keep land and mortgage registers as well as the pledge register, National Court Register, and National Criminal Register.

The system of **administrative courts** includes the High Administrative Court (Naczelny Sąd Administracyjny) and regional administrative courts – one per voivodeship or region (wojewódzkie sądy administracyjne).

The **Supreme Court** (Sąd Najwyższy) is the highest judicial authority in Poland. It exercises judicial supervision over the decisions of all other courts, ensuring consistency in the interpretation of laws and judicial practice. The Supreme Court is not a common court.

In the Polish law system, the **Constitutional Tribunal** (Trybunał Konstytucyjny) is not considered a common court. The Constitutional Tribunal adjudicates:

On the constitutionality of national legislation and international agreements

On the compliance of national legislation with international agreements, whose ratification is required prior to approval by Parliament

On compliance with the Constitution of legal regulations issued by central state authorities, ratified international agreements and legislative Acts

On the constitutionality of the objectives or activities of political parties

On constitutional complaints.

The **Tribunal of State** (Trybunał Stanu) adjudicates cases in which persons who occupy (or have occupied) the highest positions of state are charged with violation of the Constitution or other legislative Acts.

**Hierarchy of courts**

District courts (sądy rejonowe) – generally first instance

Provincial (sądy okręgowe) – appeal or first instance in certain cases

Appellate (sądy apelacyjne) – appeal

The Supreme Court – the highest judicial authority.

**Legal databases**

You can find links to information about all common courts, their websites and contact details (addresses, phone numbers, e-mails etc.) on the website of the Polish Ministry of Justice (information on courts).

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## National justice systems - Portugal

This section provides you with an overview of the court system in Portugal.

### Courts – General principles

Articles 202 *et seq.* of the Portuguese Constitution define the principles underlying the administration of justice and the workings of the courts in Portugal.
The courts are sovereign bodies with competence to administer justice in the name of the people. They are responsible for safeguarding citizens' legally-protected rights and interests, prohibiting breaches of the democratic rule of law and settling public or private disputes.
The courts are independent and subject only to the law. Their rulings are binding on all public and private entities and prevail over the decisions of all other authorities.
Court hearings are held in public, save when, in order to safeguard personal dignity or public morals, or to ensure its own proper operation, the court in question decides otherwise by way of a written order setting out the grounds for its decision.

### Organisation of justice – the judicial system

Under Articles 209 *et seq.* of its Constitution, Portugal has two separate sets of courts – the civil courts and the administrative courts. Provision is also made for other courts – the Constitutional Court (*Tribunal Constitucional*), the Court of Auditors (*Tribunal de Contas*), courts of arbitration (*tribunais arbitrais*) and justices of the peace (*julgados de paz*).
In the civil sphere, the ordinary courts with civil and criminal jurisdiction are the judicial courts, which are organised in three instances. In descending order of hierarchical rank and territorial scope, these are: the Supreme Court (*Supremo Tribunal de Justiça*, with jurisdiction over the whole country), the courts of appeal (*tribunais da relação*, one per judicial district and two in the Porto judicial district) and the district courts (*tribunais de comarca,* at first instance).
The first instance judicial courts fall into three categories, depending on the subject-matter of the action and the amount at stake: courts with general jurisdiction, courts with specialised jurisdiction (criminal cases, family matters, minors, labour law, trade, maritime affairs and the enforcement of sentences) or specific jurisdiction (civil, criminal or mixed divisions; civil or criminal benches; civil or criminal benches dealing with minor matters).
The administrative courts include the first instance administrative and tax courts, the central administrative courts (North and South) and the Supreme Administrative Court (*Supremo Tribunal Administrativo*, covering the whole country).
Conflicts of jurisdiction between courts are resolved by a *Tribunal de Conflitos*, regulated by law.

### Types of courts – short description

In the Portuguese judicial system, the following categories of courts exist:
The Constitutional Court, whose main task is to assess the constitutionality or legality of law and rules, as well as the constitutionality of a failure to legislate;
The Court of Auditors, which is the highest body with the authority to scrutinise the legality of public expenditure, and to review the accounts that the law stipulates must be submitted to it;
The judicial courts, which have general jurisdiction in civil and criminal matters and also exercise jurisdiction in all matters not assigned to other courts. They include the Supreme Court of Justice, the second instance judicial courts (as a rule, the courts of appeal) and the first instance judicial courts (as a rule, the district courts).
The administrative and tax courts, whose role is to settle disputes arising out of administrative and tax relations. They include the Supreme Administrative Court, the central administrative courts, the circuit administrative courts and the tax courts.
The justices of the peace, which are courts with special characteristics and with competence in civil proceedings where the value of the claim does not exceed €15 000.
During states of war, courts martial (*tribunais militares*) may also be created.

### Useful links

- Constitutional Court
- Court of Auditors
- Supreme Court of Justice
- Lisbon Appeal Court
- Porto Appeal Court
- Coimbra Appeal Court
- Guimarães Appeal Court
- Supreme Administrative Court
- Central Administrative Court, South

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## National justice systems - Romania

This section of the Portal provides you with an overview of courts in Romania.

### Organisation of justice - judicial system

The principles, structure and organisation of the Romanian judicial system are laid down in the **Romanian Constitution** and in **Law** No 304/2004 on judicial organisation.
The following courts make up the judicial system:
the High Court of Cassation and Justice;
the courts of appeal;
the tribunals;
the specialised tribunals;
the district courts and
the military courts.

### Hierarchy of courts

The High Court of Cassation and Justice functions as the **Supreme Court** in Romania. It ensures that the law is interpreted and applied uniformly by the other courts of law.
The **15 courts of appeal** have tribunals and specialised tribunals under their jurisdiction.
The **42 tribunals** are organised at county level and in Bucharest, and are located as a rule in the principal town of each county.
The **4 specialised tribunals** function as separate courts for cases involving minors and family law (1) and for commercial cases (3).
The tribunals have **176 district courts** under their jurisdiction.

**Types of courts – short description**

Several courts carry on their judicial activity under the jurisdiction of each of the 42 tribunals.
All **176 functioning courts** are organised at county level and in the districts of Bucharest.
Each court is headed by a president with managerial capacity. The court's specialised sections are led by a section president. In each court, a leading committee decides upon general, court-governance issues.
The **military courts** are organised in 4 military tribunals, the Territorial Military Tribunal in Bucharest and the Military Court of Appeal in Bucharest. Each of the military tribunals has the status of a military unit.
The Superior Council of Magistracy is the body that, under the Constitution, ensures the independence of the judiciary. Furthermore, it ensures observance of the law and of the criteria of competence and professional ethics in the exercise of the professions of judges and prosecutors.
The Ministry of Justice contributes to the proper functioning of the judicial system, ensures that justice takes its course under proper conditions as a public service and defends the legal order and citizens' rights and freedoms.

**Legal databases**

The following legal databases are available online:
Case-law of the High Court of Cassation and Justice is published on the High Court of Cassation and Justice website;
Summaries of the court decisions are published on the Court's portal. See, for example, the Bucharest Court of Appeal summarised decisions;
The Romanian legal database, held and maintained by the **Legislative Council of Romania**, contains all the instruments of Romanian law (laws, government orders, government decisions, etc.);

**Is access to the legal database free of charge?**

Yes, access to the legal database is free of charge.

**Relevant links**

Organisation of justice – Romania
Finding competent courts

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## National justice systems - Slovenia

This section provides you with an overview of the court system in Slovenia.

**Organisation of justice – judicial systems**

All courts in the Republic of Slovenia are regular courts and act in accordance with the principles of constitutionality, independence and the rule of law.

**Types of courts – short description**

The unified system of courts consists of courts with general and specialised jurisdiction.
Courts with general jurisdiction include **44 local, 11 district, and 4 higher courts** and the **Supreme Court**
Specialised courts include **3 labour courts**, 1 labour and **social court** and a higher labour and social court (which rule on labour-related and social insurance disputes), and the **administrative court**, which provides legal protection in administrative affairs and has the status of a higher court.
The **State Prosecutor's Office** occupies a special place in the justice system, as it is an independent state authority but also part of the executive branch of power. The State Prosecutor General is appointed by the National Assembly.
The **Constitutional Court** is the highest judicial authority for the protection of constitutionality, legality, human rights and fundamental freedoms. It has the power to negate the actions of the legislature, by abrogating (putting aside) an Act or part of an Act.
Constitutional judges are appointed by the National Assembly, following a proposal by the President of the Republic. Nine judges are elected for a period of nine years, with no possibility of re-election. No state body has the authority to interfere in the work or judgments of judges in the constitutional, specialised and general courts.

**Legal databases**

You can find more information about the courts in Slovenia on the official website of the Supreme Court of the Republic of Slovenia.

**Related Links**

Judicial bodies

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## National justice systems - Slovakia

This section gives an overview of the judicial system in Slovakia.

**Organisation of justice – judicial systems**

**Exercise of judicial power**

Judicial power in Slovakia is exercised by **ordinary courts** and the **Constitutional Court of the Slovak Republic** (*Ústavný súd Slovenskej republiky*).
Judicial power in Slovakia is exercised by independent and impartial courts. Judicial power at all levels is exercised separately from other State bodies.
The president of a court is responsible for the exercise of judicial power.

**Administration of courts**

The administration of courts in Slovakia is handled, to the extent laid down by law, by the Slovak Ministry of Justice and the president of the court, who is also the statutory body of the court. To the extent laid down by law, court administration is also handled by the court's administrative director and the Judicial Council of the Slovak Republic.

### Types of courts – brief description

**System of ordinary courts**

district courts (*okresné súdy*) (54)
regional courts (*krajské súdy*) (8)
Supreme Court of the Slovak Republic (*Najvyšší súd Slovenskej republiky*)
Specialised Criminal Court (*Špecializovaný trestný súd*)

### Hierarchy of courts

Pursuant to Act No 757/2004 on courts and amending certain other acts, as amended:
District courts act as courts of first instance in civil and criminal cases, unless otherwise stipulated by rules governing court proceedings.
District courts also hear electoral cases, where stipulated by specific legal provisions.
Regional courts act as courts of second instance in civil and criminal cases heard in the first instance by district courts.
Rules governing court proceedings specify the types of civil and criminal cases in which regional courts act as courts of first instance.
Regional courts act as courts of first instance in administrative cases, except where stipulated by specific legal provisions.
Regional courts also hear other cases, where stipulated by specific legal provisions (e.g. Act No 166/2003 on the protection of privacy against unauthorised use of information technology and amending certain other acts, and the Act on protection against the interception of communications).
The Supreme Court has jurisdiction in:
ordinary appeals against decisions by regional courts and the Specialised Criminal Court;
extraordinary appeals against decisions by district courts, regional courts, the Specialised Criminal Court and the Supreme Court;
reassignment of cases to a court other than the competent court, where provided by the rules governing court proceedings;
other cases, where provided by law or international treaty.
The Supreme Court **reviews decisions taken by courts** in cases where final judgment has been given.
The Supreme Court oversees the **uniform interpretation and consistent application of laws** and other acts of general application:
through its own decision-making;
by issuing opinions aimed at unifying the interpretation of laws and other acts of general application;
by publishing final court decisions of key significance in the Reports of Opinions of the Supreme Court and Decisions of the Courts of the Slovak Republic.

### Legal databases

Further information can be found on the website of the Ministry of Justice of the Slovak Republic.

### Related links

Ministry of Justice

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## National justice systems - Finland

This section provides you with an overview of the judicial system in Finland.

### The judiciary – the court system

Broadly speaking, the Finnish judicial system consists of:
independent courts of law; general courts, administrative courts and special courts
the prosecuting authorities
the enforcement authorities (which see to the enforcement of judgments)
the prison service (which implements custodial sentences)
public legal aid, lawyers and licensed legal counsels.
The judiciary may also refer solely to the courts.
**Article 98 of the Finnish Constitution** lists the various courts of law. General courts comprise the Supreme Court, the courts of appeal and the district courts. General administrative courts comprise the Supreme Administrative Court and the local administrative courts.
Supreme judicial authority in civil and criminal matters is exercised by the Supreme Court and, in administrative matters, by the Supreme Administrative Court. The two supreme courts also supervise the application of the law within their own purview. In Finland there are also special courts, which are provided for in separate statutes.
The independent and autonomous position of judges is safeguarded by a provision of the Constitution stating that a judge may be removed from office only by a court decision. Judges cannot be transferred to another post without their consent, unless the transfer is part of a reorganisation of the court system.
**Section 21 of the Constitution** states that everyone has the right to have his or her case dealt with appropriately and without undue delay by a legally competent court of law or other authority. According to Section 21(2) the public nature of proceedings and the right to be heard, to receive a reasoned decision and to appeal against a decision are safeguarded by law, as are other guarantees of fair judicial proceedings and sound governance. This Section also lays down requirements for the quality of judicial proceedings.

### Judicial administration

Many of the duties and responsibilities related to the administration of justice and the development of court activities fall primarily within the competence of the Ministry of Justice.

### Additional information

The website of Finnish courts contains information on the judicial system of Finland. It is a one-stop portal providing information about courts, prosecutors, enforcement authorities and legal aid .
It includes, for example, the latest case law from the courts of appeal and the administrative courts.

The free Finlex database includes case law from the courts, the Electronic Statutes of Finland and translations of Finnish acts and decrees.

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Juhime tähelepanu sellele, et käesoleva lehekülje sv originaalkeelset versiooni on hiljuti muudetud. Valitud keeleversiooni meie töötajad parajasti tõlgivad.

## National justice systems - Sweden

This section provides you with an overview of the court system in Sweden.

### Organisation of justice – judicial systems

#### Types of courts - short description

The judicial system usually refers to the authorities and agencies responsible for the rule of law and legal safety. The courts are the backbone of the judicial system, which also comprises authorities responsible for crime prevention and investigations, including:

The Police

The Prosecution Authority and the Swedish National Economic Crimes Bureau

National Board of Forensic Medicine (Rättsmedicinalverket)

The Swedish Prison and Probation Service (Kriminalvården).

Other authorities may have tasks connected with the judicial system, e.g. the Enforcement Service.

#### Hierarchy of courts

Sweden has two parallel types of courts:

**Ordinary courts**, which deal with criminal and civil cases.

**General administrative courts**, which deal with cases relating to public administration.

The general courts are organised in **a three-tier system**: district courts, courts of appeal and the Supreme Court.

The administrative courts also have three tiers: administrative courts, administrative courts of appeal and the Supreme Administrative Court. In addition, a few special courts and tribunals have been established to hear specific kinds of cases and matters.

#### Administration of courts

**The Ministry of Justice** is responsible for matters involving the courts, including the codes of procedure and organisation of the courts. However, neither the government nor any other agency has the authority to decide how a court rules in individual cases.

**The National Courts Administration** is the central administrative agency for public courts, public administrative courts, regional tenancy tribunals, regional rent tribunals and the **National Legal Aid Authority**.

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## National justice systems - England and Wales

This section provides you with a brief overview of the courts in England and Wales.

### Organisation of justice – judicial systems

The UK has three jurisdictions: England and Wales, Scotland, and Northern Ireland. This page discusses the courts in the England and Wales jurisdiction.

#### Administration of the courts

Responsibility for the administration of many of the courts in England and Wales lies with Her Majesty's Courts and Tribunals Service (HMCTS). HMCTS is an agency of the Ministry of Justice, the government department with responsibility for the justice system in England and Wales.

#### Types and hierarchy of courts – short description

**Criminal cases** in England and Wales are heard in the magistrates' courts, the Crown Court, criminal division of the Court of Appeal.

**Civil cases** in England and Wales are mainly heard in the county courts, the High Court and the civil division of the Court of Appeal, with Magistrates' courts having jurisdiction for a range of applications made under various pieces of legislation.

The Supreme Court of the United Kingdom is the final court of appeal in the United Kingdom for both criminal and civil cases, although Scottish criminal cases do not have the right of appeal to the Supreme Court.

**Other courts** with jurisdiction in England and Wales include the European Court of Human Rights whose functions to uphold the European Convention of Human Rights as it relates to national law. In addition the Court of Justice of the European Union can make rulings on the Application of European Union Law, which by virtue of the European Communities Act are binding on England and Wales.

More detailed information about courts in England and Wales can be found on the page describing ordinary courts in England and Wales and on the website of Her Majesty's Courts and Tribunals Service. Information about some of the tribunals and specialised courts in England and Wales can be found on the page describing specialised courts in England and Wales.

#### Related Links

HMCTS, Ministry of Justice, Her Majesty's Courts and Tribunals Service, Supreme Court, European Court of Human Rights, Court of Justice of the European Union

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## National justice systems - Northern Ireland

This section provides you with an overview of the courts in Northern Ireland.

### Organisation of justice – judicial systems

The UK has three jurisdictions: England and Wales, Scotland and Northern Ireland.

#### Types of courts - short description

**The Supreme Court**

In 2009, the new **Supreme Court of the United Kingdom** took over the jurisdiction of the Appellate Committee of the House of Lords. It also took over the devolved functions of the Judicial Committee of the Privy Council (the highest court of appeal in several independent Commonwealth countries, UK overseas territories and British crown dependencies).

The Supreme Court is the **final court of appeal** in the United Kingdom for both criminal and civil cases, although Scottish criminal cases do not have the right of appeal to The Supreme Court. Such cases will usually be granted permission to refer an appeal to the Supreme Court only if it involves points of law of public importance.

**The Court of Appeal**

The Court of Appeal hears criminal appeals from the Crown Court and civil appeals from the High Court

**The High Court**

The High Court deals with civil cases, hears appeals in criminal cases, and also has the power to review the actions of individuals or organisations to make sure they have acted legally and justly. The High Court usually deals with cases if the value of the claim is over £30.000. In some circumstances, a case over £30,000 can be sent from the High Court to the county court and, similarly, a case under the value of £30,000 may be transferred from the county court to the High Court.

The High Court has three divisions, as follows:

The Family Division -

deals with complex defended divorce cases, wardship, adoption, domestic violence and so on. It also deals with appeals from magistrates' and county courts in matrimonial cases, with the affairs of people who are mentally ill and simple probate matters.

The Queens Bench Division -

deals with large and/or complex claims for compensation. It also deals with a limited number of appeals from magistrates' courts or Crown courts, reviews the actions of organisations to see whether they have acted legally, and handles libel and slander actions.

The Chancery Division -

deals with trusts, contested wills, winding up companies, bankruptcy, mortgages, charities, contested revenue (usually income tax) cases etc.

**The Crown Court**

The crown court deals with the following types of cases:

More serious criminal offences which will be tried by judge and in most cases a jury

Convictions in the magistrates' court that are referred to the crown court for sentencing.

Imprisonment and fines in the crown court are more severe than in the magistrates' court.

**The County Court**

The County Court deal with civil cases and are heard by a judge or district judge. The county court usually deals with cases that are under £30,000 in value (or £45,000 in equity matters). Cases with higher value are heard in the High Court – see above. All claims arising from regulated credit agreements must be started in the county court, whatever their value.

Examples of cases dealt with by the County Court:

Landlord and tenant disputes: for example, possession (eviction), rent arrears, repairs

Consumer disputes: for example, faulty goods or services

Personal injury claims (injuries caused by negligence): for example, traffic accidents, falling into holes in the pavement, accidents at work

Undefended divorce cases, but only in some county courts

Race and sex discrimination cases

Debt problems: for example, a creditor seeking payment

Employment problems: for example, wages or salary owing or pay in lieu of notice

Appeals from the magistrates' court that are dealt with by a judge (and at least two lay magistrates if the defendant is a young person)

Small Claims Cases

Small claims cases are also heard in the County Court. In general, a small claim involves a claim with a value of not more than £3,000.

**The Magistrates' Court**

Magistrates' courts deal with criminal and some civil cases. Cases are heard by a district judge (magistrates' court).

Criminal Cases in the Magistrates' Court

Magistrates' courts deal with criminal offences where the defendant is not entitled to trial by jury. These are known as summary offences. Summary offences involve a maximum penalty of six months imprisonment and/or a fine of up to £5,000.

Magistrates' courts also deal with offences where the defendant can choose trial by jury but decides to have his or her case heard in the magistrates' court. If the defendant chooses trial by jury, the case will be passed on to the Crown court.

The Youth Court

The youth court deals with young people who have committed criminal offences, and who are aged between 10 and 17. The youth court is part of the magistrates' court and cases will be heard before a district judge (magistrates' court) and two other specially-trained lay magistrates. If a young person is charged with a very serious offence, which in the case of an adult would be punishable with 14 years imprisonment or more, the youth court can commit them for trial at the crown court.

Civil cases in the Magistrates' Court

Magistrates' courts deal with a limited number of civil cases as follows:

Some civil debts: for example, arrears of income tax, national insurance contributions, VAT arrears, rates

Licenses: for example, granting, renewing or taking away licenses for pubs and clubs

Some matrimonial problems: for example, maintenance and removing a spouse from the matrimonial home

Welfare of children: for example, local authority care or supervision orders, adoption proceedings and residence orders.

**Coroners' Courts**

Investigate the circumstances of sudden, violent or unnatural deaths.

**Hierarchy of courts**

Further details and a diagram of the court structure in Northern Ireland can be found on the website of the Northern Ireland Courts and Tribunals Service.

**Administration of the Courts**

Responsibility for administration of the courts in Northern Ireland jurisdiction lies with the Northern Ireland Courts and Tribunals Service.

This includes:
Providing administrative support for the Northern Ireland courts and judiciary
Enforcing civil court judgments through a centralised enforcement service provided by the Enforcement of Judgments Office
Providing administrative support for various Tribunals.

**Related Links**

Northern Ireland Courts and Tribunals Service

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## National justice systems - Scotland

This section provides you with an overview of the courts in Scotland.

### Organisation of justice – judicial systems

The UK has three jurisdictions: England and Wales, Scotland and Northern Ireland.

**Administration of the courts**

In Scotland, the Scottish Courts and Tribunals Service (SCTS) is responsible for the administration of the courts. SCTS is an independent body corporate, chaired by the Lord President, the most senior judge in Scotland.

**Types and hierarchy of courts – short description of the main courts**

The organisation of the various courts in Scotland is as follows:

Procedure in the criminal courts is divided into 'solemn' (the most serious cases involving trial by jury) and 'summary' (less serious cases heard by a single judge).

The **High Court of Justiciary** is headed by the Lord Justice General, who is also the Lord President. This is the country's supreme criminal court, which handles the most serious cases, such as murder or rape. It also acts as the final criminal appeal court.

The criminal **Sheriff Appeal Court** hears appeals against summary criminal proceedings from both the Sheriff and Justice of the Peace Courts, and also hears appeals against all bail decisions made by a Sheriff or Justice of the Peace.

The majority of criminal cases, both solemn and summary, are handled by the **Sheriff Court** and less serious summary cases are handled by the **Justice of the Peace Court**. The latter is made up of justices of the peace (who are lay justices and sit with a legally qualified adviser).

The two main civil courts in Scotland are the **Court of Session** and the **Sheriff Court** (including the civil **Sheriff Appeal Court** and the all-Scotland **Personal Injury Court**). The civil courts hear cases on a range of matters resolving disputes, including the recovery of debts, family actions and commerce.

The **Court of Session** is the supreme civil court in Scotland. It has an outer house, which deals with cases initially before any appeal, and an inner house, which deals mainly with appeals. The principal judge is the Lord President.

Points of law can be appealed to the new Supreme Court of the United Kingdom, with leave of either the Court of Session or Supreme Court.

The Sheriff Courts can deal with cases similar to those raised in the Court of Session, but also provide simplified procedures for cases up to the value of £5000, where the assistance of legal representatives is not required.  Actions over £5000 and up to £100,000 must be raised in the Sheriff Courts.

The civil Sheriff Appeal Court has provision to have a single or triple appeal Sheriff bench presiding over civil appeals.

More detailed information about courts in Scotland can be found on the website of the Scottish Courts and Tribunals Service.

**Related Links**

Scottish Courts and Tribunals Service,

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