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**THE STATUS AND FUNCTIONS OF
SECRETARIES GENERAL
OF CONSTITUTIONAL COURTS**

THE BULLETIN

THE STATUS AND FUNCTIONS OF SECRETARIES GENERAL OF CONSTITUTIONAL COURTS

The first Conference of Secretaries General (Kyiv, 25-26 November 1999) provided an insight into the differences in status, functions and responsibilities of the secretaries general of constitutional Courts. During the preparations for the second conference (Madrid 14-15 November 2002), the Secretariat of the Venice Commission was made aware of a keen desire for greater familiarity with the different functions of secretaries general.

Accordingly, a questionnaire was drawn up in order to outline the main features of their status and functions. This questionnaire was sent in September 2002 to all Courts regularly contributing to the Bulletin of Constitutional Case-Law.

This volume analyses the replies from thirty-nine constitutional Courts or Courts with equivalent jurisdiction, not only in Europe but also from other parts of the world.

To shed further light on the functions of the secretary general in the Court to which he or she is assigned, the questionnaire focused not only on questions concerning the status and functions but also on matters relating to the organisation and functioning of the Court itself. It was decided to opt for a comparative approach rather than a descriptive one, which would have followed a country-by-country classification.

*This special edition of the Bulletin presents the **replies to the questionnaire as submitted, November 2002**, in table form, followed where appropriate by the comments provided by the Courts. In this way, readers will immediately be able to see the situation in each of the thirty-nine Courts that replied to the several hundred points addressed in the questionnaire. A general introduction summarises the information gleaned from the replies.*

In producing this volume, the European Commission for Democracy through Law is making available to all readers interested in constitutional justice a study on the status and functions of secretaries general and providing them with a unique opportunity to discover some of the key aspects of the life of thirty-nine constitutional Courts or Courts with equivalent jurisdiction. The Venice Commission is particularly grateful to the secretaries general for their contributions, without which this special edition would not have been possible.

G. Buquicchio

Secretary of the European Commission for Democracy through Law

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The European Commission for Democracy through Law, better known as **the Venice Commission**, has played a leading role in the adoption of constitutions in Central and Eastern Europe that conform to the standards of Europe's constitutional heritage.

Initially conceived as an instrument of emergency constitutional engineering against a background of transition towards democracy, the Commission since has gradually evolved into an internationally recognised independent legal think-tank. It acts in the constitutional field understood in a broad sense, which includes, for example, laws on constitutional Courts, laws governing national minorities and electoral law.

Established in 1990 as a partial agreement of 18 member states of the Council of Europe, the Commission in February 2002 became an enlarged agreement, comprising all 46 member States of the organisation and working with some other 12 countries from Africa, America, Asia and Europe.

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INTRODUCTION

The purpose of this introductory study is to examine point by point the replies from the thirty nine courts that answered the questionnaire on "The status and functions of the Secretaries General of Constitutional Courts". To allow summary tables to be prepared showing the situation in each court on each question, respondents were asked to answer if possible yes or no, adding comments where appropriate. These comments enabled them to refine their replies and to submit a sample of the distinctive features of their courts. This study represents a compilation of both the replies and the comments supplied by the Secretaries General. The references made to courts by name are only indicative and in no way exhaustive.

For a better understanding of the situations described, it should be mentioned at the start that the characteristics of certain Constitutional Courts or equivalent bodies seem to have affected the replies to the questionnaire.

For example, there may not be a Secretary General: in Latvia, for instance, the chief administrative functions are discharged by the President of the Court in person, assisted by the head of the Court's office and a head of management (which explains why most of the questions went unanswered). There may be several Secretaries General, as in Argentina, where twelve Secretaries General manage a secretariat with very specific functions. The function of Secretary General may also be carried out by a director, as in the Czech Republic (Director of Administration), Germany, Norway, Poland (Chief of the Office of the Tribunal) and South Africa. The job of administering the court may also be assumed by a registrar, as in Belgium, Ireland, Liechtenstein and Luxembourg.

While the title of Secretary General is not common to all courts, analysis of the replies to the questionnaire gives an idea of the situations prevailing at constitutional courts and equivalent bodies, regardless of actual titles. The expression covering the heterogeneous range of courts whose constitutional case law was to be published in the Venice Commission's *Bulletin on Constitutional Case Law* ('Constitutional Courts and courts of equivalent jurisdiction') is readily adaptable to this questionnaire. The answers to the questionnaire describe the status and functions of the Secretary General and any person of equivalent function.

This introductory study supplements the information in the tables and comments, and it analyses all the points covered by the questionnaire. It will therefore follow the plan of the questionnaire, dealing first with the status of the Secretary General (A) and second (B) with the Secretary General's functions with regard both to administration of a court (B.I) and to the Secretary General's role, if any, in the Court's judicial functions (B.II).

A. The status of the Secretary General

While it is not possible to list all the rules applying to Secretaries General as a category or persons of equivalent function and governing their status and career, the questionnaire has nevertheless helped to identify the main rules concerning the legal basis of the Secretary General's status and to outline the nature and career development of that office. In this latter context it deals with the nature of the office (1), compares the situation of the Secretary General with that of other civil servants (2), and looks into his or her recruitment (3) and career development.

I. Legal basis of the Secretary General's status

The Constitution, the Law on the Constitutional Court, the Regulations of the Constitutional Court and the Law on Civil Servants constitute the main instruments dealing with the Secretary General's status.

The replies to the questionnaire show that the most frequently adopted legal basis for Secretaries General is a combination of the Law on the Constitutional Court and the Regulations of the

Constitutional Court: this is the case in Albania, Armenia, Finland (Supreme Court - Supreme Administrative Court), Israel, Italy, Luxembourg, Romania, Slovakia and Turkey.

The second most common legal basis is the one in which the status of the Secretary General is determined by a single document, most frequently the Law on the Constitutional Court (as in Belgium, France, Hungary, Japan, Kazakhstan, Latvia, Liechtenstein, Poland, Portugal and Slovenia) or the Regulations of the Constitutional Court alone (as in Argentina, Azerbaijan, Bosnia-Herzegovina, the Czech Republic, Estonia, Germany and Switzerland).

When a single document is the legal basis, it may be the Law on Civil Servants, as in Austria; the Constitution, as in South Africa; or a general law on courts (the Court Act), as in Norway.

Finally, among the commonest combinations of documents should be noted the combination of the Law on Civil Servants, the Law on the Constitutional Court and the Regulations of the Constitutional Court, as in Andorra, Belarus and Russia; the combination of the Law on Civil Servants and the Regulations of the Constitutional Court, as in Bulgaria and Lithuania; general civil department legislation and regulations, as in Ireland; the combination of Regulations of the Constitutional Court and a special law as in Greece; and, finally, the broadest combination, namely the Law on Civil Servants, the Law on the Constitutional Court, the Regulations of the Constitutional Court together with provisions on the secretariat of the Constitutional Court, as in Ukraine.

The legislation most frequently found (25 references) is the Regulations of the Constitutional Court. This is important in that they are drawn up and adopted by the Court, which is thus primarily responsible for deciding on its own method of working.

II. Nature and career development of the office

After identifying the nature of the office (1) and then comparing the situation of the Secretary General with that of other civil servants (2), the questionnaire deals with career development of the office of Secretary General by looking at recruitment conditions (3) and career development (4). Finally it deals with whether the Secretary General is assisted by a deputy (5).

1. Nature of the office

Determining how far the Secretary General is a State civil servant (1.a) or a civil servant integrated into the judiciary (1.b) gives an indication of the nature of the office of Secretary General.

1.a A State civil servant

Examination of the nature of the office shows that the majority of replies (20 of them affirmative) place the Secretary General in the category of State civil servant: Albania, Andorra, Austria, Belarus, Bulgaria, the Czech Republic, France, Germany, Greece, Hungary, Ireland, Israel, Japan, Lithuania, Portugal, Russia, Slovakia, South Africa, Switzerland and Ukraine. In some of these countries the Secretary General is also regarded as integrated into the judiciary, e.g. Andorra, Belarus, Japan, South Africa and Ukraine.

Among Secretaries General whose actual title is director, as in the Czech Republic, Germany, Norway and Poland, will be found those classified as State civil servants.

1.b A civil servant integrated into the judiciary

Other Secretaries General would define themselves as civil servants integrated into the judiciary only, as in Armenia, Argentina, Belgium, Estonia, Finland (Supreme Court and Supreme Administrative Court), Italy and Luxembourg. It is worth noting that in some countries the Secretary General may be a judge, as in Italy (appeal judge on secondment); in France, since the creation of the Constitutional Council, Secretaries General, with one exception, have been members of the *Conseil d'Etat*; in Turkey, the Secretary General is elected from among the rapporteur judges of the Constitutional Court.

2. Situation compared with other civil servants

The rank of Secretary General was assessed in comparison with other State civil servants, particularly as regards salaries and allowances (2.a), social benefits (2.b) and pension (2.c).

2.a Salary and allowances of the Secretary General

All disparities disappear when the rank and salary of the Secretary General are described. The rank of Secretary General can always be regarded as equivalent to the highest rank in the national civil service, as in Portugal, where the post of Secretary General is equivalent to that of Director-General, which represents the highest level (immediately below policy level) in the Portuguese civil service. In certain countries, the rank of Secretary General is equivalent to that of Secretary General of Parliament, as in Andorra, Bulgaria, France or Switzerland; or equivalent to a Ministerial Under-Secretary (Spain), Deputy Minister (Japan) or Secretary of State (Poland). Treating the post of Secretary General as equivalent to that of senior State civil servants obviously affects salary, which will be one of the highest, sometimes accompanied by better social benefits though less often better pension, to which the general conditions apply.

Treating the post as equivalent to the highest ranks in the civil service is an undeniable sign of the importance not only of the post but also of the Constitutional Court's rank in the national hierarchy.

As regards salary, the case of Estonia stands out among the systems described in the replies to the questionnaire. In that country, salaries, the payment of salaries and social benefits are determined by the President of the Court, who has discretionary power within the limits of the Court's budget.

2.b Social benefits

Secretaries General do not as a general rule enjoy any special arrangements but are covered by the normal civil-service schemes. However, it should be kept in mind that the comparison should be with senior civil servants not only as regards salaries, as already seen, but also in terms of other benefits.

2.c Pension

The pension arrangements for Secretaries General are likewise as for other civil servants; putting them on the same salary level as the most senior ranks of the civil service affects the size of the retirement pension.

3. Recruitment of the Secretary General

After identification of the general requirements (3.a) and specific requirements (3.b) regarding, for example, the training, practical experience or seniority that may be required for access to the post, the recruitment procedures (3.c), namely competition and/or nomination are analysed, as also is the nomination procedure where appropriate (3.d). The necessity or otherwise of taking an oath (3.e) when assuming office closes the recruitment phase.

3.a General requirements

In a very large majority of countries, the general conditions for civil service entry apply. There are sometimes additional conditions regarding nationality, as in Andorra, Argentina, Germany, Israel, Norway, Slovakia, Slovenia, Switzerland and Ukraine.

3.b Specific requirements

As regards the training required, certified legal training (attested by a legal diploma and/or professional experience) is required by a large majority of courts (Andorra, Argentina, Austria, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Estonia, Finland (Supreme Court, Supreme Administrative Court), Germany, Hungary, Israel, Japan, Luxembourg, Norway, Portugal, Romania, Slovenia, South Africa, Spain, Switzerland, Turkey and Ukraine). While legal training may not be formally required by the rules, it may be required in practice (France, Poland), or an advanced university qualification at the very least may be demanded (the Czech Republic, Lithuania, Slovakia).

Professional experience over several years is always required, ranging from at least 3 years (Ukraine) or 5 to 6 years (Bosnia and Herzegovina, Slovakia, Romania) to 10 years (Slovenia), in the vast majority of cases in the legal field or a similar area of management (the Czech Republic, Hungary, Poland).

3.c Recruitment procedure

Once the recruitment requirements are met, recruitment in twenty one Courts takes place by nomination, as in Ukraine, Turkey, Spain, Slovakia, Russia, Romania, Liechtenstein, France, Bulgaria, Belarus, Azerbaijan, Austria, Armenia, Argentina and Albania. At thirteen Courts recruitment takes place on the basis of a competition, as in Lithuania and Norway. The competition may be followed by nomination, as in Andorra, Belgium, Estonia, Finland (Supreme Court, Supreme Administrative Court), Hungary and Slovenia. The competition may be for staff of the Court, with the final decision being made by a committee, as in Israel. The competition may be followed by an interview before a special commission designated by the President of the Court, as in the Czech Republic, or followed by an interview with the whole Court, as in Bosnia-Herzegovina. The nomination procedures are summarised under 3.d: below.

3.d Recruitment by nomination

Formal nomination of the Secretary General is carried out in fourteen Courts by the President of the Court, as in Armenia, Azerbaijan, Belarus, Estonia, Kazakhstan and Liechtenstein. The Court may first have been consulted in advance, or it may elect the Secretary General, as in Bulgaria and Spain, or give its agreement, as in Hungary or Portugal, where consultation of the Court, although obligatory, does not tie the hands of the President, who has full discretion with regard to nomination. The Secretary General is nominated in twelve Courts following nomination by the Court itself, as in Argentina, Finland (Supreme Court, Supreme Administrative Court), Germany, Italy, Russia, Romania, Slovenia and Ukraine, where nomination is by the Court on the President's recommendation. The candidate is recruited either through competition, as in Bosnia and Herzegovina, or on the President's recommendation, as in Ukraine, or may be directly appointed by the Court, as in Japan.

In rare cases, the final appointment is by a body outside the Court: by the Government following a recommendation by the Court (Andorra), by the President of the Republic on a proposal from the President of the Court (Austria, France) or by the Crown following selection of the candidate by the Council of Ministers (Cabinet) on a proposal by the President of the Court (Belgium).

Regardless of the recruitment procedure, it is worth noting that the President of the Constitutional Court often plays a preponderant role in the various stages of the appointment process.

3.e Does the Secretary General take an oath when taking office?

To conclude the question of recruitment and look at the taking of office, a large majority of Secretaries General (22) do not have to take a specific oath either because they took an oath when joining the civil service (as in Austria, Estonia, Israel and Ukraine) or the judiciary (as in Spain, Luxembourg) or because it is not a requirement. However, taking an oath on assuming office is customary in thirteen countries, when the Secretary General is not already a State civil servant and has therefore not already taken one on starting his duties, as in Italy. The oath may be taken before the Court, as in Switzerland, or before the President of the Constitutional Tribunal (Portugal).

4. Career development of the Secretary General

The determinate or indeterminate nature of the Secretary General's term of office (4.a), examination of cases of termination of the office (4.b) and disciplinary measures (4.e) give an idea of how the Secretary General's career may develop.

4.a Term of office of the Secretary General

The career of the Secretary General is based, in a very large majority of countries (28 replies), on an indeterminate term of office as in Albania, Andorra, Argentina, Armenia, Belgium, Bosnia-Herzegovina, Bulgaria, the Czech Republic, Estonia, Finland (Supreme Court, Supreme Administrative Court), Germany, Greece, Hungary, Ireland, Israel, Japan, Liechtenstein,

Lithuania, Luxembourg, Norway, Poland, Romania, Russia, Slovakia, Slovenia and Turkey. The term of office will be determinate, for example, in the case of secondment, as in France, or when the term is explicitly laid down, as in South Africa (2 years), Austria (5 years renewable), Belarus, Spain (3 years renewable), Switzerland (6 years renewable) and Portugal, where the term of office of the Secretary General coincides with that of the President of the Court.

4.b Causes of termination

There are no features not found in the civil service. The Secretary General may resign, be moved to another function, be dismissed or be removed from office. Removal from office is a consequence of disciplinary measures, the procedures for which are examined at 4.c: below.

4.c Disciplinary measures

The rules on disciplinary measures applicable to the Secretary General are broadly identical to those for any State civil servant. The Secretary General is therefore subject to the disciplinary arrangements laid down in civil-service legislation, as in Austria, Bulgaria, Ireland, Israel, Lithuania, Luxembourg, Portugal, Romania and Switzerland. Different degrees of severity of disciplinary measures may exist, as in Albania, which provides for "a warning for dismissal, demotion or removal from the civil service", or Ukraine, where disciplinary measures include a reprimand, a remuneration penalty, notice of incomplete compliance with department requirements, and dismissal.

In Finland (Supreme Court, Supreme Administrative Court), the Secretary General may be suspended from office only if convicted of a criminal offence.

The Regulations of the Court may also provide for a system of disciplinary measures, as in Spain, where the Secretary General is subject to the same rules as lawyers of the Court, or as in Romania, where the Plenary Court may impose three types of sanction on the Secretary General: reprimand, severe warning and removal from office in accordance with the Court's rules of procedure.

In Japan likewise, a decision on possible disciplinary measures is taken by the Judicial Assembly of the Supreme Court, as also in Belgium. While, in Andorra, it is for the President of the Constitutional Tribunal to investigate the disciplinary matter, it is for the Government to take the decision in it.

In very rare cases there seem not to be any disciplinary measures, as in Slovenia or in the Czech Republic, where the Director of the Court, like other employees, is subject to the labour code, in which there is no provision for disciplinary measures.

5. Is the Secretary General assisted by a Deputy?

The replies to the questionnaire show that the Secretary General is assisted by a deputy in half the Courts. The deputy may be a Deputy Secretary-General in the strict sense, as in Spain or Romania (appointed by the President on the basis of a competition), an assistant, who may be a judge in one of the sections of the Court (Germany), the registrar or senior registrar (South Africa), assistants specialising in certain subjects (legal and administrative in Bosnia and Herzegovina), lower-level civil servants who assist the Secretary General (Argentina) or a further two possibilities, namely a deputy and specialised assistants, as in Slovenia or Switzerland. Where there is no formal provision for a deputy to the Secretary General, certain Courts may fill the gap by means of a decision of the President of the Court bringing in an auxiliary judge to take care of the duties concerned (Finland, Supreme Court and Supreme Administrative Court).

To sum up, the legal status of the Secretary General as shown by the replies reveals certain distinctive features specific not only to the office but also, and mainly, to the institution he or she serves. The legal basis of the Secretary General's status will be found in a very large majority of cases in the Law on the Constitutional Court and in the Regulations of the Constitutional Court; very seldom is the Law on Civil Servants, for example, mentioned as a source, whether sole or additional. Whether the Secretary General is regarded as a State civil servant or more as a civil servant integrated into the judiciary, his or her situation compared with that of other civil servants is highly advantageous as regards remuneration, which is comparable in all cases to that of the most senior civil servants in the administrative hierarchy, sometimes to that of senior judges, sometimes to that of Clerk of Parliament. The last-mentioned point is important for its symbolic message that

the Constitutional Court is comparable in status with Parliament in the country's democratic life. Determination of the conditions for recruitment of the Secretary General has revealed the preponderant role played in this process by the Court, and particularly by the President of the Court. As the Secretary General is recruited in the vast majority of cases on the basis of an indeterminate term of office, the conditions governing the recruitment procedure are important, given the functions and powers that must be discharged by the Secretary General, either alone or assisted by deputies.

The second part of the questionnaire concerns the functions of the Secretary General. In order to determine and analyse them, the questionnaire offered Secretaries General an opportunity to give a brief description of the organisation of the Court, and both enumerate the various services provided by the Court and describe the Court's various departments. Within this descriptive enumeration, the functions, powers and responsibilities of the Secretary General will be analysed firstly with respect to the administrative part of the life of the Court (B.I. *The Secretary General and non-judicial functions of the Court*) and then with respect to the judicial part of the activity of the Court of which he or she is the Secretary General (B.II. *The Secretary General and the judicial phases of the Court*).

I. Non-judicial functions of the Secretary General: administration of the Court

Both the enumeration of the various departments of the Court (1), including those directed by the Secretary General, and the figures concerning the staff of the Court (2) enabled Secretaries General to furnish a picture of the organisation and size of the Court which they direct. The functions of the Secretary General are examined more closely in terms of some salient aspects of Court administration, such as staff management (3), the budget of the Court (4), administrative meetings of the Court (5) relations with the public (6) and publications (7).

1. Descriptive enumeration of the various departments of the Court

The enumeration of the Court's departments is aimed at best identifying the role and functions of the Secretary General within the Court as described; the departments directed by the Secretary General have been identified point by point in the enumeration.

1.a Enumeration of the Court's departments

- **Registry**

A centralised or decentralised registry was the option that the Secretaries General had to choose in describing their Court's registry. Twenty seven Secretaries General replied that their Court's registry was centralised, the Courts concerned being Albania, Andorra, Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, the Czech Republic, Finland (Supreme Court and Supreme Administrative Court), Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Norway, Poland, Romania, Russia, Slovakia, Slovenia, South Africa and Turkey.

Nine Courts seem to have decentralised assistance to the judges. The Courts concerned include Argentina, Estonia, Lithuania, Portugal, Spain, Switzerland and Ukraine.

The Jurisdiction and Procedure Court of Belgium combines a centralised registry and decentralised assistance to judges.

Eleven Secretaries General direct the registry, whether centralised or involving decentralised juridical assistance. These are the Secretaries General of the Constitutional Courts of Albania, Belgium, Bulgaria, France, Germany, Liechtenstein, Lithuania, Norway, Portugal, Romania and Russia.

- **Documentation centre**

Twenty nine Courts have a documentation centre. This is usually (sixteen cases) directed by the Secretary General. It is a responsibility common to, for example, the Secretaries General in Albania, Argentina, Armenia, Belgium, Bulgaria, Finland (Supreme Court and Supreme Administrative Court), France, Germany, Israel, Japan, Kazakhstan, Portugal, Russia, Switzerland and Turkey.

- **Library**

Thirty five Courts have a library. Cases of shared libraries exist – in Luxembourg, for example, the registry of the High Court of Justice also acts as the registry of the Constitutional Court. It thus has access to the legal data bases to which the High Court subscribes. Another case is Ireland, where the main library for the judiciary is the judges' library, which is administered separately. The Supreme Court thus has only a very small library.

Seventeen Secretaries General direct this service. They include the Secretaries General of Albania, Argentina, Armenia, Belgium, Bulgaria, Finland (Supreme Court, Supreme Administrative Court), Germany, Israel, Kazakhstan, Lithuania, Norway, Portugal, Russia, Switzerland and Ukraine.

- **Department of legal research**

Twenty-six Courts replied in the affirmative. However, there are differences of detail: Courts with decentralised assistance to judges, for example by means of auxiliary judges (e.g. Austria, Germany and Estonia), tended to reply in the negative on the grounds that there was no department as such. Other Courts, e.g. those of Belgium and South Africa, taking the view that auxiliaries or researchers under contract met the description, were able to reply in the affirmative. The legal research department is sometimes merged with the documentation centre, as in Italy or Switzerland. It may be shared with another Court, as in the case of the Luxembourg Constitutional Court, or may consist, as in Ireland, of researchers working continuously but not exclusively with judges; judicial researchers are a joint resource for all Irish judges and are administered separately. On the other hand, certain Courts may have specific legal research departments, as in Russia, which has eight, while there may be a case-law and research division, as at Poland's Constitutional Tribunal. Ten Secretaries General direct this department.

- **Translation department**

Seventeen Courts have a translation department in the Court. It is worth noting that the great majority of the Courts concerned spring from countries that gained independence after the collapse of the Communist bloc as it was before the fall of the Wall, among them Albania, Armenia, Belarus, Bosnia and Herzegovina, Bulgaria, Estonia, Hungary, Kazakhstan, Latvia, Lithuania and Slovenia. Other countries here are Andorra, Argentina, Belgium, Germany, Japan and Turkey. Israel plans to set up a department for translation into English and Arabic, while Switzerland, going against the stream, tries as far as possible to do without translation.

In eleven Courts this department is directed by the Secretaries General.

- **Computer department**

This department exists in twenty nine Courts. Computer assistance may also be decentralised, as in Ireland. In fifteen cases this department is directed by the Secretary General.

- **Financial department**

A financial department exists in thirty one Courts. Exceptions are Greece, Ireland, which regards this function as being discharged by the Court's Finance Directorate, Liechtenstein, Luxembourg and Norway.

This department is under the authority of the Secretary General in seventeen cases.

The functions of the Secretary General that come under the Court's budget are covered in a specific section (B.1.4) below.

- **Press relations department**

Twenty-four Courts replied affirmatively to this question. The number would be higher if account were taken of posts concerned with press relations but not necessarily constituting a department, as in Armenia or Ireland, which has a media relations adviser, or as in Israel, which has a spokesman of the judiciary and no press relations department as such, or again as in Austria, where the Secretary General acts as press officer.

Ten Secretaries General direct this department. The role of the Secretary General in press relations will be studied further under 6.b.

- **Personnel department**

A personnel department is found in twenty five Courts. Fourteen Secretaries General direct this department. Questions concerning staff management and the Secretary General's involvement in this field will be analysed below under 3.

- **Protocol department**

Twenty Courts have a protocol department; in fourteen Courts this department is directed by the Secretary General. The Secretaries General concerned are those of Albania, Armenia, Belarus, Bulgaria, France, Germany, Israel, Japan, Lithuania, Norway and Switzerland. This department is sometimes attached to the President's office, as in Spain or Poland.

- **External relations department**

Twenty-five Courts have an external relations department, which is directed in at least eleven cases by the Secretary General.

Where an external relations department does not exist, this function may be included in another department like the President's office, as in Spain, or outsourced to the information department of the Courts, as in Ireland. The Court's external relations and the functions of the Secretary General in this field are described in greater detail below under 1.6.a: (*Is the Secretary General in charge of the management of the Court's public relations?*).

- **Other**

Among the departments not explicitly identified by the questionnaire, mention should be made of the President's office, as in Austria, and a legal analysis department, as in Hungary. Technical departments such as those for buildings (Germany), security (Israel), bailiffs (Switzerland) and catering (France) are also mentioned several times.

2. Staff of the Court

Details about the number of judges (2.a), number of staff performing legal functions (2.b), number of staff performing administrative functions (2.c) and total staff numbers at the Court (2.d), ending with the number of staff headed by the Secretary General (2.e), provide information about the size of the Court managed by the Secretary General.

2.a Number of judges

While the number of judges may vary from four (Andorra) or seven (Kazakhstan and Latvia) to thirty (Switzerland), the commonest number is nine, as in Albania, Argentina, Armenia, Azerbaijan, Bosnia and Herzegovina, France, Lithuania, Luxembourg, Romania and Slovenia, closely followed by Courts whose composition ranges from eleven judges, as in South Africa and Hungary, to twelve as in Belarus, Belgium, Bulgaria and Spain, thirteen as in Greece, Portugal and Slovakia, fourteen as in Austria or Israel or fifteen as in the Czech Republic, Italy, Poland and Turkey. Over those figures, Germany is the only Court with sixteen judges, while Estonia has seventeen. A final group of Courts includes those with nineteen judges, as in Norway and Russia, or twenty judges, as in Finland (Supreme Court) and twenty one, again in Finland (Supreme Administrative Court). Switzerland concludes the list with its thirty judges.

The average number of judges for the whole of the Courts is 12.76.

2.b Number of staff performing legal functions

On this point, the differences between the Courts are substantial: the number of staff performing legal functions varies from two (Andorra, Bulgaria) to a hundred and twenty eight (Argentina). The six Courts with fewer than ten legal staff are Albania (4 people), Andorra (2 people), Armenia (7 people), Bosnia and Herzegovina (8 people), Bulgaria (2 people) and France (3+1 people). These are followed by ten Courts whose legal staff consists of between ten and twenty five persons (Belgium (20 people), Estonia (22 people), Kazakhstan (14 people), Latvia (13 people), Lithuania (17 people), Norway (20 people), Portugal (23 people), Romania (22 people), South Africa (11 people) and Turkey (18 people)). A third group of nine Courts consists of those whose legal staff numbers between twenty five and fifty: these are the Courts of Austria (29 people), Belarus (19+12 judges' assistants), the Czech Republic (34 people), Finland (34 people for the Supreme

Court, 38 people for the Supreme Administrative Court), Israel (35 people), Slovenia (28 people, including 4 part-time), Spain (40 people + 5 justice secretaries) and Ukraine (30 judges' legal assistants). There are four Courts with between fifty and a hundred staff performing legal functions – in ascending order, Hungary with 55 people, Poland with 68 people, Germany with 70 people and Switzerland with 94 people (86 registrars and 8 lawyers in the documentation department). Finally, two Courts have a number of legal staff exceeding a hundred, namely Russia with a hundred and twenty people and Argentina with a hundred and twenty eight people.

These figures for Courts' legal staff will be correlated with the number of appeals received by the Courts each year in Part II (*The Secretary General and the judicial phases of the Court*), Section 1 (*Registration of complaints*) to give an indication of the number of cases per year handled by each lawyer, assuming a meaningful relationship between the number of complaints each year and the number of staff performing legal functions.

2.c Number of staff performing administrative functions

Here too the differences between Courts are large. A first group comprises Courts whose administrative staff exceeds a hundred: in alphabetical order, Argentina (257 people), Germany (162 people), Israel (85 people plus 100 guards), Spain (150 people) and Turkey (121 people). Switzerland, with 98 administrative staff, may be added to this group as the upper limit of the second group of Courts is set at sixty people. The second group consists of Courts with between thirty and sixty administrative staff: in descending order, we have Romania with 59 people, Belgium (58 people), Austria (51 people), the Czech Republic (50 people), Ukraine (44 people), Finland with 40 persons (Supreme Administrative Court), together with Poland, Slovakia (38), Finland (Supreme Court) (33), Hungary (32) and Estonia (30). The third group is Courts with between one and thirty persons performing administrative duties: Albania (29 people), Lithuania (27 people), Norway and Russia (20 people each), Armenia and Bulgaria (19 each), South Africa (17 people), Bosnia-Herzegovina (15 people), Slovenia (11 people), France and Ireland (10 people each), Kazakhstan (7 people), Greece and Belarus (6 people each), Latvia and Liechtenstein (3 people each) and, finally, Luxembourg and Andorra (1 person each).

2.d Total staff numbers at the Court

The total number of Court staff is certainly a good indicator of a Court's size. Although the disparities are also great here, with the highest total a hundred times greater than the lowest, three groups of equal size can nevertheless be identified. The Courts that can be described as large because of the size of their staff include ten Courts in descending order: Russia with over 300 people, Italy with 175 people plus 150 on secondment, Germany with 244 people, Ukraine with 212 people, Switzerland with 192 people, Israel with 192 people, Turkey with 154 people, Hungary with 120 people, Azerbaijan with 100 people and Poland with 108 people.

The eleven Courts whose total staff figure is between fifty and a hundred are: Finland with 99 people for the Supreme Administrative Court and 87 people for the Supreme Court, Romania with 93 people, the Czech Republic with 84 people, Austria with 80 people, Estonia with 79 people, Belgium with 78 people, Belarus and Slovakia with 66 people, Slovenia with 65 people and France with 58 people.

The third and last group of eleven Courts has a total staff figure ranging from forty four to three: in descending order, they are Lithuania (44), Albania (44), Latvia and Norway (41 and 40 respectively), Armenia (34), Bosnia-Herzegovina (23), Bulgaria (21), Ireland and South Africa with 10 and 11 people respectively, Andorra with 7 people and Liechtenstein with 3 people.

2.e Number of staff headed by the Secretary General

In the case of a third of Secretaries General, the whole of the Court staff is under their authority. There is complete equivalence between the total number of Court staff and the staff placed under their authority. The Secretaries General of Ukraine, Norway, Lithuania, France, Poland (where the Secretary General is the hierarchical superior of the whole staff), Bulgaria, Bosnia and Herzegovina and Austria replied to this effect. As regards the other Secretaries General, if we compare the figure for the whole of the Court staff with the number of staff under their authority, it will be found that the vast majority of Secretaries General have around a third of the staff as a whole under their authority. This figure is particularly significant because the Secretary General

has important staff management functions, as will be seen below under B.I.3 (*The Secretary General and staff management*).

3. The Secretary General and staff management

This point identifies the role of the Secretary General in recruitment (3.a), in staff careers (3.b), in exercise of exclusive or shared disciplinary powers (3.c) and in professional training programmes (3.d).

3.a Recruitment of staff by the Secretary General

In the great majority of Courts, the Secretary General is responsible for recruiting the staff of the Court. This power may be exclusive, as in South Africa, Germany (for senior posts, the President's agreement is necessary), Israel, Lithuania, Poland and Switzerland as regards posts that do not concern registrars with a consequent sharing of power. This power enjoyed by the Secretary General may be shared, as in Bulgaria, Finland, Norway or Russia; may be shared with the President, as in Austria or Turkey; or may be shared with the Court, as in Slovenia. It should be noted that the Secretary General's power may also depend on the recruitment conditions, which allow little latitude when recruitment takes place on the basis of a competition. When the Secretary General is not responsible, he or she still plays a part in the recruitment procedure: he or she may be consulted, as in Estonia, may be called upon to make proposals, as in Bosnia and Herzegovina and Portugal, or will participate in the selection process, as in the Czech Republic or Romania.

Very few completely negative replies were received on this point. In most cases, the President of the Court is appointed to be in charge of recruitment, as in Azerbaijan and Hungary, or a hybrid committee composed of the President and judges, as in Italy, takes charge.

3.b Does the Secretary General manage the career of the staff of the Court?

The proportion of Secretaries General involved increases when it comes to staff career management. The ones with exclusive powers here are often those who already possessed a degree of autonomy regarding recruitment, as in Germany, Israel, Lithuania, Poland and Switzerland; those whose recruitment powers were shared also share powers in management of staff careers with the President of the Court, as in Turkey, or with the Court through joint committees, as in Italy and Slovenia; those who did not have powers to recruit, however, share career-management powers either with, for example, the President of the Court, as in Hungary, the Court, as in Andorra, or the head of personnel, as in Albania. There are only seven Courts where the Secretary General does not manage staff careers to some degree, sometimes under legal provisions that seem to govern promotions automatically, as in the Czech Republic or Portugal.

3.c Does the Secretary General have disciplinary power?

However, one area, disciplinary authority, is shared by all Secretaries General, with the exception of those of Andorra, Estonia, Finland, Greece, Kazakhstan and Liechtenstein. Disciplinary authority is exclusive in the same countries as had exclusive powers over staff careers (Germany, Lithuania, Poland and Ukraine), plus Argentina, Belgium, Italy and Romania, depending on the type of decision. Disciplinary power may also be delegated by the President to the Secretary General, as in Portugal. The vast majority of Secretaries General share disciplinary powers, with the President of the Court, as in Austria and Turkey, or with a Disciplinary Commission, as in Bosnia-Herzegovina and Italy.

3.d Staff training

With the exception of nine Courts, the Secretary General is involved to various degrees in staff training. He or she may, for example, choose professional training programmes and decide on participation in such programmes, as in Poland, or on participation in outside training programmes such as seminars for the employees he or she directs, as in Slovenia. The Secretary General may likewise select staff training programmes, which are finally decided on by the President of the Court, as in Hungary, by the judges, as in the Czech Republic, or in administrative sessions to determine the annual training plan, as in Slovenia. The Secretary

General may have direct power over his or her employees to authorise their participation in training programmes, as in the Czech Republic, or power delegated by the President, as in Portugal.

As regards staff, there are, in fact, very few Courts where the Secretary General seems to be totally excluded from staff management at all stages, as in Liechtenstein or Luxembourg, or only has consultative power, as in Estonia. At the other extreme there is a group of Courts whose Secretaries General deal, either exclusively or on a shared basis, with all areas of staff management identified by the questionnaire, namely recruitment, career development, training and sanctions: this is the case with Austria, Belarus, Bulgaria, France, Germany, Israel, Lithuania, Norway, Poland, Russia, South Africa, Switzerland, Turkey and Ukraine. More numerous are the countries where, although the Secretary General is not involved in recruitment (Albania, Hungary and Spain), he or she nevertheless manages staff career development and/or has at least disciplinary power, as in Ireland; alternatively he or she takes part in recruitment but thereafter is involved only in training, as in Finland. The Secretary General's powers regarding recruitment do not therefore determine his or her functions in other areas of staff management. The area in which he or she is almost inevitably involved is discipline, which is a true common denominator.

4. The Secretary General and the budget of the Court

An examination will first be made of the role of the Secretary General in preparing the annual draft budget (4.a), in presenting the draft budget to an authority (4.b), in executing the budget (4.c) and in administering the budget (4.d). The expenses that can be committed by the Secretary General alone (4.e), that can be committed without the authorisation of the Secretary General (4.f) and that the Secretary General cannot commit alone (4.g) indicate the extent of his or her functions. Finally, the role of the Secretary General in closing the annual budget of the Court (4.h) and in presenting the closing of the budget (4.i) completes the analysis of the Secretary General's involvement in the Court's budgetary work.

The Court's budget proved to be what the Secretary Generals who replied to the questionnaire had most in common. Only six Secretaries General are never involved in budgetary questions – those in Azerbaijan, Estonia, Latvia, Liechtenstein, Russia and Luxembourg, where the budget is managed by the Ministry of Justice. The Supreme Special Court of Greece has only a minimum budget which is managed by its President if he or she has not delegated powers in the matter to the Secretary General, an official of the registry or a judge. All the Secretaries General of the other Courts are involved in the Court's budgetary questions.

4.a Preparation of the annual draft budget

It is very noticeable that all Secretaries General, apart from those of the six Courts mentioned above, are responsible to varying degrees for preparation of the Court's annual draft budget. This function may be an exclusive responsibility, as in Argentina, Austria, Belarus, Finland (Supreme Court, Supreme Administrative Court), Norway, South Africa and Switzerland; it may be performed with the help of specialist staff or a specialist department (accountant, paymaster) as in Bosnia and Herzegovina, the Czech Republic, France, Portugal, Romania, Spain and Switzerland; or may constitute a responsibility shared with the Department of Finance (Albania), the registrar (Israel), the Court (Andorra), the President of the Court (Japan, Turkey) or the Director (Slovenia).

The involvement of all Secretaries General in this part of budget management is particularly striking since for some of them it is their sole budget involvement (e.g. the Secretary General of Hungary, who is not involved in the later stages).

4.b Presentation of the budget

Once prepared, the budget is generally submitted to an authority for approval. The authority concerned may be the President of the Court, as in France, Lithuania, Poland, South Africa and Spain; it may also be a select board composed of judges and the President of the Court, as in Italy, Portugal and Switzerland, before being generally presented for approval to the Court meeting in plenary assembly, as in Andorra, Portugal and Spain (see also 5. Administrative meetings of the Court).

After internal adoption, the budget is submitted to an outside authority: the Ministry of Finance, in Austria, Bulgaria, Germany and Slovenia; the Prime Minister in Andorra; the government in the Czech Republic, Poland, Portugal and Romania; Parliament in Armenia; Parliament's finance committee in Switzerland and Germany, after forwarding to the Ministry of Finance. It may be the Government that is responsible for forwarding the Court's draft budget, as in Bosnia and Herzegovina, the Czech Republic and Portugal. In Japan, the Secretary General presents the draft budget to the Judicial Conference for approval, with the Chief Justice of the Supreme Court submitting the expenditure to the Cabinet. In Ireland, the budget is submitted by the Secretary General to senior management in the Courts Service, while in Israel the draft budget is submitted to the Director of Budgets in the office of the Director of the Courts.

4.c Execution of the budget

Twenty-nine Secretaries General are responsible for executing the budget. Here the Secretary General is answerable in the great majority of cases to the President of the Court, as in Andorra, where the President is informed on a monthly basis, Argentina, Armenia, Austria, Belarus, the Czech Republic, Finland (Supreme Court, Supreme Administrative Court), France, where the President gives a discharge every month, Japan, Lithuania, Poland, Slovenia and Spain. In Ukraine, the Secretary General is responsible only for questions delegated by the President. The Secretary General may report, in executing the budget, to more than one body – the President of the Court and the Auditor General, in South Africa and Germany, the President of the Court and then the Court meeting in plenary session in Andorra. The Secretary General may be responsible to the Court alone, as in Bosnia and Herzegovina or to the same internal select board as approved the Court's budget, as in Switzerland, where the President does not normally have any hand in administrative matters.

The body to which the Secretary General is responsible for execution of the budget may also be external to the Court – the Court of Audits in Turkey, the Director of the Courts in Israel, senior management in Ireland's Courts Service.

As already mentioned, the Secretaries General of Azerbaijan, Greece (if the President has not delegated his or her powers in this respect), Hungary, Kazakhstan, Latvia, Liechtenstein, Luxembourg, Russia and Slovakia are not affected by this question. The Secretary General in Portugal is not affected either since execution of the budget is the responsibility of the Tribunal or delegated by it to the President.

4.d Administration of the budget

Twenty-eight Secretaries General administer the budgets of their Courts. Eight of them have exclusive powers, namely the Secretaries General of the Courts of Albania, Argentina, Austria, Finland (Supreme Court, Supreme Administrative Court), Norway and Switzerland. These powers may also be the result of delegation by the President of the Court. The other Secretaries General share budget administration with the President of the Court, as in Turkey, the Czech Republic and Andorra.

A detailed examination of the Secretary General's administration of the budget is interesting because it provides a picture of the Secretary General's role and powers in budgetary matters. We shall review the expenses which the Secretary General can commit alone (4.e), those that can be committed without authorisation by the Secretary General (4.f) and those that the Secretary General cannot commit alone (4.g).

4.e Expenses that can be committed by the Secretary General alone

The powers of Secretaries General in this area vary. Some Secretaries General can personally commit all types of expenditure, as in Albania, France, Germany, Slovenia and Switzerland; others can commit such expenditure, subject to a pre-established ceiling, as in Andorra or Bosnia and Herzegovina, where the ceiling is 1500 €, or Argentina with a ceiling of about 5,000 € (20,000 pesos), while the Secretary General of the Italian Constitutional Court can commit any expenditure up to 75,000 €.

Other Courts are required to have the President's agreement for all financial questions, as in Hungary, or their President may have personal responsibility for managing the budget, as in Greece. In Portugal, the President can delegate his or her powers to the Secretary General;

conditions of exercise of these powers by the Secretary General may be laid down in the delegating decision. Fixed expenses like salaries may also constitute the type of expenditure that can be committed exclusively by the Secretary General, as in Armenia and Bulgaria. In Poland, the Secretary General has exclusive power to decide on pay expenditure.

4.f Expenses that can be committed without authorisation by the Secretary General

Such expenses generally concern routine administration (Germany), essential supplies (Ukraine) or even minor day-to-day expenses (Bulgaria, France, South Africa). The amount may be a little bit higher than ordinary day-to-day expenses in South Africa (roughly, between 4000 € and 20,000 €).

Expenses under this heading may relate to a category rather than to an amount. For example, they may be expenditure items that the President of the Court has incurred (Lithuania) or expenses involving the President's office of the Court: in the Czech Republic and Poland, for example, the President has funds which can be used as he or she sees fit, within the limits of the relevant regulations, for representation purposes which he or she alone decides. The expenses concerned may be for specific purposes, as in Switzerland, where expenditure by certain services (data processing, central purchasing, furniture) can be incurred without the approval of the Secretary General.

4.g Expenses that cannot be committed by the Secretary General alone

This point demonstrates the extent of the Secretary General's power in budgetary matters: some Secretaries General can incur any expenditure without limitation, for example the Secretary General in Albania, Austria, Finland (Supreme Court, Supreme Administrative Court), France, Germany, Slovenia and Switzerland.

In other Courts, restrictions on the powers of the Secretary General are generally limitations on the amount of expenditure; in Andorra and Bosnia and Herzegovina the expenses which the Secretary General cannot incur alone are those exceeding 1500 €, in Lithuania those exceeding 7,000 € and in Italy those exceeding 75,000 €. Still other Courts refer to the concept of major expenditure, as in Ireland, or expenditure exceeding the budgetary plan, as in Poland. A maximum amount may be fixed when any powers are delegated by the President of the Court, as in Portugal, or by the Secretary General to the Director of the Financial Bureau in Japan.

The Secretary General may then need the approval of the President of the Court for an expenditure item, as in Andorra, or prior agreement of the Court's plenary assembly, as in Spain, Romania and Portugal, for expenditure over a certain amount (approximately 200,000 €, for example), or the approval of a financial committee, as in the Czech Republic.

Expenditure which the Secretary General cannot incur alone may also include expenditure that has not been approved by the Chairman in general, as in Ukraine.

4.h Closing the Court's annual budget

The chain of responsibility identified in the section on budget execution is also found with budget closure. Twenty four Secretaries General are responsible for closure of the budget. For four of them, namely the Secretaries General in Argentina, Armenia, Ireland and Norway, the responsibility is exclusive. The other Secretaries General share this responsibility with the President of the Court, as in Austria, France, where the President gives the treasurer a discharge every month, and the Czech Republic; or responsibility is shared with the Court, as in Andorra, where approval by the plenary Court is required, Bosnia and Herzegovina and Spain, where closure of the budget is likewise adopted in plenary session; or again, responsibility is shared with a joint body comprising members of the Court and staff of the President's private office, as in Portugal, where the Secretary General forwards the accounts to the Administrative Council for approval, Slovenia, where the Director of the Court submits a proposal on budget closure to the Court's finance committee at an administrative session, and Switzerland, where the Secretary General presents the detailed accounts to the Court's administrative committee. In Turkey, the Secretary General shares the responsibility for closure of the budget directly with an outside control body, the Court of Audits.

4.i Presentation of budget closure

Nineteen Secretaries General present closure of the budget for approval by an authority. As in previous cases, the authority may be internal, e.g. the President of the Court, as in Bulgaria, France, South Africa and Spain, or the Court itself, as in Albania, Argentina, Bosnia and Herzegovina and Poland. The budget may also be submitted for closure to an external authority, for example the finance ministry, as in Germany, Bosnia and Herzegovina and the Czech Republic. It may be presented to the Ministry of Justice, as in Norway, or to senior management in the Courts Service, as in Ireland. The budget may be submitted direct to Parliament for closure, as in Slovenia and Switzerland (in the latter it is presented to Parliament's finance committee). Submission to Parliament may take place after submission to the finance ministry, as in Bosnia and the Czech Republic.

Closure of the budget, once adopted internally, may also be presented direct to an auditing body, as in Andorra, where the budget is sent to the Revenue Court; as in Portugal, where closure of the budget, once approved by the Administrative Council of the Court, is forwarded to the Revenue Court for deliberation; as in Turkey, where closure is forwarded to the Court of Audits; or as in Poland, where execution of the budget is supervised by the Supreme Chamber of Control.

5. The Secretary General and administrative meetings of the Court

A picture of a Court's administrative workings emerges from analysis of the composition of the Court's administrative meetings (5.a) and, in particular, the number of judges attending these meetings, the convocation and frequency of this type of meeting (5.b), the types of decision requiring administrative meetings of the Court (5.c), the role of the Secretary General in the records of meetings (5.d) and the means of diffusion (5.e) employed for the decisions taken.

5.a Composition of administrative meetings

In the great majority of cases, administrative meetings are regularly attended by all judges of the Court, as in Andorra, Armenia, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Finland (Supreme Court), Hungary, Italy, Lithuania, Luxembourg and Poland (quorum of two-thirds of the judges). In other cases plenary sessions alternate with committees of judges depending on the questions discussed, as in Albania, Finland (Supreme Administrative Court, 7 or 21 judges plus the Secretary General), Germany (the Plenum of 16 judges for important administrative affairs, or specialist committees of 4 judges), Japan (15 judges), Kazakhstan (3 judges), Portugal (2 judges + the President), Slovenia (Plenary for important matters, finance committee (4 judges + the Director of the Court)), Spain (Plenary Assembly or a Council composed of the President, his deputy and 2 judges), Switzerland (3 judges), Turkey (at least 3 judges) and Ukraine (the whole Court or a committee of 4 or 5 judges).

In some Courts, administrative decisions are taken by the President, as in Austria (in agreement with the Vice-President and the Secretary General), France, or Israel (in agreement with the Vice-President and the two registrars), while for less important matters they are left to the discretion of the Secretary General, as in Japan.

5.b Convocation and frequency of administrative meetings

The frequency of administrative meetings varies considerably between Courts. It ranges from four times a year, as in Germany (+ 2 Plenums), Luxembourg and Poland to ten times a year as in Belgium and Bosnia-Herzegovina; twelve times a year as in Andorra and Bulgaria; once or twice a month, as in Armenia, Finland (Supreme Court, Supreme Administrative Court), Slovenia and Switzerland; once a week, as in the Czech Republic, Israel, Japan and Portugal; and even twice a week (Hungary).

Some Courts do not have any fixed frequency, e.g. Italy, Greece, Spain and Turkey. In Norway there are no particular rules on holding administrative meetings.

5.c Subject matter of administrative meetings

In all Courts, the main administrative meetings deal with budgetary questions (see also 4. *The Secretary General and the budget of the Court*) or the Regulations of the Court. Staff questions may also be dealt with at such meetings, e.g. Belgium, Bosnia and Herzegovina, Finland, Italy, Romania, Russia, Slovenia, Spain and Switzerland (see also 3. *The Secretary General and staff management*).

Administrative meetings sometimes take decisions on the Court's international relations, as in Andorra, Romania and Slovenia.

In half of cases, the Secretary General seems to have some powers of initiative, as in Finland (Supreme Court, Supreme Administrative Court), possibly subject to agreement with the President of the Court, as in Belgium. The Secretary General handles convocations and the agenda in agreement with the President, as in Germany. He or she is also responsible for preparing working documents for these meetings.

5.d Records of administrative meetings

In the great majority of cases (twenty one positive replies), it is for the Secretary General to draft, or supervise drafting, of the record of administrative meetings.

5.e Means of diffusion of decisions

The Secretary General is also generally responsible for drawing up the records of the meetings, whose decisions are in most cases circulated as paper-form minutes or by mail. Some Courts explicitly mention circulation via a web site only (Albania, Lithuania) or the use of other methods, e.g. Armenia, Azerbaijan, Bosnia and Herzegovina, Israel, Japan, Slovakia, Slovenia and Turkey.

6. The Secretary General and relations with the public

The functions of the Secretary General will be examined from the viewpoint of management of the Court's public relations (6.a), relations with the press (6.b), the Court's international relations (6.c) and his/her powers of initiative in these matters.

6.a Management of the Court's public relations

Responsibility for public relations falls in a large majority of cases to the Secretaries General. Twenty-six answered yes to this question. Some Secretaries General said that this job was generally carried out by a specific external-relations department (see, on this point, the replies to B.I.1. *Descriptive enumeration of the various departments of the Court*). In such cases the Secretary General supervises and co-ordinates the activities of that department, as in Poland, for example; or does so in accordance with the communications policy agreed with the President of the Court, as in Spain. The Secretary General's responsibility for, and involvement in, international relations vary according to whether a specific department exists. The Secretary General may only head a department, as in Israel, or be more deeply involved in the different aspects of relations with the public.

6.b Relations with the press

Differences become more marked when we come to relations with the press. Most Secretaries General who handle relations with the public also supervise the press department, as in Russia and Romania, are responsible for press releases (Estonia) or jointly prepare press releases under the judge rapporteur (France), or organise press conferences, as in Japan, Poland and Slovakia.

Six of the Secretaries General who handle public relations are no longer directly responsible for or involved in press relations. The job or responsibility may be transferred either to the President of the Court, as in the Czech Republic, where it is the President or Vice-President who meets journalists, or Office of the President, which is responsible for announcing the Court's judgments, as in Portugal; press relations may also be dealt with by a department which is not under the Secretary General, as in Italy, or it may be the judges or their spokesman who communicate with the press, as in Israel.

6.c The Court's international relations

The Court's international relations are another area of common ground for the great majority of Secretaries General, who are responsible to varying degrees for the Court's international relations and for taking initiatives in this area. Secretaries General who were not responsible for relations with the public are nevertheless responsible for the Court's international relations, as in the case of Armenia and Germany. The Secretary General may take part in international relations at the request of the Court or its President, as in Bosnia-Herzegovina, Italy and Spain; his or her powers of initiative are real but he/she must obviously still obtain the President's agreement, as pointed out by the Secretaries General in Andorra, Poland or Portugal.

Involvement of the Secretary General in public relations does not necessarily mean his/her involvement in international relations (Slovakia, where international relations are conducted by the Director of the Court, and the Czech Republic, where they are the responsibility of the Vice-President of the Court).

6.d The Secretary General's power of initiative in relations with the public

Over twenty Secretaries General replied affirmatively to this question. Powers of initiative have to be exercised in agreement with the President, as in Andorra, Germany, Poland or Portugal.

The great majority replied affirmatively on all aspects of relations with the public listed in the questionnaire, e.g. Andorra, Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Norway, Poland, Romania, Russia, Slovenia and Switzerland. At the opposite extreme, a very few Secretaries General do not deal at all with matters of public relations (Argentina, Finland (Supreme Court) and Turkey).

Relations with the public therefore represent substantial common ground for the Secretaries General of Constitutional Courts or courts of equivalent jurisdiction.

7. The Secretary General and publications

An examination of the Secretary General's involvement in publication of Court decisions (7.a), publication of decision summaries (7.b), publications of the Court (7.c) and content of the Court's Internet web site (7.d) closes the chapter on Court administration.

7.a Publication of Court judgments

In twenty three cases the Secretary General is responsible to varying degrees for publication of the Court's judgments. He may be responsible for choosing, classifying and publishing the Court's case law, as in Spain, or he may be the chief editor of the Court's official bulletin, as in Hungary, take charge of the publication of decisions in the official bulletin, as in Belgium, or organise and supervise the work of a specialist department, as in France, Poland, Russia and Switzerland.

In a few cases he will not have this responsibility. In Austria the task may devolve on the Deputy Secretary General, in the Czech Republic the Vice-President, or in South Africa the Chief Justice.

The Israeli Supreme Court's mechanism for publishing the decisions of the Court seems to be atypical in that decisions are immediately placed on the Internet and sent to private companies for publication.

7.b Summaries of the Court's decisions

The Israeli Supreme Court operates differently here too, with summaries of the Court's decisions also being supplied by a private company, with certain exceptions. To a large extent the other Courts, in addition to the summaries prepared by liaison officers and sent to the Venice Commission for publication in the Bulletin on Constitutional Case Law and the CODICES data base, seem likewise to publish summaries of their decisions either in the form of press releases, as in Estonia, in the Court's annual report, as in Spain, in specialist journals or collections, as in France or Poland, or on the Court's web site, as in the Czech Republic and Italy. The role of the Secretary General in preparing or publishing these summaries is not necessarily preponderant, with the exception of the Secretary General of the French Constitutional Council, which regularly publishes a commentary on its decisions shortly after they are delivered. It is clear from the comments on the replies that responsibility for this task may devolve on registrars in Switzerland, on the Court in Italy or on specialists in Poland.

7.c Publications of the Court

With regard to any publications of the Court other than those concerning Court judgments, the Secretary General is again involved to varying degrees, generally through the specialist departments that he or she heads.

7.d The Court's Internet web site

The Secretary General's direct or indirect involvement is greater in matters concerning the Court's Internet web site. It may consist in keeping an eye on the proper functioning of the information system, as in Bosnia and Herzegovina or on the organisation, shape and content of the site, as in France, Poland or Portugal. When this function is not the responsibility or under the supervision of the Secretary General, it falls to his or her deputy as in Italy or Switzerland or to the Registrar (Ireland, Israel).

II. The Secretary General and the judicial phases of the Court

In order to identify the Secretary General's place, if any, in the Court's judicial activity, the questionnaire endeavours, by tracing the path taken by a case within the Court, to give as accurate a picture as possible of the role, if any, of the Secretary General at each stage. Six stages were identified: 1. registration, 2. preliminary assessment, 3. conduct of proceedings, 4. assistance to judges, 5. hearings and 6. the judgment.

While the path taken by a case may seem fairly similar from one Court to another - and may therefore provide a satisfactory interpretation of the Secretary General's role in this area - it seemed necessary to convey a genuine picture of a Court's functioning by addressing statistical or technical questions such as the number of complaints per year, the average time taken to deal with a case and the number of hearings, or legal points such as the legislative basis for preliminary assessment of a case. Although such information is not necessarily directly connected with the functions of the Secretary General of a Court, it furnishes additional background about a Court's functioning and produces a better understanding of the task confronting the Court and its Secretary General.

1. Registration of complaints

The first challenge facing the Court and sometimes its Secretary General is registration of the cases brought before the Court. The approximate number of complaints registered per year (1.a) gives an idea of the size of the Court's workload. The role of the Secretary General in this phase of the proceedings is examined from the viewpoint of the allocation of cases (1.b) and registration (1.c).

1.a Approximate number of complaints registered per year

The number of cases depends very definitely on the ambit of the Constitutional Court or court of equivalent jurisdiction; in addition, the statistics show that, while the Court's jurisdiction is certainly an important factor, it cannot be the only one that determines the number of cases in a given country. The size of the population and the extent of legal knowledge (and therefore of use of all the remedies available to plaintiffs) are certainly important. The last-mentioned factor is certainly developing in the new democracies, presaging sustained growth in the number of cases in some countries. An obvious further consideration is the introduction - also spreading in the new democracies - of individual appeals to the Constitutional Court.

The Courts dealing with the greatest number of cases include the Constitutional Court of Russia, which records 12,000 cases per year, and the Supreme Court of Israel, with 10,000 cases per year. These figures are particularly high compared with the second group of Constitutional Courts or courts of equivalent jurisdiction, with 5000 or more cases per year. This second group includes the Constitutional Court of Spain (6,934 cases per year), the Supreme Court of Argentina (5,099 cases per year) and the Federal Court of Switzerland (5,000 cases per year). The third group consists of six Courts which deal with 1,000 to 5,000 cases per year. In descending order they are the Federal Constitutional Court of Germany (4,700), the Supreme Administrative Court of Finland (4,000), the Supreme Court of Finland (3,000), the Constitutional Court of Austria (2,000 to 3,000), the Constitutional Court of the Czech Republic (3,100), the Supreme Court of Norway (1,550 to 1,600) and the Constitutional Court of Hungary (1,200 to 1,300). The fourth group

identified is the largest – Courts dealing with between 100 and 1,000 cases per year. In descending order they are the Constitutional Court of Slovenia (850), the Constitutional Court of Portugal (839), the Constitutional Court of Latvia (about 500), the Constitutional Court of Romania (375) and the Supreme Court of Ireland (350), the Jurisdiction and Procedure Court of Belgium (300), the Constitutional Court of Ukraine (300), the Constitutional Tribunal of Poland (291), the Constitutional Court of Bosnia and Herzegovina (250 to 300), the Constitutional Court of Armenia (250), the Constitutional Court of Albania (200), the Constitutional Council of France (187), the Council of State of Greece (80 to 100) and the Constitutional Court of South Africa (100).

Finally, seven courts have fewer than 100 cases per year: the State Court of Liechtenstein (80), the Constitutional Court of Belarus (48), the Constitutional Court of Lithuania (35), the Constitutional Council of Kazakhstan (25 to 30), the Constitutional Court of Azerbaijan (15), the Constitutional Tribunal of Andorra (10) and the Supreme Court of Estonia (10).

Before we analyse the role of the Secretary General in the handling of these cases, it is also worth comparing these figures with those for legal staff working in those courts (see B.I.2 of the questionnaire), excluding judges. While not wishing to prejudge the working methods of judges and the distribution of workloads between legal staff and judges, we find the correlation between number of cases and judges less meaningful, since, as we have already seen, the large majority of Courts have between nine and fifteen judges whereas the number of complaints and legal staff varies widely.

Comparing only the figures supplied in the replies to the questionnaire entails in itself a definite risk of distorting the facts. However, such a comparison does produce, if not reliable information, at least an indication of the workload of the legal staff often placed under the authority of the Secretary General.

Logic would seem to suggest some sort of correlation between the number of complaints and the number of legal staff. This does seem to emerge from the tables but calculation of the ratio between the number of complaints and the number of legal staff reveals some surprising disparities. With a legal staff of 120 and 12,000 cases per year, the Constitutional Court of Russia seems to have a ratio of 100 cases per lawyer per year. Astonishingly, Israel, in comparison, with its 10,000 cases per year, has a staff of only 35, giving a ratio of 286 cases per lawyer. The ratio for Spain comes second, with a figure of 173 cases per year per lawyer (excluding justice secretaries). The Russian ratio of 100 cases per lawyer is a ratio shared by a number of courts, among them the Constitutional Court of Austria (103 cases per lawyer), Finland (Supreme Administrative Court 105 cases per lawyer and Supreme Court 88 cases per lawyer), the Czech Republic (91 cases per lawyer) and, finally, Norway (80 cases per lawyer).

A second, fairly small, group includes Courts with a ratio varying from 67 cases per year per lawyer (Germany) to 61 (France) and 58 (Switzerland).

The second largest group is Courts with a case/lawyer ratio of around 35 cases per lawyer. This group includes, in descending order, Argentina with 40 cases per lawyer, Latvia and Bosnia and Herzegovina with 38 cases per lawyer, Portugal with 36 cases per lawyer and Slovenia and Slovakia with 32 cases per lawyer.

Three Courts have a ratio of around 20 cases per lawyer – Hungary with 24, Romania with 17 and Belgium with 15.

Other Courts have a ratio of 10 or fewer cases per lawyer per year, as in Ukraine, Andorra with 5 cases per lawyer per year and Poland with 4 cases per lawyer per year. This last figure does not include the 2,300 letters received per year which are not complaints but must still be dealt with, and it reveals the limits to the conclusions that can be drawn from simply the ratio of cases per lawyer per year as derived from the data in the tables.

1.b Allocation of cases

The role of the Secretary General in the allocation of cases may depend in the first place on the existence of a registry or registrar and on the strict separation of the functions of the registrar and the Secretary General that may exist in some Courts, as in Italy or the Czech Republic, where it is a registrar and the Court registry that are involved in the judicial phases; in such cases, the Secretary General does not act at any of the stages identified in the questionnaire as forming part

of the judicial phase of the Court's activities. However, the existence of a registry, whether centralised or not, does not automatically exclude the Secretary General from the judicial phase. The questionnaire ascertained the various stages in which Secretaries General play a greater or lesser part. Nevertheless, the replies to the questionnaire seem to show that the Secretaries General of the following courts play no part at all at any stage of the proceedings: the Czech Republic, Supreme Court of Finland, Supreme Administrative Court of Finland, Italy, Japan, Latvia and Portugal. In the case of the last-mentioned country, however, the Secretary General is responsible for all of the Tribunal's departments.

In the other courts, the Secretary General's involvement in the judicial phase is substantial, if to varying degrees. There are wide variations: some Secretaries General take part in all stages of the proceedings and their functions are those of a registrar; others play a part only in certain specific phases; yet others are involved with only one of the points identified by the questionnaire, thus falling just outside the above-mentioned category of those who never take any part in the Court's judicial phases.

The allocation of cases in a Court does not seem to be a common factor as regards Secretaries General; in twenty four Courts it does not seem to be a matter for the Secretary General at all. Allocation may be handled by the registrar, as in South Africa (admittedly under the Secretary General's authority), or the Court may allocate cases, as in Andorra, or - the commonest scenario - cases may be allocated by the President, as in Austria, France, Ireland, Portugal, Romania and Poland, where the task falls to the President assisted by the registrar.

Cases may also be allocated in a pre-established order which the Secretary General is not empowered to alter, as in Bosnia and Herzegovina, where files are sent in alphabetical order to the judges and legal advisers, Estonia, Spain, Luxembourg and Slovenia, where the assignment of new cases to judges takes place according to a predetermined order of precedence based on an annual plan of work (the Secretary General in Slovenia nevertheless assigns cases to legal advisers according to the field of law in which they specialise). In Russia, cases are allocated among the legal research departments.

Ten Secretaries General are responsible for allocating cases within their Courts, as in Germany, where the Secretary General assisted by his/her deputy allocates cases within the Panels after submitting proposals to the President and Vice-President of the Court, Argentina, where one of the twelve Secretaries General is expressly responsible for allocating cases, Armenia, Greece, where cases are allocated in collaboration with the President, Hungary, where all complaints are received by the Secretary General, with the Court receiving complaints only when it has competence, Israel, Norway, where cases are allocated under the authority of the President, and Ukraine, where the Secretary General is responsible for allocation within the Secretariat.

1.c Registration

Registration is a more common activity for Secretaries General than the allocation of cases: Nineteen Secretaries General deal with it. It may be carried out under the responsibility of the Secretary General, as in Andorra, Austria, Estonia, Germany, Norway and Ukraine, or by the Secretary General personally as in France under the authority of the President and in agreement with the rapporteurs concerned, or as in Argentina, where a secretary is in charge of placing cases on the list, or as in Hungary, where all complaints are registered by the Secretary General.

When registration is not the responsibility of the Secretary General, it may be decided on by the President of the Court, as in Portugal, or by the registrar as in Poland and Slovenia.

2. The Secretary General and preliminary assessment of admissibility of complaints

It was felt useful to look at the legal basis for this assessment (2.a), the scope of the preliminary assessment (2.b), the consequences of this assessment, arrived at by evaluating the percentage of cases found admissible (2.c), before considering the role of the Secretary General in the assessment of admissibility (2.d) and the necessity for a Court decision in the event of non-admissibility of the complaint (2.e). The role of the Secretary General was evaluated in preliminary assessment and correspondence relating to it.

2.a Legal basis of preliminary assessment of admissibility

There is not always a preliminary assessment of a complaint. This is the case in the Council of State of Greece, in the Supreme Court of Ireland, which does not have this filtering process, and in the Luxembourg Court, which does not possess a pre-selection body. When preliminary assessment exists, its legal basis is found, in the great majority of cases (twelve Courts), in the Regulations of the Constitutional Court, usually on an exclusive basis, except in two Courts, which also have the Law on the Constitutional Court (Armenia, Poland, Russia). The Law on the Constitutional Court alone can also serve as a legal basis. This is the case in Lithuania, Norway and Slovakia. The Constitution may be the basis on its own, as in South Africa, or it may be combined with the Law on the Constitutional Court, as in Albania. Kazakhstan combines all three (Constitution, Law on the Constitutional Court, Regulations).

It is worth noting that preliminary assessment may derive solely from practice, as in Belgium or Estonia, or practice may add to the what is prescribed in law, as in Spain, where practice supplements the Law on the Constitutional Court, or as in Israel or Belarus, where it supplements the Regulations of the Constitutional Court.

2.b Scope of preliminary assessment

The preliminary assessment may be limited to a formal examination of the conditions of admissibility. This is the case in at least thirteen Courts, e.g. Albania, Armenia, Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Hungary (mostly), Israel, Lithuania, Norway, Poland, Portugal and Ukraine.

In eight other Courts, the assessment of admissibility is more thorough inasmuch as it covers both form and substance (Argentina, Belgium, Estonia, Germany, Russia, Slovakia, South Africa and Spain).

The Secretary General's role in the matter varies depending on whether we are talking about the actual admissibility issue or correspondence in the matter with complainants.

As regards admissibility, Secretaries General who do not take part in the judicial phase and who have been mentioned above are obviously excluded, as in the Czech Republic or Bulgaria, where a registrar is responsible for assessing admissibility. This assessment may also be the responsibility of the judges, as in Azerbaijan or Portugal, or of a selection committee, as in Norway, or it may be the Court that decides on admissibility, as in Austria, Romania and Slovenia. Finally, as in Argentina, the Secretary General - assisted as in Germany by his or her deputy - may be responsible for assessment of admissibility, which may deal only with formal requirements, as in Andorra, or with both form and matters of substance, as in the case of the Secretary General at Germany's Constitutional Court.

2.c Number and percentage of cases found inadmissible

The percentage of non-admissibility of cases may vary from 99% (Belarus) or 97% (Russia) to 5% (Belgium and Lithuania).

Between these two extremes are found Courts on around 70% (Germany, Poland and Armenia), 50% (Albania, South Africa and Ukraine), around 30% (Argentina, Bosnia and Herzegovina and Slovakia) and 25% (France).

2.d The Secretary General and correspondence with complainants

As far as the admissibility of complaints is concerned, it is well worth noting that correspondence with complainants is a matter for twenty Secretaries General and thus groups together the Secretaries General who are very seldom involved in the judicial phase. Secretaries General are often required to handle correspondence with complainants about legal requirements on admissibility, as in Switzerland, or about Constitutional Court procedure, as in Slovenia, or to notify complainants of decisions taken on admissibility, as in Andorra, or non-admissibility as in Germany; the Secretary General is also in charge of correspondence relating to any complaint that does not fall within the jurisdiction of the Court. Such correspondence may prove extremely voluminous. When it is not the job of the Secretary General, it falls to the registry, as in France and Portugal, or to the judges, as in Poland.

2.e Confirmation by a Court decision of the non-admissibility of a complaint

In twenty four Courts the preliminary assessment of admissibility is routinely confirmed by a Court decision, whether the assessment was carried out by a bench of judges, a registrar or the Secretary General, as already seen. Where a decision on non-admissibility is not routinely confirmed by a Court decision, the complainant may insist on a Court decision, as in Germany, or may appeal against the non-admissibility decision and request confirmation by the Court, as in Israel, Poland, Portugal and Ukraine.

3. The Secretary General and the conduct of proceedings

After ascertaining whether there is any instrument laying down a time limit by which a case must be dealt with (3.a), the questionnaire asked about the average time frame between receipt of a complaint and the declaration of admissibility (3.b) and between the declaration of admissibility and the final decision (3.c), as well as about the Secretary General's responsibility for ensuring that the time limit for the proceedings is complied with (3.d).

3.a Legal basis for a time limit on proceedings

In a small majority of countries and Courts (seventeen versus thirteen), a rule lays down a time limit for dealing with a case. This point is usually covered by the Law on the Constitutional Court, as in Latvia, Lithuania, Luxembourg, Russia, Spain and Ukraine; it may be combined with the Regulations of the Constitutional Court, as in Armenia. It may be the Constitution alone that lays down a time limit for proceedings, as in Andorra, France, Portugal and South Africa, or the Constitution together with the Law on the Constitutional Court, as in Azerbaijan. The rules may stipulate different time limits, depending on the subject of the complaint, as in Turkey or Ukraine, or impose a time limit for only one type of complaint, for example for review of the constitutionality of the Budget Law, as in Poland, or preventive control, as in Portugal, or for examining a referendum question, as in Slovenia, or electoral questions, as in Estonia.

3.b Average time limits between receipt of a complaint and the decision on its admissibility

The average time between receipt of a complaint and the decision on admissibility undoubtedly varies from Court to Court, but two groups may be distinguished. For the first group, which comprises a large majority of Courts (sixteen), this average time is one month or less. This group mostly contains Courts for which the time limit for proceedings is laid down by legal instrument, e.g. Kazakhstan, with a time limit of three days, Lithuania 7 days, Turkey 10 days, Latvia 21 days, Belgium 30 days, as also Andorra and Romania. This first group also includes Courts for which a time limit is not set by legal instrument, e.g. Germany and Israel.

When the time limit is greater than one month, as in the case of seven Courts, it may be 2 months, as in Albania and Hungary, 4 months (Russia), between 6 and 10 months (Bosnia and Herzegovina) or over a year (Slovenia).

3.c Average time limit between admissibility and the final decision

The average period between the declaration of admissibility and the decision again varies according to the Court. According to the replies received, it may range from a maximum of one month to twenty four months. However, it is possible to identify a first group (comprising at least thirteen Courts) in which the time limits do not exceed six months; if to these Courts are added those - at least six - in which the decision comes not more than one year after the declaration of admissibility, very few Courts remain in which this procedural time limit may exceed a calendar year.

3.d Role of the Secretary General in ensuring that the time limit for the proceedings is respected

Involvement of the Secretary General in the conduct of proceedings and, in particular, in ensuring that the time limit – if any - is complied with varies. Thirteen Secretaries General replied in the affirmative. Of these thirteen, some, like those of the Courts of Andorra, Belarus, Belgium, Estonia, Kazakhstan and Ukraine, replied with an unqualified yes. Others said that responsibility for ensuring compliance with the time limit only concerned certain stages of the proceedings, as

in Russia; it may be limited to the question of admissibility, as in Germany, or to the preparation stage, as in Hungary, or relate only to procedural steps which the parties are required to take. The Secretary General may also exercise overall supervision of the conduct of the proceedings, as in Bosnia-Herzegovina, or ensure that the staff under his or her authority are doing the work in a reasonable time, as in Poland or Slovenia. However, seventeen Secretaries General are not responsible for ensuring compliance with a time limit, if any, for completion of proceedings; the task may then fall either to the registrar, as in Bulgaria, or to the reporting judge, as in Austria.

4. The Secretary General and assistance to judges

The questionnaire identified three types of assistance to judges: material assistance (4.a), draft decisions (4.b) and assistance with the organisation of working sessions for judges (4.c).

4.a Material assistance

On the subject of material assistance to judges, the Secretaries General are divided into two equal categories: about seventeen Secretaries General who assume some responsibility for the management of material assistance either directly or through their departments, and a similar number who do nothing in this area, particularly where assistance is the task of registrars, as in Switzerland, or of law clerks, as in Germany or Israel. Of the seventeen Secretaries General who responded in the affirmative, about nine are required to provide only material assistance, as in Albania, Lithuania, Spain and Turkey. Material assistance to judges represents the most common link between Secretaries General in a Court's judicial phase; those who play only a sporadic part in this phase are still involved in this function, as is the case with the Secretaries General of Slovakia and Spain, who as regards the judicial phase answered yes on this point only.

4.b Preparation of decisions

As regards supervision of assistance in preparing decisions (draft judgments), the Secretaries General involved in this part of the proceedings are those in the other half, i.e. ten of the Secretaries General participating in material assistance to judges, as in Andorra, Argentina, Bosnia and Herzegovina, Estonia, France, Kazakhstan, Norway, Russia, Slovenia and Ukraine.

Where the Secretary General plays no part, the preparation of decisions falls to the registrar, as in Israel or Switzerland, or to the judge rapporteurs, as in Poland, Portugal and Turkey.

4.c Organisation of working sessions

Regarding the organisation of working sessions for judges, we find here in most cases the same Secretaries General as supervised preparation of decisions, as in Ukraine and Russia, or dealt with material assistance to judges, as in Poland and Romania.

Those who replied affirmatively to the three parts of the question on assistance to judges are few: they include the Secretary Generals in Andorra, Estonia, France, Norway and Slovenia. Scarcely more numerous are those who are not responsible for assistance to judges at any level and who answered no to all parts of point 4 of the questionnaire: they include Bulgaria, the Czech Republic, Finland (Supreme Court, Supreme Administrative Court), Greece, Hungary, Ireland, Israel, Japan, Portugal and Switzerland. Between these two extremes are found the Secretaries General in Albania, Argentina, Armenia, Belarus, Belgium, Bosnia and Herzegovina, Germany, Kazakhstan, Lithuania, Poland, Romania, Russia, Slovakia, South Africa, Spain, Turkey and Ukraine.

5. The Secretary General and the hearings of the Court

After enumerating the number and rate of Court hearings (5.a), we look at the role of the Secretary General in the schedule of hearings (5.b) and in the sending out of summonses to hearings (5.c), then, finally, at whether the Secretary General is required to be physically present at hearings (5.d).

5.a Number and rate of Court hearings per year

Since, in many countries, e.g. Spain, constitutional procedure is normally written except in special circumstances, the number and rate of Court hearings vary widely.

Among the Courts where the number of hearings exceeds 100 per year may be mentioned Ireland with 250, Slovakia with 108 plenary hearings and 170 Senate hearings, Norway with about 160, Armenia with 106, Hungary with 100-110 plenary sessions, Switzerland with 122 hearings and Ukraine with 3 sessions a week.

The Courts with between 50 and 100 hearings a year include Romania and Portugal with 2 sessions a week (equivalent to 80 hearings a year), Greece with between 80 and 110 hearings if it is an election year, Poland with 65 hearings a year (on top of 280 closed hearings), Bulgaria with 60 hearings a year, South Africa with 50 and Albania.

The third identifiable group contains Courts with between 10 and 50 hearings a year: these Courts include Russia with 25 hearings and 20 sessions on admissibility, Belgium, Latvia and Lithuania with about 20 hearings, France and Turkey with roughly one hearing a week, Kazakhstan with approximately 20-30 hearings, Germany with about 10 to 15 hearings, Andorra with 11 hearings, Liechtenstein with 10 sessions, as also Greece outside election years, and Austria with between 8 and 10 hearings.

Courts with fewer than 10 hearings a year include Finland, Luxembourg, Spain, Slovenia and certainly Argentina, which only has hearings in exceptional cases.

5.b Schedule of hearings

The planning of public hearings falls in nine cases to the Secretary General: the Secretaries General of the Courts in Andorra, Argentina, Austria, Estonia, France, Greece, Ireland, Norway and Russia are personally involved in this task or discharge it in collaboration with the President, as in Austria, France, Greece and Hungary. The Secretary General submits proposals to the President.

The planning of hearings may otherwise be carried out by the President of the Court, as in South Africa, by the Presidents of the Courts as in Switzerland, by the President jointly with judges meeting as a group, as in Poland, or meeting in plenary assembly as in Portugal or Luxembourg, by the judges alone, as in Latvia, or by lawyers under the supervision of the registrar, as in Israel.

5.c Summonses to hearings

This is the stage involving the most Secretaries General under point 5. Nineteen Secretaries General confirmed that they were in charge of summonses to hearings of the Court (Andorra, Argentina, Armenia, Belarus, Belgium, Bosnia and Herzegovina, Estonia, Greece, Hungary, Ireland, Israel, Kazakhstan, Luxembourg, Norway, Russia, Slovenia, South Africa, Turkey (in exceptional cases) and Ukraine). This function may be discharged in accordance with the instructions of the President, as in South Africa, or under the responsibility of the Secretary General, as in Greece.

When this function is not performed by the Secretary General, it usually falls to the President to deal with summonses, as in Albania, France, Portugal and Slovenia, although in the last case the Secretary General is responsible for informing accredited journalists of forthcoming hearings.

Summonses to hearings may also be the responsibility of the registrar or judges, as in the Czech Republic and Switzerland, or of justice secretaries, as in Spain, or again of the Secretary of the Tribunal, as in Poland.

The fact remains that twice as many Secretaries General deal with summonses to hearings as are involved in planning of hearings.

5.d Presence of the Secretary General at hearings

This is a duty that may be shared by seventeen Secretaries General (Andorra, Argentina, Armenia, Belgium, Bosnia and Herzegovina, Bulgaria, Estonia, France, Greece, Hungary, Ireland, Kazakhstan, Liechtenstein, Luxembourg, Russia, Slovenia and Ukraine), albeit sometimes to different degrees. The presence of the Secretary General in person or of his or her deputy, as in Ireland, may be routinely required by statute, although it may also simply be established practice, as in Andorra and Estonia. It may also apply only to certain hearings: e.g., in Germany, only those of the First Panel; in Bulgaria, Luxembourg and Slovenia, only those held in public; and in Ukraine, when a Court decision has been taken that he/she be present.

It is worth noting that, of the Secretaries General who are normally never involved in the judicial phases of the Court, some may nevertheless be present exceptionally during this part of the proceedings (e.g. the Secretary General of the Court of Bulgaria).

6. The Secretary General and Court decisions

After delivery of the Court's decision, the questionnaire was able to identify the role of the Secretary General in the notification of Court decisions (6.a), in correspondence with petitioners at this stage in the proceedings (6.b) and in following up the execution of the Court's decisions (6.c).

6.a Notification of the Court's decisions

A very common task for the Secretaries General: twenty three of them (Albania, Andorra, Argentina, Armenia, Belarus, Belgium, Bosnia and Herzegovina, Estonia, France, Germany, Hungary, Israel, Kazakhstan, Liechtenstein, Luxembourg, Norway, Poland, Romania, Russia, Slovenia, South Africa, Turkey and Ukraine) replied that they were responsible for notifying the Court's decisions or, at least, that they supervised the relevant department. Where such notification is not the Secretary General's responsibility, it may be carried out by justice secretaries, as in Spain, by judges and their assistants, as in the Czech Republic, or by the legal secretariat, as in Poland. Notification may also not be necessary, as in Ireland, where the parties are generally present when judgment is delivered.

6.b Correspondence with petitioners

Nineteen Secretaries General are responsible for correspondence, if any, with petitioners, as in Albania, Andorra, Armenia, Belarus, Belgium, Bosnia and Herzegovina, Estonia, Hungary, Ireland, Israel, Kazakhstan, Luxembourg, Norway, Russia, South Africa, Turkey and Ukraine. Depending on the type of case and proceedings before the Courts, this correspondence may not exist, making this point redundant. Where the Secretary General does not act in this area, the task will therefore be performed, as before, by justice secretaries, as in Spain, the legal secretariat, as in Portugal, or the judges and their assistants as in the Czech Republic. Depending on the nature of the correspondence, the task may alternatively be carried out by judges, the President or the Secretary General, as in Poland.

6.c Execution of the decisions of the Court

Only nine Secretaries General take part in following up the execution of the Court's decisions. It is worth noting that these Secretaries General are in new democracies where there may be difficulties in executing the Courts' decisions, even though these are enforceable and binding on public authorities and indeed on all authorities. The Secretaries General in Albania, Belarus, Kazakhstan, Russia, Slovenia, South Africa and Ukraine thus have the responsibility of monitoring execution of the Court's decisions. Checking that the legislature, for example, has taken account of relevant decisions by the Court may be the task of the Secretary General, as in Slovenia, or of the Tribunal, as in Poland. The Constitutional Court of Russia has a special division responsible for monitoring execution of the Court's judgments. This shows the importance of the question in certain countries.

7. Preponderant share of functions (administrative or judicial)

The Secretaries General assessed which part of their functions was preponderant: the administrative or judicial.

The replies to the questionnaire reveal four groups of Secretaries General. First of all, there are those who described their functions as being 100% administrative: they include the Secretaries General of the Constitutional Courts of Bulgaria, the Czech Republic, Lithuania, Luxembourg, Portugal, Romania and Slovenia.

The largest group is those who considered their functions to be mainly administrative. They include the Secretaries General of the Courts of South Africa, Slovakia, Ireland, Israel, Italy, Japan, Albania, Andorra, Armenia, Austria, Belarus, Bosnia and Herzegovina, Germany, Finland (Supreme Court, Supreme Administrative Court), Poland, Switzerland and Norway, the proportions for the last two being 70% administrative and 30% judicial.

Four Secretaries General - those in Belgium, Hungary, Spain and Ukraine - assessed their functions as being half administrative and half judicial.

The last group comprises Secretaries General who consider the judicial part of their function to be preponderant, namely the Secretaries General of the Constitutional Court of Russia, the Constitutional Council of France and Kazakhstan and the Supreme Court of Estonia.

To conclude, the functions and degrees of involvement of the Secretary General in the Court's judicial phases are, as we have seen, extremely varied from Court to Court, just as, for example, the number of complaints per year and the number of hearings vary.

While the existence of a registry leads in certain Courts to the total exclusion of the Secretary General from the Court's judicial phases (Italy, Japan, Latvia, Finland Supreme Court, Supreme Administrative Court, the Czech Republic, Portugal), the Secretary General plays a part, if only with regard to material assistance to judges, in the Court's judicial phases in the remaining thirty three Courts, whether the registry is centralised as in Andorra, Austria, Azerbaijan, Belarus, Bosnia-Herzegovina, Greece, Hungary, Ireland, Israel, Liechtenstein, Luxembourg, Poland, Slovakia, Slovenia, South Africa and Turkey, or whether it is decentralised, as in Argentina, Spain, Switzerland or Ukraine, or both, as in Belgium, and whether or not it is under the authority of the Secretary General, as in Albania, Belgium, France, Germany, Lithuania, Norway, Romania and Russia.

The questionnaire, which ended with a survey of the ideas held by the Secretaries General about the distribution of their administrative and judicial functions, sheds an instructive light on these variants.

The Secretaries General who described their tasks as 100% administrative include the Secretaries General in Bulgaria, the Czech Republic, Lithuania, Luxembourg, Portugal, Romania and Slovenia.

The widest group - seventeen Secretaries General - consists of those who assessed the Secretary General's functions as being mainly administrative: it includes the Secretaries General of Albania, Andorra, Armenia, Austria, Belarus, Bosnia and Herzegovina, Finland (Supreme Court, Supreme Administrative Court), Germany, Ireland, Israel, Italy, Japan, Slovakia and South Africa, followed by Norway and Switzerland, who said that the administrative part of their functions amounted to 70%, the remaining 30% being devoted to quasi-judicial tasks.

The third group consists of Secretaries General who assessed the administrative and quasi-judicial parts of their functions as equal: this group includes the Secretaries General in Belgium, Hungary, Spain and Ukraine.

Finally, those who considered their functions to be mainly quasi-judicial are the least numerous: they are the Secretaries General in Estonia, France, Kazakhstan and Russia.

In conclusion

This study has identified the attributes common to Secretaries General and has shed light on some of the tasks, functions and responsibilities which they share and which unite them in a desire for a properly functioning Court. It has also been an opportunity to present an overall picture of the various permutations in the status, functions and responsibilities of the Secretary General and, over and beyond the personal element, to summarise the different ways in which a Constitutional Court was organised and operated in 2002 in Europe and other parts of the world.

Anyone wanting a standard portrait of a Secretary General would have to start with the following features: someone standing on a gold ingot so as to convey the idea that a Secretary General's salary is comparable with the highest civil-service salaries, a mortarboard like those worn at English-speaking universities to show that all Secretaries General are graduates, a hand holding money for the Court's budget which he (or, of course, she) often manages, a book for the documentation service which he heads, a pen and notebook for the administrative side of his functions and a stick to represent the disciplinary power that he can wield against the Court's staff. **But while the Secretary General is all those things, that is not the full picture.** For that, he must be placed in front of a microphone so as to conjure up the idea of public relations, he must be dressed in judge's robes in order to depict the registry functions that some Secretaries

General perform. In the background looms the facade of a Constitutional Court, lit up inside because the Secretary General makes sure that materially it operates properly. On the steps stand all the judges in their robes because the Secretary General has endeavoured to see that, at least on the material side, they have all they need to carry out their duties in agreeable conditions and he knows that he will also have to answer to them for his actions. Away from the group and on the right of the Secretary General stands the President of the Court, who, as we have seen, occupies an important place in a Court's life and maintains an especially close and privileged relationship with the Secretary General.

The Constitutional Court or its equivalent plays a decisive role in effectively protecting human rights, in ensuring compliance with the rule of law, and in preserving a country's democratic balance. Management of the Court that protects those things is equally crucial. The replies to the questionnaire on the status and functions of the Secretary General have demonstrated the extent to which the Secretary General is a key player in this special Court the management and functioning of which were also worthy of attention.

REPLIES TO THE QUESTIONNAIRE

A. STATUS OF THE SECRETARY GENERAL

I. LEGAL BASIS OF THE STATUS OF THE SECRETARY GENERAL

Country	Legal basis
Albania	LCC, RCC
Andorra	LCC*,RCC*, LSC*
Argentina	RCC
Armenia	LCC, RCC
Austria	LCS
Azerbaijan	RCC
Belarus	LCC, RCC, LCS
Belgium	LCC
Bosnia and Herzegovina	RCC*
Bulgaria	RCC, LCS
Czech Republic	RCC*
Estonia	RCC
Finland: Supreme Court	LCC, RCC
Finland: Supreme Administrative Court	LCC, RCC
France	LCC*
Germany	RCC*
Greece	RCC, SL
Hungary	LCC
Ireland	LSCS, O*
Israel	LCC*, RCC**
Italy	LCC, RCC*
Japan	LCC*
Kazakhstan	LCC
Latvia	LCC*
Liechtenstein	LCC*
Lithuania	LCS, RCC*
Luxembourg	LCC*, RCC*
Norway	O*
Poland	LCC*
Portugal	*
Romania	LCC, RCC,*
Russia	LCC, RCC, LCS
Slovakia	LCC, RCC*
Slovenia	LCC*
South Africa	C*
Spain	LCC*,RCC*
Switzerland	RCC*
Turkey	LCC, RCC
Ukraine	LCC,RCC,LCS, O*

C = Constitution

LCC = Law on the Constitutional Court

RCC = Regulations of the Constitutional Court

LCS = Law on civil servant

SL = Special law

O= Other

* see comments

Comments

Andorra

Law on the Constitutional Court of 3 September 1993.

Regulations on the organisation and the functioning of the Constitutional Tribunal of 16 December 1994.

Law on civil servant of 15 December 2000.

Bosnia and Herzegovina

Regulations of the Court.

There is no Law on the Constitutional Court in Bosnia and Herzegovina. Legal basis of the status of the Secretary General can be found in the Rules of Procedure of the Constitutional Court of Bosnia and Herzegovina and the Court's Decision on the Organisation of the Secretariat of the Constitutional Court of Bosnia and Herzegovina. Only recently the Law on Civil Department has been adopted. It should also apply to the Constitutional Court (except for the judges). The Law has not yet been implemented.

Czech Republic

Regulations of the Court. The Plenum of the Constitutional Court adopted the so called Organisational Order, that came into force on 19 October 1993. By the Order was set up the function of the Director of Court's Administration (hereinafter Director).

France

Law on the Constitutional Court. Yes, Article 15, Regulations of 7 November 1958.

Such regulations constitute the organic law of the Constitutional Council. They have been adopted in application of Article 63 of the Constitution and of its application Decree no. 59-1293 of 13 November 1959, concerning the organisation of the general secretariat of the Constitutional Council.

Law on Civil Servants. No. It only applies if he is on secondment at the Court from his original entity (often, the Council of State).

Germany

Rules of Procedure of the Federal Constitutional Court, paragraphs 14 and 15.

Ireland

Ireland does not, in a strict sense, have a Constitutional Court. The Supreme Court, as

the final Court of appeal, is the nearest equivalent. The Supreme Court does not have a Secretary General; the equivalent position is the Registrar of the Supreme Court. The Registrar is a senior civil servant (at Assistant Secretary level) and the position is governed by the general civil department legislation and regulations.

Israel

Law on the Constitutional Court. A provision states that the Registrar of the Court will have all the powers of the Secretary General.

Regulations of the Court. Yes, empowering him to accept documents and consider some procedural matters (see below).

Law on Civil Servants. Not directly. The Secretary General is a civil servant, yet his powers and duties are not specified in this law.

Italy

After the changes made to the Regulations of the Court last September, Regulations approved on 20 January 1966, according to Article 14 of the Law no. 87 of 11 March 1953, on the Constitution and functioning of the Constitutional Court, the Secretary General is mentioned at Article 29-bis of the above mentioned Regulations, which say:

"The Court administration, constituted by the Secretary General, his Deputy and the different Departments of the Court... deals with administrative and management acts which are not reserved to the Court, to the Presidency Office and to the President.

The Secretary General, duly authorised by the Presidency Office, may delegate administrative tasks of its exclusive competence to civil servants of the different Services, who become responsible thereof.

Japan

Court Organisation Law. In this context, the Constitutional Court means the Supreme Court.

Law on the organisation of the Court. It should be noted that, in Japan, the Supreme Court is the Constitutional Court.

Latvia

In compliance with the Constitutional Court Law, the list of positions of officials and employees of the Constitutional Court shall be established by the Chairperson of the Constitutional Court within the limits of the Court's budget. The list of staff units,

confirmed by the Chairman of the Constitutional Court, and the structure of the Constitutional Court do not envisage the office of the Secretary General.

Liechtenstein

Law on the Constitutional Court. However, strictly speaking, only the office of Registrar exists in the Liechtenstein.

Lithuania

Regulations of the Office of the Constitutional Court of the Republic of Lithuania.

Luxembourg

Law of 27 July 1997 on the organisation of the Constitutional Court.

Internal regulations of the Constitutional Court of 31 October 1997.

Norway

“The Court Act”, a general law on all the Courts.

Poland

Law on the Constitutional Court. The official title for the post is “Chief of the Office of the Constitutional Tribunal”. It was established in the year 2001.

Specific law: the status of the Chief of the Office (Secretary General) in the rank of the highest senior officials of the State in Poland (secretary of state), including salary and other benefits.

Portugal

Concerning the administration of the Constitutional Tribunal, the Constitution of the Portuguese Republic does not consider the Secretary General office. It mentions, in a general way, the “organisation” of the Constitutional Tribunal, which is to be interpreted as including the “organic” structure of the Constitutional Tribunal departments.

According to Article 224, no. 1, of the Constitution, the law sets out the rules related to the seat, the organisation and the functioning of the Constitutional Tribunal. Therefore, the Constitution “entrusts” at a “legal” level the power of creating the rules concerning the organic structure of the Constitutional Tribunal departments.

Law on the Constitutional Court: Yes. At an infra-constitutional level, the Law no. 28/82 of 15 November, sets out the Constitutional

Tribunal’s organisation, functioning and procedure. This law is an “organic law”, which has a “strengthened legal value” in virtue of the Constitution. The Law no. 28/82, generally referred to as the Law of the Constitutional Tribunal (LTC), in order to define the Constitutional Tribunal functioning and procedure, also determines what may be called “the fundamental principles” of the organic structure of the Constitutional Tribunal departments.

From the coming into effect of this law and with regard to the Tribunal organisation, two directions may be found. The original underlying idea in the Tribunal departments’ organisation, which was maintained from the coming into effect of the LTC until 1998, did not include the office of Secretary General.

Since the Constitutional Court was initially set up as a High Court, the LTC adopted an organisation model very similar to that of High Courts, namely that of the High Court of Justice¹. The adoption of this model concerned a part of the departments internal structure and more particularly the Secretary-Registry department.

The text provided a Secretary (Chief Secretary-Registry) with the same grade of the Secretary (Chief Secretary-Registry) of the High Court of Justice, who heads, under the supervision of the Tribunal President, the Secretary-Registry.

The Secretary was a servant of the Justice, member of the bailiffs’ corps and of the category of the High Court Secretary (Chief Secretary-Registry).

In 1998, this trend changed, with the last and most recent modifications made to the Law no. 28/82 of 15 November by the Law no. 13-A/98 of February 26.

In application of these modifications, the office of the Secretary General was created and the office of the Secretary was suppressed.

The introduction of the Secretary General office reflected the intention to provide the Tribunal with a managerial office, whose tasks are the same of other equivalent offices, which have long been part of the departments of the Presidency of the Republic, of the Parliament and of the Presidency of the Committee of Ministers.

¹ Article 46, line 3 of the Law no. 28/82 sets out a regulation, for the staff members of the Secretary of the Constitutional Court, which is analogous, as to the rights, benefits, obligations and incompatibilities, to that one for the staff members of the High Court of Justice, and, doing so, confirms it.

This change entailed the publication of the law by Decree no. 545 of 14 December. This law by decree has carried out the new “organic” structure of the Tribunal departments, a structure resulting from the organisation principles now adopted.

This text contains also the detailed regulations of the office of the Secretary General of the Constitutional Court.

Romania

Initially, the Secretary General’s legal status was established by Law no. 47/1992 on the organisation and operation of the Constitutional Court.

As of July 2000, Chapter V in this law (dealing with “Specialised and Administration Staff”) was replaced by provisions laid down by a specific Law (no. 124/2000, on the structure of the Constitutional Court staff).

More detailed provisions on his/her status are given under the Regulations of the Court.

Slovakia

Law on the Constitutional Court.

Organisation Rules of the Court: Article 7.

Slovenia

Law on the Constitutional Court (*Zakon o Ustavnem sodiscu*, Official Journal RS, no. 19/94), Article 7/1.

South Africa

By Constitution: The Constitution requires that there must be separation of powers and the Constitutional Court is part of the Judiciary and is the highest Court of the land. In South Africa we have a Court manager whose position is at the Directors level. Chapter 8 of the Constitution provides guidelines in respect of Courts and the administration of justice.

Spain

Acknowledgment in the Organic Law no. 2/1979, on the Constitutional Court (LOTC): Articles 98 and 99.

Development in the Regulations on Organisation and Staff members of the Constitutional Court (ROP): Articles 24, 25 and others corroborating them.

Switzerland

The law on the organisation of the federal jurisdiction dates back to 1943. At that time,

the office of Secretary General (SG) was not established. Accordingly, the Regulations of the Federal Tribunal (Article 29, 30 – 33), provide the legal basis of the status of the Secretary General of the Federal Tribunal of Switzerland. Moreover, the administrative order on staff of the federal Tribunal includes the following provision:

“Article 19. Nomination for a period of office.

The Secretary General and his deputy are nominated for a period of office.

This period is the same as the members of the Federal Tribunal.

The renewal of the nomination takes place at the latest 6 months before the expiration of the period of office. The Federal Tribunal decides freely on the renewal.

(..)”

Moreover, the new federal law on the Federal Tribunal, being discussed in Parliament, provides as follows:

“Article 24. Secretary General.

The Federal Tribunal nominates the Secretary General and his deputy after each renewal for a 6 years period, or, in case of vacancy, for the remaining period.

The Secretary General heads the administration of the Tribunal, including the scientific departments. He heads the general secretary of the plenary Court and of the administrative bodies.

Ukraine

Law on the Constitutional Court.

Regulations of the Constitutional Court.

Law on civil servant.

Provisions “On the Secretariat of the Constitutional Court of Ukraine”.

II. NATURE AND CAREER DEVELOPMENT OF THE OFFICE

1. Nature of the office

1.a: Is the Secretary General a civil servant of the State?

1.b: Is the Secretary General a civil servant integrated into the judiciary?

1.c: Other

Country	1.a	1.b	1.c
Albania	yes	no	/
Andorra	yes	yes	/
Argentina	/	yes*	/
Armenia	no	yes	no
Austria	yes	no	no
Azerbaijan	*	*	*
Belarus	yes	yes	/
Belgium	no	yes	no
Bosnia and Herzegovina	/	/	/
Bulgaria	yes	no	no
Czech Republic	yes	no	*
Estonia	no	yes	no
Finland: Supreme Court	no	yes	no
Finland: Supreme Administrative Court	no	yes	no
France	yes*	no	*
Germany	yes*	/	/
Greece	yes	/	/
Hungary	yes	/	/
Ireland	yes	/	/
Israel	yes	no*	/
Italy	no*	yes *	*
Japan	yes*	yes	no
Kazakhstan	/	/	yes
Latvia	/	/	/
Liechtenstein	no	no	no
Lithuania	yes	no	/
Luxembourg	no	yes*	no
Norway	/	/	*
Poland	/	/	yes*
Portugal	yes*	no*	/
Romania	no	no	yes
Russia	yes	/	/
Slovakia	yes	/	/
Slovenia	no	no	*
South Africa	yes	yes	*
Spain	/	/	*
Switzerland	yes*	*	/
Turkey	/	/	*
Ukraine	yes	yes	/

* see comments

Comments

Argentina

1.b: The secretaries are civil servants integrated into the judiciary.

Azerbaijan

1.a.b.c: This issue is to be settled in the new draft of Internal Statute of the Court.

Czech Republic

1.c: The Director is one of the employees of the Constitutional Court.

The Court and its employees, including the Director, conclude a contract of employment in accordance with Labour Law. The remuneration of all servants, including the Director, is regulated by the ministerial order on wage relations of employees of the state administration bodies.

France

1.a: The texts do not impose this requirement. In practice, the answer is yes.

1.c: In practice, since the creation of the Constitutional Council in 1958, the Secretaries General have been members of the Council of State on secondment, except for one Secretary who was a judge. In theory, there are no restrictions preventing the Secretary General from not being a public servant or a judge.

Germany

1.a: The German Secretary General is a civil servant of the Constitutional Court.

Israel

1.b: No. The Judiciary is independent and administrated by a constitutional provision (Basic Law: The Judiciary). The Secretary General is a state employee – a civil servant.

Italy

1.a.b.c: At present, the Secretary General is a former *Cassazione* judge who does not work anymore in the judiciary as a permanent judge, but is on secondment at the Constitutional Court. The salary is set according to his/her rank, in addition an allowance is paid by the Courts for his functions of Secretary General. As for their retirement fund, it is the same as other judges.

Japan

1.a: Yes. A civil servant belonging to a special government service.

Luxembourg

1.b: Yes. Article 27 of the law of 27 July 1997 provides that “The registry of the High Court of justice acts as the Registry of the Constitutional Court...”.

Norway

1.c: Senior civil officer (appointed by the King in Council).

Poland

1.c: Yes. He/she is a senior officer with the rank of Secretary of State.

Portugal

1.a: Yes. According to Article 4 of the law by Decree no.°545/99 of 14 December, the position of the Secretary General of the Constitutional Court is the same as the position of the Director general and, consequently, except for the cases governed by the provisions of this text²⁽⁾, it is subject to the pertinent legal regulations.

According to this provision, the office of the Secretary General of the Constitutional Tribunal is placed at the highest level of the managing careers of the public administration. Considering his legal status, it may be said that he is “a civil servant” of the State.

1.b: The analysis outlined above entails that the Secretary General does not belong to the body of the servants of the Justice (bailiffs).

Slovenia

1.c: The Secretary General has the position of a functionary (similar to Constitutional Court judges), and the legal provisions that regulate the position of civil servants do not apply to him or her. In contrast, the Director of the Constitutional Court services (hereinafter the Director) is considered to be a civil servant.

² The legislative act, which at present regulates the status of the senior management is the Law no. 44/99 of 22 June. This status is generally common to all the universe of the public service.

According to Article 2, line 2 of this legal act, *the offices of director general, Secretary General, inspector general, director of department, head of division and all the offices that, by virtue of the law, are compared to these ones, are considered as senior management offices.*

South Africa

1.c: Currently, the Director of the Constitutional Court has legal qualifications as it would be almost impossible to co-ordinate the functions of the Constitutional Court without any legal background considering the Constitutional Court is part of the judiciary system.

Spain

1.c: The Secretary General must belong to the Body of the Lawyers (*letrados*) of the Constitutional Court: Article 98 LOTC and Article 24 ROP.

Switzerland

1.a: The Secretary General of the Federal Tribunal does not have the status of a judge. In this sense, he is a civil servant of the State. Nevertheless, contrary to other civil servants of the Confederation, he is not employed with a contract of public law, but he is nominated by the Plenary Court of the Federal Tribunal.

1.b: The Secretary General of the Federal Tribunal is a servant of the third power, but he is not a judge.

Turkey

1.c: The Secretary General is elected among rapporteur judges in the Constitutional Court. Prior to this office, they have generally been judge, lecturer or auditor in the Court of Audits.

2. Situation with regard to other civil servants

Can the rank of the Secretary General be assimilated to other civil servants regarding

2.a: salaries

2.b: social benefits

2.c: pension

Country	2.a	2.b	2.c
Albania	no*	no	no
Andorra	yes*	yes*	yes*
Argentina	*	*	*
Armenia	yes	yes	yes
Austria	yes	yes	yes
Azerbaijan	*	*	*
Belarus	yes	yes	yes
Belgium	yes	yes	yes
Bosnia and Herzegovina	/	/	/
Bulgaria	yes*	yes*	yes*
Czech Republic	yes	yes	yes
Estonia	yes*	yes*	yes*
Finland: Supreme Court	yes	yes	yes
Finland: Supreme Administrative Court	yes	yes	yes
France	yes*	yes*	yes*
Germany	yes	yes	yes
Greece	yes	yes	yes
Hungary	yes	yes	yes
Ireland	*	*	*
Israel	yes*	yes*	yes*
Italy	*	*	*
Japan	yes*	yes*	yes*
Kazakhstan	no	no	yes
Latvia	/	/	/
Liechtenstein	no	no	no
Lithuania	yes	yes	yes
Luxembourg	yes*	no	no
Norway	yes*	yes*	yes*
Poland	yes*	yes*	yes*
Portugal	*	*	*
Romania	yes	yes	yes
Russia	yes	yes	yes
Slovakia	yes	yes	yes
Slovenia	no	no	no
South Africa	yes	yes	yes
Spain	*	*	*
Switzerland	*	*	*
Turkey	*	*	*
Ukraine	yes	yes	yes

* see comments

Comments

Albania

2.a: No, the Secretary General represents the highest level in the management of public administration, and as such, his position can not be compared to that of any other civil servant.

Andorra

2.a: Yes. To the rank of the Secretary General of the General Council (Parliament), or to the rank of the Secretary of the Higher Council of Justice.

2.b: The same for everybody.

2.c: Same conditions for everybody.

Argentina

2.a.b.c: The level of salaries and allowances, the social benefits and the pensions are similar to those provided for the judges of the Courts of Appeal.

Azerbaijan

2.a.b.c: This issue is to be settled in the new draft of Internal Statute of the Court.

Bulgaria

2.a.b.c: The Secretary General of the Constitutional Court has equal rank and status as the Secretary General of the National Assembly (Parliament), the Presidency of the Republic and the Council of Ministers.

Estonia

2.a.b.c: The salaries of the Court officers of the Supreme Court, the procedure for payment of additional remuneration, bonuses and benefits shall be determined by the Chief Justice of the Supreme Court within the limits of the budget of the Supreme Court. The Chief justice has discretionary power within the system of civil servants.

France

Yes. Either that of Secretary General of a Parliamentary Assembly or to the Secretary General of the Economic and Social Council.

2.a: The situation is similar.

2.b: Civil servant system.

2.c: The fact of being on secondment implies that pension is taken over by the administration of origin.

Ireland

2.a: The Registrar has the salary, pension rights and benefits of Assistant Secretary grade.

Israel

2.a.b.c: Yes. The Secretary General does not enjoy any special status.

Italy

2.a.b.c: At present, the Secretary General is a former "*Cassazione*" judge who does not work anymore in the judiciary as a permanent judge, but is on secondment at the Constitutional Court. He has the salary correspondent to his rank and an allowance paid by the Courts for his functions as Secretary General. The amount of his retirement is the same as the other judges.

Japan

2.a.b.c: They are equal to that of Deputy Minister of other ministries.

Luxembourg

2.a: Yes. Article 29 of the law provides that all members of the registry of the Constitutional Court receive a monthly allowance which may be combined with any other remuneration.

Norway

2.a.b.c: The assimilation should be done with regard to the other senior civil officials.

Poland

2.c: Yes. Senior official of the State, rank of the Secretary of State.

Portugal

2.a.b.c: As referred above, the office of the Secretary General of the Constitutional Court is the same as the office of the Director General, who has the highest civil service level (immediately after the political level) in Portugal.

In consequence, the Director General's legal status is equally applicable to the Secretary General, namely as to the salary, the allocations³, the social benefits and the pension.

³ For instance, the allocation for the representation expenditures, in addition to those ones generally attributed to all the public servants.

Spain

According to Article 83 ROP, there is an assimilation with the ministerial Under-Secretaries, with regard to the allowances for office reasons.

Switzerland

The Secretary General of the Federal Tribunal has the same rank as the other, rare, civil servants of the Confederation nominated in the same way rather than being employed under a public law contract. These are: the Secretary General of the Parliament, the General Procurer of the Confederation and his procurers (length of the office: 4 years for everybody).

2.a: The Secretary General of the Federal Tribunal is well paid.

2.b: The same as the other officials.

2.c: Pension with the same conditions as the other officials of the Confederation (60% of the last salary assured).

Turkey

2.a: Salaries: much higher than other civil servants.

2.b: Social benefits: better conditions.

2.c: Same pension.

3. Recruitment of the Secretary General

3.a: General requirements General requirements for access to the civil service?

Country	3.a
Albania	yes
Andorra	yes*
Argentina	no
Armenia	no
Austria	yes
Azerbaijan	yes
Belarus	yes
Belgium	no
Bosnia and Herzegovina	/
Bulgaria	yes *
Czech Republic	no*
Estonia	yes
Finland: Supreme Court	yes*
Finland: Supreme Administrative Court	yes*
France	yes*
Germany	yes*
Greece	*
Hungary	no
Ireland	*
Israel	yes*
Italy	/
Japan	*
Kazakhstan	/
Latvia	/
Liechtenstein	/
Lithuania	/
Luxembourg	no
Norway	yes*
Poland	yes*
Portugal	yes*
Romania	yes
Russia	yes
Slovakia	yes*
Slovenia	*
South Africa	/
Spain	yes*
Switzerland	yes*
Turkey	yes
Ukraine	yes

* see comments

Comments

Andorra

3.a: To have the nationality of Andorra.

Bulgaria

3.a: Same requirements as for all civil servants.

Czech Republic

3.a: Any act does not lay down any general requirements for access to the civil service.

On 26 April 2002 the Act on the department of the civil servant in the administrative offices and on the remuneration of the civil servants and other employees in the administrative offices were adopted (Act on Civil Service). This act came into force on 1st January 2004.

Finland – Supreme Court

3.a: Skill, ability and proven civic merit.

Finland – Supreme Administrative Court

3.a: Skill, ability and proven civic merit.

France

3.a: The texts do not provide any special condition.

Germany

3.a: To be German.

Greece

3.a: The President of the State Council or the President of the Cassation Court may become President of the Special Supreme Court, according to their seniority in the presidential offices. The Secretary of one of these Presidents, who become President of the Special Supreme Court, acts as a Secretary General.

Ireland

3.a: Entry to the Irish civil department involves successfully passing examinations set by the Civil Department Commissioners, followed by an interview.

Israel

3.a: Open Public Competition.

Japan

3.a: No person described below shall qualify for the Civil Service: (Article 38 of National Public Department Law)

- A major under guardianship or a person under curator ship
- A person who has been sentenced to imprisonment or a heavier penalty and has not completed execution or probation.
- A person who has been subjected to disciplinary action unless 2 years have passed since such disciplinary action was imposed upon him/her.
- A person who has committed crimes set forth in Article 109-111 of National Public Department Law when he/she is a Commissioner of National Personnel Authority and be punished.
- A person who has organised or joined parties or organisations which insist on overthrowing the Constitution or government established under the Constitution after the date of implementation of the Constitution of Japan.

Norway

3.a: Norwegian citizen; Norwegian language.

Poland

3.a: No special requirements by law; in practice: law faculty and experience in administrative management are required.

Portugal

3.a: The general requirements for access to the civil service apply to the Secretary General's office.

Slovakia

3.a: Citizenship of the Slovak Republic. Relevant qualifications.

Slovenia

3.a: Citizenship of the Republic of Slovenia.

- Capacity to contract.
- Not having been convicted for a criminal offence that prevents one by law from being employed at a State body.

Spain

3.a: To be a member of the Body of Lawyers of the Constitutional Court.

Switzerland

3.a: The only additional legal requirement to the general requirements for access to the civil service is to be a Swiss citizen (Article 12 of the order on staff of the Federal Tribunal; *Opers TF*).

3. Recruitment of the Secretary General

3.b: Specific requirements regarding

3.b.i Training (legal or other) Required diplomas?

3.b.ii Age, required minimum age?

3.b.iii Seniority?

3.b.iv Other? *

Country	3.b.i	3.b.ii	3.b.iii
Albania	no	no	no
Andorra	yes*	no	no
Argentina	*	*	*
Armenia	no	no	yes
Austria	yes*	no	no
Azerbaijan	/	/	/
Belarus	yes	no	yes*
Belgium	yes	yes	yes
Bosnia and Herzegovina	*	*	*
Bulgaria	yes*	no	no
Czech Republic	no	no	no*
Estonia	yes*	yes*	no*
Finland: Supreme Court	yes*	no	/
Finland: Supreme Administrative Court	yes*	no	/
France	no*	no*	no*
Germany	yes*	no	no
Greece	/	/	/
Hungary	yes*	no	no*
Ireland	no	no	no
Israel	yes*	no	no
Italy	/	/	/
Japan	no*	no	no
Kazakhstan	yes	no	no
Latvia	/	/	/
Liechtenstein	/	/	/
Lithuania	yes*	no	no
Luxembourg	yes*	*	*
Norway	yes*	no	no
Poland	no*	*	*
Portugal	*	*	*
Romania	yes*	no	yes*
Russia	yes	/	/
Slovakia	yes*	/	yes*
Slovenia	yes*	/	yes*
South Africa	yes*	*	*
Spain	/	/	/
Switzerland	yes*	*	*
Turkey	yes*	no	yes*
Ukraine	yes*	yes*	yes*

* see comments

Comments

Andorra

3.b.i: The only requirement concern the training: the Secretary General must have a legal diploma.

Argentina

3.b: For the recruitment of the secretaries, there are only special requirements. The eligible candidate must be at least 30 years old, he/she must be an Argentinean citizen, he/she must be a lawyer and he/she must have practiced as a lawyer for at least 6 years.

Austria

3.b.i: Law degree.

Belarus

3.b.iv: Legal experience non-less than 5 years.

Bosnia and Herzegovina

3.b: Since the Law on Civil Department has not yet been implemented and since the Agency for Civil Servants has not been established yet, the status of Secretary General is still regulated by the Rules of Procedure of the Court and by the Decision on the organisation of the Secretariat of the CCBH.

Secretary General is appointed and dismissed by the Court.

Requirements for recruitment: B.A. in Law, with professional experience in legal matters needed for carrying out of this function as well as experience in organisation of job and management, with 5 years of professional experience in legal matters, passed bar exam or professional qualifications exam in Law. The knowledge of English language shall be considered an advantage.

Bulgaria

3.b.i: Legal training, University Diploma.

Czech Republic

3.b.iv: The Constitutional Court determines principal requirements (for example, minimum practice, diplomas) for the competition.

Estonia

3.b.i: Legal training and BA degree in Law is required.

3.b.ii: No minimum age other than the general requirements in the Civil department – 21 years.

3.b.iii: No. Prior practice in the legal system is required.

Finland – Supreme Court:

3.b.i: A higher university degree in law.

3.b.iv: Experience to the successful tending of the official possession.

Finland – Supreme Administrative Court

3.b.i: A higher university degree in law.

3.b.iv: Experience to the successful tending of the official possession.

France

3.b: No specific condition.

Germany

3.b.i: Legal training (First and Second German State Examination in Law) and long-standing experience in administration.

Hungary

3.b.i: Legal graduation.

3.b.iv: A significant legal practice, possibly at a central, governmental organs.

Israel

3.b.i: There is a requirement of a first degree from university (in any field) and a few years of experience in administrative work in one of the Courts.

3.b.iv: Israeli citizen, knowledge of Hebrew, different exams of senior candidates to the public service.

Japan

3.b.i: Not necessary. In practice, the Secretary General is appointed from amongst those judges who have experience in the practice of law since they passed the National Bar Exam and completed the practical legal training as legal apprentices.

Lithuania

3.b.i: Required higher legal education, diploma of university required.

3.b.iv: Established in the terms of competition.

Luxembourg

Yes. In accordance with the Constitutional Court standing orders of 31 October 1997 the Supreme Court of Justice Senior Judge Referee is the Registrar of the Constitutional Court. "Appointment to and release from the position of the Supreme Court of Justice Senior Judge referee is carried out by the Minister of Justice on recommendation given by the State Public Prosecutor and the President of the Supreme Court of Justice.

To be eligible for appointment as a Senior Judge Referee of the Court a candidate must be more than 27 years old and

- a) either hold a Doctor of Laws diploma issued by the Jury of Luxembourg or a University degree conforming to the Grand-Ducal regulation of 28 December 1970 setting criteria for approval of foreign degrees and evidence of formal qualifications in law and registered in accordance with the law of 18 June 1969 on Higher Education and approval of foreign Higher Education degrees and evidence of formal qualifications,

or

- b) have previously served for 5 years as an inspector in the General Public Prosecutor's office, or as an inspector in the Public Prosecutor's office, or as a Registrar of the Court or in one of the Court support services or in the magistrate's Court." (Articles 44 and 45 of the Judiciary Organisation Act modified on 7 March 1980).

Norway

3.b.i: Law degree.

Poland

3.b: No special requirements by law. However, in practice: a law degree and experience in administrative management are required.

Portugal

3.b: Considering that, according to the law, the office of the Secretary General is the same as the Office of the Director General, he is subject to the same recruitment conditions as the latter. Besides these requirements, any other specific recruitment condition is required by the Law no. 545/99.

In addition, the senior management status requires that the candidate to the Director General's office have a degree, whether or not he/she is a civil servant.

Considering the parallel between the status of Director General and the status of Secretary General, the latter must have a degree or a master degree.

With regard to the field of studies, there is any legal requirement.. Anyhow, it is evident that the recruitment for the Secretary General legal office will be made preferably among the holders of a law degree.

The law by Decree no. 545/99 does not provide any special age or seniority requirement for the exercising of the Secretary General office.

Anyway, the senior management status, applicable by analogy to the Secretary General's office, requires that the candidate to the Director General's office should satisfy the conditions of suitability and professional experience, which should be appropriate to the duties to be performed.

In consequence, the candidate to the Secretary General office should satisfy the conditions of suitability and appropriate professional experience, which means that the nominated candidate should have certain seniority.

Romania

3.b.i: Yes. Legal training(similar requirements as is taken for appointment to magistracy, subject to the Law no. 92/1992 on judicial organisation, republished, which include a degree in law or economic – administrative law).

3b.iv: Yes. (6 years in a position assimilated to a magistracy, or at least 4 years as a judge or prosecutor. No seniority is required in the case of someone having a doctor's diploma in law – LL.D.).

Slovakia

3.b.i: University diploma.

3.b.iii: 6 years of practice in the relevant field.

Slovenia

3.b.i: Law degree from a law faculty.

3.b.ii: Master's degree in law and State examination or doctor's degree in law.

3.b.iii: 10 years of work experience.

South Africa

3.b.i: Requires a qualification in law since knowledge in law and/or human rights is a requirement for the appointment.

Switzerland

- Completed legal education;
- Licence of lawyer (in Switzerland, since neither the licence or the career of judge exist, a lawyer's licence is the most important in the judicial field) and PhDs are preferred;
- Command of two official languages and knowledge of the third language.

Turkey

3.b.i: Education on Legal, Administrative Sciences, Politics and Economics.

3.b.iii: Senior rapporteur judges are preferred. Seniority is not obligatory, but an asset.

Ukraine

3.b.i: Appointed from those citizens who are eligible for the position of a professional judge.

3.b.ii: No younger than 25 years old.

3.b.iii: Work experience in the sphere of law for no less than 3 years.

3.b.iv: Article 127 of the Constitution of Ukraine says, "a citizen of Ukraine, no younger than the age of 25, who has a higher legal education and has work experience in the sphere of law for no less than 3 years, has resided in Ukraine for no less than 10 years and has command of the state language, may be recommended for the office of judge".

3. Recruitment of the Secretary General

3.c: Is the recruitment made upon competition or/ and nomination?

Country	Recruitment: C? N?
Albania	N
Andorra	C+ N*
Argentina	N
Armenia	N
Austria	N
Azerbaijan	N
Belarus	N
Belgium	C+N
Bosnia and Herzegovina	C+N*
Bulgaria	N
Czech Republic	C*
Estonia	C+N*
Finland: Supreme Court	C+N
Finland: Supreme Administrative Court	C+N
France	N
Germany	N*
Greece	/
Hungary	C+N
Ireland	*
Israel	C*
Italy	N*
Japan	*
Kazakhstan	N
Latvia	/
Liechtenstein	N
Lithuania	C
Luxembourg	Neither, nor
Norway	C
Poland	N
Portugal	N*
Romania	N
Russia	N
Slovakia	N
Slovenia	C+N
South Africa	C*
Spain	N
Switzerland	N*
Turkey	N
Ukraine	N

upon competition = C
upon nomination = N

* see comments

Comments

Andorra

3.c: The recruitment is made upon public competition. Considering the results and following the request of the Constitutional Tribunal the Secretary General is afterwards nominated by the Government.

Bosnia and Herzegovina

3.c: The recruitment is made upon competition and interview by the Court (all 9 judges), followed by the nomination by the Court. No other approval is needed.

Czech Republic

3.c: The recruitment of the Director was made upon competition. The President of the Constitutional Court designated the special commission, which interviewed applicants and fixed a winner. The winner was appointed by the President of the Constitutional Court to the function of the Director. Any approval was not required.

Estonia

3.c: The competition is public and the Secretary General is nominated by the Chief Justice of the Supreme Court.

Germany

3.c: Nomination after successful interview.

Ireland

3.c: Promotion to the position would depend on seniority and suitability, possibly involving a competitive interview.

Israel

3.c: Competition – mostly within the Court's employees. The final decision is done by a committee of 3: A representative of the Director of the Courts, a representative of another ministry, and a representative of the labour union.

Japan

3.c: Neither. Appointed by the Supreme Court.

Portugal

3.c: The Secretary General's recruitment, as the Director General's one, is made upon nomination.

South Africa

3.c: The recruitment is made upon competition and recommendation by the combination of the Administration and the judiciary, and the upon the Court's approval.

Switzerland

3.c: The administrative Commission, composed by 3 judges, opens the office for competition and makes a proposal to the plenary Court which is free to nominate other candidates. The nomination by a plenary Court is made according to the rules applied by the Parliament for the election of the Government and the members of the Federal Tribunal.

The Federal Tribunal being the third independent power, there is no need of supplementary approval.

3. Recruitment of the Secretary General

3.d: If the recruitment is made upon nomination

Country	Nomination Pst? Court? O?
Albania	Court*
Andorra	O (Government)
Argentina	Court*
Armenia	Pst
Austria	O (Pst Federal)*
Azerbaijan	Pst
Belarus	Pst
Belgium	O (King) *
Bosnia and Herzegovina	Court*
Bulgaria	Pst*
Czech Republic	Pst*
Estonia	Pst
Finland: Supreme Court	Court*
Finland: Supreme Administrative Court	Court*
France	O (Pst of the Republic)*
Germany	Court*
Greece	/
Hungary	Pst*
Ireland	/
Israel	/
Italy	Court*
Japan	/
Kazakhstan	Pst
Latvia	/
Liechtenstein	Pst
Lithuania	/
Luxembourg	/
Norway	/
Poland	Pst*
Portugal	Pst*
Romania	Court (Plenary)
Russia	Court
Slovakia	Pst
Slovenia	Court
South Africa	*
Spain	Pst*
Switzerland	Court*
Turkey	Pst*
Ukraine	Court*

Pst = Nomination by the President of the Court

Court = Nomination by the Court

O = Others

* = Approval necessary?

* see comments

Comments

Albania

3.d: The nomination is made by the Meeting of Judges. Approval is not necessary.

Argentina

3.d: The nomination is made by the Court and approval by another body is not necessary.

Austria

3.d: The Federal President nominates the Secretary General upon proposal from the President of the Constitutional Court. The President makes the proposal after hearing the Personnel Panel of the Court (i.e. a bench of judges composed of the President, the Vice-President and all – presently 9 – reporting judges of the Court).

Belgium

3.d: First, there is a presentation of the 2 candidates by the Court to the Committee of Ministers. Then, a presentation of the selected candidate made by the Committee of Ministers to the King. Finally, the nomination is confirmed by the King.

Bosnia and Herzegovina

3.d: The recruitment is made upon competition and interview by the Court (all 9 judges), followed by the nomination by the Court. No other approval is needed.

Bulgaria

3.d: The nomination is made by the President of the Court upon election by the Court.

Czech Republic

3.d: The nomination is made by the President of the Court. Approval is not necessary.

Finland – Supreme Court

3.d: The nomination is made by the Court.

Finland – Supreme Administrative Court

3.d: The recruitment is made upon competition and nomination. Approval is not necessary.

France

3.d: The nomination is made by decree of the President of the Republic, on proposal of the President of the Constitutional Council.

Approval is not necessary.

In practice, the President does not refuse the proposal of the President of the Court.

Germany

3.d: The nomination is made by the Court. Approval is not necessary.

Hungary

3.d: The nomination is made by the President, with the full agreement of the Plenary Session.

Italy

3.d: According to the civil department and staff members Regulations approved on 10/2/1984 and subsequently modified several times, the Secretary General is proposed by a judge of the Constitutional Court and nominated by a majority of 2/3 of the Court for a 3 years office, renewable up to 7 years. He is chosen among the “*Cassazione*” judges (or of same rank at the “*Corte dei Conti*” or at the “*Consiglio di Stato*”), the counsels, the State general managers, and the University professors. He may be chosen among candidates external to the Administration but with specific competences.

Poland

3.d: On the suggestion of the President of the Court, the Secretary General (Head of the Office) is appointed (by a vote) by the Court and then formally nominated by the President of the Court.

Portugal

3.d: The President of the Constitutional Tribunal may act freely as to the choice of the Secretary General after consulting the plenary assembly of the Tribunal.

It may be said that such a system of nomination guarantees that the Secretary General office is reserved to people enjoying the President’s personal trust, since it is up to the President of the Tribunal to choose the candidates, exclusively and without any preliminary condition. Nevertheless, he has the obligation to consult the plenary assembly before the nomination of the agent concerned.

This particularity of “personal trust” of the office is strengthened by the fact that the Secretary General is appointed for the whole term of the President’s office.

South Africa

3.d: The recruitment is made upon competition and recommendation by the combination of the Administration and the judiciary, and the upon the Court's approval.

Spain

3.d: Election by the Governmental Plenary Assembly (*Pleno gubernativo*, herein after indicated as Plenary Assembly) of the Court and nomination by the President.

Switzerland

3.d: The Administrative Commission, composed of 3 judges, opens the office for competition and makes a proposal to the plenary Court which is free to nominate other candidates.

The nomination by a plenary Court is made according to the rules applied by the Parliament for the election of the Government and the members of the Federal Tribunal.

The Federal Tribunal being the third independent power, there is no need for supplementary approval.

Turkey

3.d: The nomination is made by the President of the Court. Approval is not necessary.

Ukraine

3.d: The nomination is made by the Court upon recommendation of the Chairman.

3. Recruitment of the Secretary General

3.e Does the Secretary General take an oath when taking office?

Country	3.e
Albania	no
Andorra	no
Argentina	no
Armenia	no
Austria	no*
Azerbaijan	*
Belarus	no
Belgium	yes
Bosnia and Herzegovina	no
Bulgaria	no
Czech Republic	no
Estonia	no*
Finland: Supreme Court	yes
Finland: Supreme Administrative Court	yes
France	no
Germany	yes
Greece	/
Hungary	yes
Ireland	no
Israel	yes*
Italy	no *
Japan	yes
Kazakhstan	yes
Latvia	/
Liechtenstein	yes*
Lithuania	yes
Luxembourg	no*
Norway	yes
Poland	no
Portugal	yes*
Romania	yes
Russia	no
Slovakia	yes
Slovenia	no
South Africa	no
Spain	no*
Switzerland	yes*
Turkey	no
Ukraine	yes*

* see comments

Comments

Austria

3.e: When joining the civil department, every person is required to take an oath. If a person is already a civil servant, it is not required to take a new oath when nominated as Secretary General.

Azerbaijan

3.e: This issue will be settled in the new draft of Internal Statute of the Court.

Estonia

3.e: No special oath is taken but the general requirements to access the public service apply which include the obligation to take an oath.

Israel

3.e: Yes. The general oath is taken by any state employee in which he takes it upon himself to comply with the civil servant regulation and duties and judiciary to the State of Israel and its laws.

Italy

3.e: The oath is not necessary unless the Secretary General is not already a civil servant.

Liechtenstein

3.e: Yes. Speaking of the Registrar.

Luxembourg

3.e: "Before entering into service, the magistrates and the judiciary officials take an oath as stated in Article 110 of the Constitution and in Article 3 of the Act on Status of civil servants from 16 April 1979" (Article 112 of the Judiciary Organisation Act modified on 7 March 1980).

Portugal

3.e: Like all civil servants the Secretary General, before carrying out his duties, takes an oath before the President of the Constitutional Tribunal who gives him the office.

Spain

3.e: He takes an oath when becoming member of the Body of Lawyers.

Switzerland

3.e: Yes. Before the Federal Tribunal.

Ukraine

3.e: Yes, but only as a public servant, when being employed to public department for the first time.

4. Career development of the Secretary General

4.a: Determinate (D) or indeterminate (I) term of office?

4.b: cases of termination of the office other than retirement

4.c: Disciplinary measures

Country	4.a	4.b	4.c
Albania	I	*	*
Andorra	I	*	*
Argentina	I	*	*
Armenia	I	no	yes
Austria	D*	*	*
Azerbaijan	*	/	/
Belarus	D	yes	yes
Belgium	I	*	*
Bosnia and Herzegovina	I	/	/
Bulgaria	I	no	*
Czech Republic	I	*	*
Estonia	I	*	*
Finland: Supreme Court	I	*	*
Finland: Supreme Administrative Court	I	*	*
France	D*	*	/
Germany	I*	*	/
Greece	I	*	*
Hungary	I	*	/
Ireland	I	no*	*
Israel	I*	*	*
Italy	*	*	*
Japan	I	*	yes*
Kazakhstan	/	/	/
Latvia	/	/	/
Liechtenstein	I	*	*
Lithuania	I	*	*
Luxembourg	I*	*	*
Norway	I*	none	none
Poland	I	*	/
Portugal	D*	*	*
Romania	I	yes*	yes*
Russia	I	/	*
Slovakia	I	/	/
Slovenia	I	*	no*
South Africa	D*	/	/
Spain	D*	/	*
Switzerland	D*	*	*
Turkey	I	*	/
Ukraine	no	*	*

* see comments

Comments

Albania

4.b: Resignation; inability to perform the duty (physical or professional) sentence by a Court for a criminal act committed by him; inadequacy for this kind of duty; shutting down and the reorganisation of the institution.

4.c: Formal warning; warning for dismissal; demote; removal from the civil service.

Andorra

4.b: The Secretary General may terminate his office for the following reasons:

- voluntary written resignation;
- the loss of the Andorran nationality;
- death;
- dismissal according to the provisions of the disciplinary regulation provided by the law on civil servant;
- condemnation to a principal or an accessory sentence, which gets him incapable to perform the duties related to the office.

4.c: The Secretary General is held responsible in a disciplinary way if he does not perform his duties and obligations.

It is up to the President of the Constitutional Tribunal to begin the disciplinary procedure, but it is up to the government to decide on it.

Argentina

4.b: The secretaries may terminate their offices for disciplinary reasons or if they resign.

4.c: The disciplinary measures are the warning, the admonition and the suspension.

Austria

4.a: The term of office of the Secretary General is indirectly limited by the (general) Law on civil servants, which fixes a term of office of 5 years for all civil servants in certain high functions lead down in this Law. The re-nomination for further terms of office is possible and – in the case of the Secretary General – carried out by the Federal President upon proposal of the President of the Constitutional Court who hears the Personnel Panel (see above) before.

4.b: No re-nomination after the expiration of the 5 year term of office, deliberate leave of office, disciplinary measures taken against the

Secretary General on the basis of the Law on civil servants, death, etc.

4.c: On the basis of the Law on civil servants.

Azerbaijan

4.b.c: These issues are to be settled in the new draft of Internal Statute of the Court.

Belgium

4.b: Disciplinary sanctions.

4.c: The Court.

Bulgaria

4.c: As for any civil servant.

Czech Republic

4.b: The Director is appointed to his/her office and he/she can be removed from office. After removal from the function his/her employment does not terminate. The employer makes an agreement with him/her about other job according to his/her qualification.

4.c: The Director, as well as all other clerks of the Court are subject to labour code relations. However, the Czech Labour Law does not currently contain any provisions concerning disciplinary measures.

Estonia

4.b.c: The General regulation's in respect to civil servants apply.

Finland – Supreme Court

4.b: He/she shall not be suspended from his/her office except by a judgement of a Court of law (commit a crime).

Finland – Supreme Administrative Court

4.b: Personal choice (for example, a new office/job).

4.c: The Secretary General shall not be suspended from office except by a judgement of a Court of law (criminal case).

France

4.a: The texts do not provide for any career. In fact, to this day, the office has been taken as a secondment from the *Conseil d'État* or from the judges for determined periods by now, according to the limits outlined by the regulations of the body of origin.

4.b: The end of the secondment period

(5 years), the resignation, the removal from office (*ad nutum*), the death. It must be pointed out that the secondment is renewable.

Germany

4.a: Indeterminate, it ends with retirement at the age of 65.

4.b: Only on account of disciplinary measures.

Greece

4.c: In accordance with seniority in presidential functions, either the President of the State Council or the President of the Cassation Court assumes the presidency of the Special Supreme Court. The Secretary of the Court where the President is presiding the Special Supreme Court.

Hungary

4.b: Discharge, resignation.

Ireland

4.b: None known. The normal procedures applicable to all assistant secretaries are in force.

4.c: The normal discipline of the civil department applies.

Israel

The position has three ranks (for salary purposes). Each rank is given after 2 years and the third rank is given 3 years after the previous one.

4.a: Only in retirement (age of 60 or 65).

4.b: On disciplinary grounds – a sever breach of the code of civil servants, sometimes after a decision of a discipline tribunal. The final decision of termination is in the powers of the Director of the Courts, which is nominated by the Minister of Justice.

4.c: Like any other state employee.

Italy

4.a.b.c: There is not a real career for the Secretary General; he may resign whenever he wants. He can be dismissed by the Court on proposal of the Presidency office with a 2/3 majority.

Japan

4.b: When he/she is appointed to a Justice of the Supreme Court or a Chief Judge of High Courts, he/she terminates the office

heretofore.

4.c: Decision by Judicial Assembly of the Supreme Court.

Liechtenstein

4.b: Imprecise.

4.c: Not regulated.

Lithuania

4.b: Not established.

4.c: The same that apply to all state servants.

Luxembourg

4.a: Appointment of the Senior Judge referee of the Supreme Court of Justice / Registrar of the Constitutional Court is for an indefinite period.

4.b: Appointment to a different position in the judiciary administration shall involve suspension from the position of Judge Referee/Registrar of the Constitutional Court.

4.c: Disciplinary sanctions with respect to Registrars are determined by the Act on Status of civil servants from 16 April 1979 as modified.

Norway

4.a: The term of office is indeterminate until retirement.

Poland

4.b: The application of disciplinary measures.

Portugal

4.a: The Secretary General is appointed for the whole term of the President's office, that is usually 4 years and 6 months.

In this field, there is a relationship between the end of the Secretary General's office and the end of the President's office, since the duties of the former end when the office of the President, who nominates the Secretary General, terminates, also in the case of anticipated end of the President's office.

But the Secretary General must carry out his duties until the nomination of the new Secretary General (or until the renewal of his office).

4.b: The termination of the office of Secretary General (or of any holder of a senior management office) occurs due to:

- end of mandate;

- resignation, which can be asked by the person concerned or determined, at any moment, following the initiative of the President⁴ and;
- application of the revocation after a disciplinary procedure.

4.c: There is no specific disciplinary procedure for the Secretary General. He is subject to the rules provided by the Disciplinary Regulations of Civil Servants, generally applicable to the entire public service.

Romania

4.b: Termination of the office other than retirement in the following cases:

- resignation;
- transfer;
- release from office, for incompatibility, unsatisfactory performance, etc.;
- removal from office, as a disciplinary measure;
- (prescribed under Article 89 of the Law no. 188/1999 on Civil Service).

4.c: Depending on the gravity of the breach of duty committed, the Plenary Court may apply to the Secretary General one of the following sanctions:

- reprimand;
- severe warning;
- removal from office (prescribed under Article 45 of the Court Regulations).

Russia

4.c: Disciplinary measures.

Slovenia

4.b: The office terminates by resignation or dismissal.

4.c: Special disciplinary measures are not envisaged.

South Africa

4.a: The appointment is a contractual one. It's a 2 year contract.

Spain

4.a: The term of office is 3 years, and it is possible to be re-elected.

4.c: The same as those provided for the Lawyers at the Constitutional Court, according to Article 91 ROP.

Switzerland

4.a: The term of office is 6 years, as is the case for judges. The Plenary Court is free to re-elect the Secretary General. This free re-election distinguishes this office from the other offices of civil servant of the Confederation, who, under certain conditions, have the right to be re-elected.

4.b: During office, the Secretary General may be removed for a serious violation of his obligations. Article 12.7 of the law on the Confederation staff provides as follows: "There are grounds for immediate termination by either party when the rules of good faith do not permit the party giving notice of termination to continue in his/her work relations".

4.c: The same as other officials of the Confederation.

Turkey

4.b: In such cases, the office is withdrawn by the President of the Court.

Ukraine

4.b: Resignation, job change, dismissal from office by the Court.

4.c: On general basis, as determined for all public servants (reprimand, award take-off, notice on incomplete department compliance, dismissal).

⁴ The resignation, following the initiative of the President, is handed by a reasoned decision and after consulting the plenary assembly of the Tribunal. See Article 3, line 3 of the law by decree no. 545/99.

5. Is the Secretary General assisted by a Deputy?

Country	5
Albania	no
Andorra	yes
Argentina	*
Armenia	no
Austria	yes
Azerbaijan	*
Belarus	yes
Belgium	no
Bosnia and Herzegovina	*
Bulgaria	no
Czech Republic	no
Estonia	*
Finland: Supreme Court	no*
Finland: Supreme Administrative Court	no*
France	no
Germany	yes*
Greece	/
Hungary	no
Israel	yes
Italy	yes
Ireland	yes*
Japan	yes*
Kazakhstan	no
Latvia	/
Liechtenstein	*
Lithuania	no
Luxembourg	yes*
Norway	no
Poland	no
Portugal	no*
Romania	yes*
Russia	yes
Slovakia	no
Slovenia	yes*
South Africa	*
Spain	yes*
Switzerland	yes*
Turkey	yes
Ukraine	yes

* see comments

Comments

Argentina

5: A Secretary General has no deputy, but they head civil servants of lower hierarchy who are their assistants.

Azerbaijan

5: This issue will be settled in the new draft of Internal Statute of the Court.

Bosnia and Herzegovina

5: The Secretary General in his carrying out of the duties of the Secretariat is assisted by an Assistant Secretary General for Advisory Issues, Constitutional Jurisprudence and Documentation. Another Assistant Secretary General assists for Administrative and Financial Issues.

Estonia

5: The duties of the Secretary General of the Constitutional Law Chamber are divided between the Secretary General of the Supreme Court, the special duties in relation to Constitutional Review Chamber are given to the Secretary General of the Chamber.

Finland – Supreme Court

5: The Secretary General has no deputies but the President of the Court can order one of the auxiliary judges to carry out specific duties.

Finland – Supreme Administrative Court

5: The Secretary General has no deputies but the President of the Court can order one of the auxiliary judges to carry out specific duties.

Germany

5: The Secretary General shall be assisted by the adviser of one of the Panels.

Ireland

5: In general, it should be noted that the position of Registrar of the Supreme Court was formerly within the Department of Justice, Equality and Law Reform. Following the recommendations of the Working Group on a Courts Commission, the Courts Department was established in November 1999. The Courts Departments an independent agency dedicated to administering the Courts.

Japan

5: He/she is assisted by the Deputy Secretary General of the Supreme Court, when the Vice Secretary General is appointed.

Liechtenstein

5: There is no Secretary General as such.

Luxembourg

5: If the Secretary General is unable to act, the Registrar is substituted by the Registrar of the Supreme Court of Justice appointed by him/her. If it is impossible for the Secretary General to appoint a substitute, the President of the Constitutional Court shall do so. (Article 2 of Standing orders from 31 October 1997).

Portugal

5: The Constitutional Tribunal does not include the office of the deputy Secretary General in his structure.

Moreover, on one hand, any senior manager has right to some deputies of his choice, and, on the other hand, concerning the Constitutional Tribunal, there is no provision related to this matter.

Romania

5: The Deputy Secretary General equals, in rank and salary, to the Deputy Secretary General of either Chamber of Parliament or to the Deputy Secretary General of the Government. He/she is appointed and released from office by the President of the Constitutional Court, on the basis of open competition or examination.

Special note: In case of the Secretary General's absence the Deputy Secretary General takes over all his/her functions and duties.

Slovenia

5: The Secretary General is assisted by a Deputy and has 3 assistants who help lead the staff of legal advisers. Administrative technical services are headed by the Director.

South Africa

5: The Secretary General is not assisted by a Deputy Director. However; the next person in charge is the senior Registrar. Currently, the position of the Registrar in the High Courts is being reviewed. There will be two streams, with quasi-judicial as well as the financial/administrative roles.

Spain

5: The Secretary General is assisted by a Deputy Secretary General.

Switzerland

5: Yes. By a head of staff.

B. THE FUNCTIONS OF THE SECRETARY GENERAL
I. THE SECRETARY GENERAL AND NON-JUDICIAL FUNCTIONS
THE ADMINISTRATION OF THE COURT

1. Descriptive enumeration of the various departments of the Court

1.a: Enumeration of the Court departments

1.a.i Centralised registry (CR) or decentralised assistance (D) with the judges?

1.b: Departments headed by the Secretary General

Country	Centralised registry (CR) or Decentralised assistance (D)?
Albania	CR#
Andorra	CR
Argentina	D*
Armenia	no
Austria	CR#
Azerbaijan	CR*
Belarus	CR
Belgium	CR + D#
Bosnia and Herzegovina	CR*
Bulgaria	CR#
Czech Republic	CR
Estonia	D
Finland: Supreme Court	CR
Finland: Supreme Administrative Court	CR
France	*#
Germany	CR#
Greece	CR
Hungary	CR
Ireland	CR
Israel	CR*
Italy	CR*
Japan	CR
Kazakhstan	/
Latvia	CR
Liechtenstein	CR#
Lithuania	D#
Luxembourg	CR*
Norway	CR#
Poland	CR*
Portugal	D*#
Romania	CR*#
Russia	CR#
Slovakia	CR
Slovenia	CR*
South Africa	CR*
Spain	D*
Switzerland	D*
Turkey	CR
Ukraine	D

= Departments headed by the Secretary general

* see comments

Comments

Argentina

1.a: There is no centralised registry but 12 secretaries that provide assistance to the Court. Each judge also has some legal assistants.

Azerbaijan

Centralised registry. According to the drafted Internal Statute of the Court the personnel will include:

- secretariat;
- administrative department
- library;
- publishing house;
- scientific-research centre;
- constitutional law department;
- department for constitutional control in spheres of civil law, labour law and social protection, department for constitutional control in spheres of administrative and criminal law, law of criminal procedure and reformatory law, *jus gentium* department, department for international relations and generalisation of foreign practice of constitutional control, department for administrative security.

It will also have sectors for legal security, examination of letters and reception of citizens, press service, reception, chancellery and several other departments.

Bosnia and Herzegovina

1.a: The Secretariat is composed of the following Sections:

- Department for Advisory Issues and Constitutional Jurisprudence and Documentation

This Department performs legal and other professional duties related to the accomplishment of jurisdiction of the Constitutional Court of Bosnia and Herzegovina (hereinafter referred to as: the Court), which shall be as follows: processing of requests for institution of proceedings, appeals and other submissions including drafting of reports, development of analyses, writing notifications and pieces of information, drafting decisions and rulings, and other professional duties related to the preparation and organisation of the public hearings; providing services within the framework of constitutional

jurisprudence and documentation; other duties as assigned by the President of the Court, Secretary General of the Court and Assistant Secretary General of the Court.

France

1.a: The Constitutional Council includes 5 departments, all placed under the Secretary General's management:

- the administrative and financial department includes a Head of Division, who is the paymaster of the Constitutional Council, and 7 people, among whom are 3 secretaries, a person responsible for the purchases, one responsible for the internal department, a maintaining technician and an agent of security;
- the legal department includes 3 members: a judge of the judicial order, a judge of the administrative order and a parliamentary servant assisted by 3 secretaries;
- the library and documentation department includes a head of division and 2 deputies: one for the Internet web site, one for the database and for the documentation assistance; some trainees with a PHD in public law also work in this department;
- the external relations department includes a head of division, one deputy, one administrative assistant and one secretary;
- the registry and the computer department include 2 technicians, under the authority of the Registrar of the Constitutional Council.

There also some special departments:

- drivers department (8)
- bailiffs department (3)
- hostesses department (2)
- cooking department (2)
- household department (6)
- the secretary of the Presidency (1)
- the secretaries of the members and of the technical adviser (7)

All departments employ in total 58 people.

Israel

1.a: Yes. Two Registrars and a centralised registry.

Italy

1.a: There is a centralised registry and each judge has 3 legal assistants (judges or

university professors commissioned to the Court).

Lithuania

1a: Every judge has his/her assistant.

Luxembourg

1.a: The registry of the High Court of Justice acts as the registry of the Constitutional Court.

Norway

1.b: All departments. (Responsible for all departments but performed under the authority of the Chief Justice).

Poland

1.a: Organisational units of the Office of the Constitutional Court (in Poland called – Tribunal)

- Secretariat (Registrar) of the Constitutional Tribunal (registration of cases, repertories, department of the proceedings before the Tribunal, referral of judgements for promulgation);
- Division for Preliminary Assessment of Constitutional Complaints and Applications;
- Jurisprudence and Research Division;
- Presidium Division (the protocol, department to the President of the Tribunal, international relations);
- Press and Information Division;
- Library;
- The Constitutional Tribunal Publishing Division;
- Positions for adjudication expert staff, and assistants to the judges;
- Expert for personnel -related matters;
- Legal Counsel;
- Internal audit.

Departments co-ordinated by the Administrative Director of the Office of the Constitutional Tribunal:

- Bookkeeping and Finance Department;
- Administration and Maintenance;
- Information Technology (IT);
- Tribunal Security.

1.b: The Secretary General (in Poland the office is formally termed the Chief of the Office of the Constitutional Tribunal) heads the Office

and its work and supervises the work of all the organisational units of the Office, as he is responsible for their functioning. He is also responsible before the President of the Tribunal and the General Assembly of the Judges of the Tribunal (i.e. the Tribunal) for all the staff members. Adjudication experts and assistants to the judges account for their work directly to the judges they work for (each judge, in principle, is served by one expert and one assistant, both remaining at the exclusive disposal of the judge).

Portugal

1.a: Judicial Secretary and decentralised legal assistance to the judges.

1.b. With regard to the organic structure of the Tribunal and according to the competence given to him by the law, "it is up to the Secretary General to oversee, under the leadership of the President of the Tribunal, the functioning of the Constitutional Tribunal departments, except for the cabinets"....

Accordingly, the following departments are under the Secretary general's leadership:

- Judicial Secretary;
- Centre of Documentation Assistance and Legal Information (it corresponds to the documentation department, library and legal research department);
- Computer centre (it corresponds to the Computer department);
- Administrative and Financial Division (it includes comprises the financial and the staff department);

The running of the 3 first departments, taken over by the Secretary general, is basically of administrative type, seeing that each department has an intermediate running, which is responsible from the financial and technical point.

A legal Secretary (Secretary-Registrar), a servant belonging to the bailiffs' body, heads the Judicial Secretary is headed (the way of heading will be better described later). by a legal Secretary (Secretary-Registrar), a servant belonging to the bailiffs' body.

The Heads of Division heads the department of legal assistance and legal information, as well as the computer department., is headed by the Heads of Division.

The administrative and financial department, headed by a Head of Division, is the department that mostly gives assistance to the Secretary general.

Romania

1.a: Enumeration of the Court departments:

Department for the organisation of jurisdictional activity, consisting of:

- registry, archives and secretarial department;
- documentation, research, and computer department;
- external relations compartment.

Economic Direction, comprising:

- financial department;
- acquisition, technical and administrative department;
- remuneration and human resources bureau;
- body of assistant-magistrates;
- office staff attached to each judge;
- internal audit, directly subordinated to the President of the Court.

1.b: The Department for organisation of jurisdictional activity, the External relations compartment, and the public relations function are subordinated to the Deputy Secretary General.

- The Registry, archives and secretarial department ensures the keeping of the Court's acts, files, records, and of the archives, provides auxiliary services for the Court proceedings, and Registrars all petitions, claims, proposals, reference acts and any other application addressed to the Court. It also ensures communication of the Court acts for publication in the Official Gazette of Romania, the sending out of summons (under the direction of the assistant-magistrate responsible for the case), the dispatch of mail and other correspondence, as well as the multiplication and circulation of documents inside the Court.

Special note: Legal assistance with the judges is provided by the assistant-magistrates, who are integrated into a separate body which is under direct coordination by the President of the Court, therefore is distinct from the Registry department within the General Secretariat.

The documentation, research, and computer department (which includes library) prepares all documentation as may be necessary for the Court's activity, including studies, reports, statistics, and translations. It also keeps the data base of the Court decisions and rulings,

provides information about the jurisprudence of the Constitutional Court, the case-law of other Courts, including the European Court of Human rights, prepares the collections of jurisdictional practice and summarised jurisprudence. It is responsible for the management of the Intranet-system and the updating of the Romanian Constitutional Court homepage, and provides technical assistance for the PC users, whenever necessary. It also ensures the publication of the "Constitutional Court Bulletin", prepared in three languages: Romanian, French, and English.

The External relations compartment ensures the planning, organisation and realisation of the Court international relations, the translation and/or drafting of international correspondence, as well as interpretation, as may be necessary. It also sees to the realisation of protocol and various other activities.

The Press Relations Officer is also in charge of providing any information of public interest about the Court activity, according to a recent Law (no.544/2001) on Free Access to Information of Public Interest.

The Economic Direction is headed by a General Director. Its subdivisions are:

- The financial department ensures the planning and execution of the Court's budget, keeps the record of any accounts, draws the balance-sheet, and fulfils any other financial-accounting work. It also affixes the preliminary financial control visa;
- The acquisition, technical and administrative department ensures acquisition of assets, inventory stock and consumables, the management of assets, repair and maintenance for the like, as may be needed for carrying out the Court activities;
- The remuneration and human resources bureau calculates salaries, financial duties to be deducted from salaries, social benefits, etc. for all categories of staff in the Constitutional Court. It also prepares the draft scheme of posts and staff, and all necessary paperwork in the management of human resources, including information for career evaluation and promotion, and on the disciplinary measures applied.

Slovenia

1.a: Enumeration of the Court departments.

The Secretariat of the Constitutional Court is composed of:

- the staff of legal advisers;
- the Analysis and International Cooperation Department;
- the Documentation and Information Technology Department;
- the Registrar;
- administrative technical services;
- the staff of legal advisers is centralised.

The documentation centre and the library are part of the Documentation and Information Technology Department.

The department of legal research and legal analysis is within the Analysis and International Cooperation Department; this also contains a department of translation to translate Court decisions into English.

The computer department is within the Documentation and Information Technology Department.

The financial department is part of administrative technical services.

Relations with the press are kept by the Secretary General personally.

Staff department is part of administrative services.

There is no special protocol department; the organisation of protocol events is dealt with by the Director.

The external relations department is within the Analysis and International Cooperation Department.

The Registrar is charged with the acceptance of applications and the delivery of mail, the registration of applications, the keeping of various lists and other records on cases, and the performance of certain administrative tasks regarding files.

1.b: The Secretary general heads all the above mentioned departments, except for the administrative and technical departments.

South Africa

1.b: The Registrar's office, who oversees the functioning of the general office as well as managing all the legal registrars of the Court.

Spain

1.a: It is necessary to distinguish between the Lawyers (general or assigned to a specific judge) and the Secretaries of Justice, charged of dispatching legal cases.

1.b: According to the LOTC and the ROP, the Secretary general is the Head of the Lawyers ("Prime Lawyer, *Letrado Mayor*"), without prejudice to the competences of the President, of the Court, of the Chambers and the Judges, that have, each one, a personal lawyer.

Switzerland

1.a: Decentralised legal assistance to the judges: 86 offices of Registrars-lawyers for 30 judges.

1.b: The Registrars-lawyers are subject to the general secretariat only administratively. Sometimes they execute missions for the Secretary general. If not, they work following the judges' instructions.

1. Descriptive enumeration of the various departments of the Court

1.a: Enumeration of the Court departments

1.a.ii Documentation centre

1.a.iii Library

1.a.iv Department of legal research

1.b: Departments headed by the Secretary General

Country	1.a.ii	1.a.iii	1.a.iv
Albania	yes #	yes #	yes #
Andorra	yes	yes	yes
Argentina	yes #	yes #	yes #
Armenia	yes #	yes #	yes #
Austria	yes	yes #	no*
Azerbaijan	/*	yes*	yes*
Belarus	yes	yes	yes
Belgium	yes #	yes #	yes*
Bosnia and Herzegovina	yes*	yes*	yes*
Bulgaria	yes #	yes #	yes #
Czech Republic	no	yes	no
Estonia	yes	yes	no*
Finland: Supreme Court	yes #	yes #	no
Finland: Supreme Administrative Court	yes #	yes #	no
France	yes*#	yes*#	/*
Germany	yes #	yes #	no*
Greece	no	no	no
Hungary	/	yes	yes #
Ireland	no*	no*	no*
Israel	yes #	yes #	yes*
Italy	yes*	yes*	no*
Japan	yes #	yes	yes #
Kazakhstan	yes #	yes #	yes #
Latvia	no	yes*	yes*
Liechtenstein	no	no	no
Lithuania	no	yes #	yes #
Luxembourg	yes*	yes*	yes*
Norway	no	yes #	yes #
Poland	yes*	yes*	yes*
Portugal	yes #	yes #	yes #
Romania	yes*	/*	yes*
Russia	yes #	yes #	yes*
Slovakia	/	yes	yes*
Slovenia	yes*	yes*	yes*
South Africa	yes*	yes*	yes*
Spain	yes*	yes*	yes*
Switzerland	yes* #	yes* #	yes*
Turkey	yes*	yes	no
Ukraine	yes #	yes #	yes #

= Departments headed by the Secretary general

* see comments

Comments

Austria

1.a.iv: Legal research is decentralised. All 9 Reporting judges have 2 to 3 legal assistants who carry out the research work.

1.b.v: The “*Evidenzbüro*” is headed by a civil servant directly responsible to the President.

Azerbaijan

Centralised registry. According to the drafted Internal Statute of the Court the personnel will include:

- secretariat;
- administrative department
- library;
- publishing house;
- scientific-research centre;
- constitutional law department;
- department for constitutional control in spheres of civil-adjecutive, labour laws and social protection, department for constitutional control in spheres of administrative and criminal law, law of criminal procedure and reformatory law, *jus gentium* department, department for international relations and generalisation of foreign practice of constitutional control, department for administrative security.

It will also have sectors for legal security, examination of letters and reception of citizens, press service, reception, chancellery and several other departments.

Belgium

1.a.iv: Public auditors.

Bosnia and Herzegovina

1.a: The Secretariat is composed of the following Sections:

- Department for Advisory Issues and Constitutional Jurisprudence and Documentation

This Department performs legal and other professional duties related to the accomplishment of jurisdiction of the Constitutional Court of Bosnia and Herzegovina (hereinafter referred to as: the Court), which shall be as follows: processing of requests for institution of proceedings, appeals and other submissions including drafting of reports, development of analyses, writing

notifications and pieces of information, drafting decisions and rulings, and other professional duties related to the preparation and organisation of the public hearings; providing services within the framework of constitutional jurisprudence and documentation; other duties as assigned by the President of the Court, Secretary General of the Court and Assistant Secretary General of the Court.

- Department for Administrative and Financial Issues

This Department performs the following services: translation/interpretation and proof-reading; office management and other administrative and technical issues; bookkeeping and other financial and operational duties required by the Court and the Secretariat; personnel issues; protocol and public relations, relations with the Entity Constitutional Courts, Constitutional Courts of other countries, as well as with the international organisations, subject to authorisation of the Secretary General of the Court; information technology (IT); other duties as assigned by the President of the Court, Secretary General of the Court and Assistant Secretary General of the Court.

1.b: Departments headed by the Secretary General:

Secretary General of the Court is responsible for functioning of the Secretariat in accordance with the needs of the Court; takes care that the duties of the Department are carried out regularly and on time and coordinates the duties of the Department. He/she shall determine proposals of the plan of activities and shall follow the execution of the plan; he/she shall be responsible for the timely processing of the cases and communication of decisions and rulings of the Court and their publishing; he/she shall inform the public as authorised; he/she shall provide the functioning of information system and archives; he/she shall inform, as requested, on the status of the documents; he/she shall be present on the deliberations and sessions of the Court and shall have a right to give his opinion and suggestions on issues that are discussed; he/she shall be responsible for the execution of the Court's decisions and conclusions within his scope of operation; he/she shall convene, as necessary, the Professional Staff meeting and working sessions of the employees in the Secretariat; he/she shall prepare general and other acts and materials for the Court and bodies of the Court; he/she shall resolve the rights of the employees and he/she shall carry out other duties regulated by the acts of the Court.

The Secretary General of the Court, subject to authorisation of the President of the Court, shall be the superior for using the means of operation of the Court and the Secretariat.

Secretary General of the Court is a liaison with Venice Commission and can appoint a legal adviser in charge of preparation of the decision abstracts to be submitted to the Commission.

Estonia

1.a.iv: No. Every Chamber has its own councillors with the obligation to do legal research.

1b: None of these departments are fully headed by the Secretary General. At the same time, there are specific functions of constitutional review of each department that are under the control of the Secretary general of the Constitutional review.

France

1.a: The Constitutional Council includes 5 departments, all placed under the Secretary General's management:

- the administrative and financial department includes a Head of Division, who is the paymaster of the Constitutional Council, and 7 people, among which 3 secretaries, a person responsible for the purchases, one responsible for the internal department, a maintaining technician and an agent of security.
- the legal department includes 3 members: a judge of the judicial order, a judge of the administrative order and a parliamentary servant assisted by 3 secretaries.
- the library and documentation department includes a head of division and 2 deputies: one for the Internet web site, one for the database and for the documentation assistance; some trainers with a PHD in public law also work in this department.
- the external relations department includes a head of division, one deputy, one administrative assistant and one secretary.
- the registry and the computer department include 2 technicians, under the authority of the Registrar of the Constitutional Council.

There also some special departments:

- drivers department (8)
- bailiffs department (3)

- hostesses department (2)
- cooking department (2)
- household department (6)
- the secretary of the Presidency (1)
- the secretaries of the members and of the technical adviser (7)

All departments employ totally 58 people.

Germany

1.a.iv: No, every judge has 3 or 4 law clerks.

Ireland

1.a.ii: No. Documentation would be the responsibility of the Information Office, which is separately administered.

1.a.iii: No. The main library for the Irish judiciary is the Judges' Library, which is separately administered. The Supreme Court has a small library of its own, which is the responsibility of the Executive Legal Officer to the Chief Justice.

1.a.iv: No. The Chief Justice has a dedicated researcher/personal assistant (the Executive Legal Officer to the Chief Justice). The other judges are assigned a Judicial Researcher to work with them on an ongoing (but not exclusive) basis. The Judicial Researchers are a common resource for all Irish judges, and are separately administered.

Israel

1.a.iv: Yes. 14 lawyers.

1.b.iv: Headed by the Registrar.

Italy

1.a: There is a centralised registry and each judge has 3 legal assistants (judges or university professors commissioned to the Court). The documentation centre and the department of legal research are joined together in the same Department (*Servizio Studi*).

It does not exist a translation department, a secretariat, or an external relations department.

Latvia

1.a: There are several employees, who perform the functions noted as, but there are no special departments as structural units.

Luxembourg

1.a: Documentation centre/Library/Department of legal research/Computer Department:

- The registry of the High Court of Justice acts as the registry of the Constitutional Court and, for this fact, disposes of the enter keys of the legal data bases subscribed by the High Court. The access to international collections and to the Court of Justice of the European Communities and of the European Court of Human Rights is also available on a permanent basis.

Norway

1b All departments (Responsible for all departments but performed under the authority of the Chief Justice).

Poland

1.a: Organisational units of the Office of the Constitutional Court (in Poland named – Tribunal):

- Secretariat (Registrar) of the Constitutional Tribunal (registration of cases, repertories, department of the proceedings before the Tribunal, referral of judgements for promulgation);
- Division for Preliminary Assessment of Constitutional Complaints and Applications;
- Jurisprudence and Research Division;
- Presidium Division (the protocol, department to the President of the Tribunal, international relations);
- Press and Information Division;
- Library;
- The Constitutional Tribunal Publishing Division;
- Positions for adjudication expert staff, and assistants to the judges,
- Expert for personnel -related matters;
- Legal Counsel;
- Internal audit.

Departments co-ordinated by the Administrative Director of the Office of the Constitutional Tribunal:

- Bookkeeping and Finance Department;
- Administration and Maintenance;
- Information Technology (IT);

- Tribunal Security.

Romania

1.a: Enumeration of the Court departments:

Department for the organisation of jurisdictional activity, consisting of:

- registry, archives and secretarial department;
- documentation, research, and computer department;
- external relations compartment.

Economic Direction, comprising:

- financial department;
- acquisition, technical and administrative department;
- remuneration and human resources bureau;
- body of assistant-magistrates;
- office staff attached to each judge;
- internal audit, directly subordinated to the President of the Court.

Russia

1.a.iv: Yes. 8 specialised departments of legal research.

Slovakia

1.a.iv: Department of advisors.

Slovenia

1.a: Enumeration of the Court departments:

The Secretariat of the Constitutional Court is composed by:

- the staff of legal advisers,
- the Analysis and International Cooperation Department,
- the Documentation and Information Technology Department,
- the Registrar,
- administrative technical services.

The staff of legal advisers is centralised.

The documentation centre and the library are part of the Documentation and Information Technology Department.

The department of legal research and legal analysis is within the Analysis and International Cooperation Department; this also contains a

department of translation to translate Court decisions into English.

The computer department is within the Documentation and Information Technology Department.

The financial department is part of administrative technical services.

Relations with the press are kept by the Secretary General personally.

Staff department is part of administrative services.

There is no special protocol department; the organisation of protocol events is dealt with by the Director.

The external relations department is within the Analysis and International Cooperation Department.

The Registrar is charged with the acceptance of applications and the delivery of mail, the registration of applications, the keeping of various lists and other records on cases, and the performance of certain administrative tasks regarding files.

South Africa

1.a.iii: Library with its own staff complement and headed by the Deputy Director

1.a.iv: The Researchers whose appointment is on a contractual basis. This consists mainly of the newly qualified law graduated, from within the country as well as the interns coming from other countries. The Law Clerks or researchers, as they are sometimes referred to, assist the judges and each judge has 2 or 3 law clerks.

1.b.ii: Library with its own staff complement and headed by the Deputy Director

1.b.iii: The Researchers whose appointment is on a contractual basis. This consists mainly of the newly qualified law graduated, from within the country as well as the interns coming from other countries. The Law Clerks or researchers, as they are sometimes referred to, assist the judges and each judge has 2 or 3 law clerks.

1.b.iv: The Court has a fulltime network controller who is on contract with the Department of Justice and is stationed at the constitutional Court.

Spain

There is a department of Studies, Library and Documentation.

1b.ii-iii-iv: Headed by a lawyer, it is part of the General Secretariat.

Switzerland

1.a: Decentralised legal assistance to the judges: 86 offices of Registrars-lawyers for 30 judges.

1.a.i: Documentation Department, including the department of publication and of legal research;

1.a.ii:

- Library;
- Computer department;
- Financial department and centre of purchases;
- Staff department;
- Secretary department: central chancellery, archives and 5 chancelleries of the Court;
- Building and security department;
- Bailiffs department (internal office of the FT and some tasks of representation and driving);
- Protocol department: the Secretary General is also Head of protocol;
- Department of external relations included in the general secretary;
- The central chancellery and the general secretary assume the press department.
- There is no translation department. Generally, we renounce to Federal Tribunal translations. The Registrars or the documentation department make some necessary translations.

Turkey

1.a.ii: Department of publication.

1. Descriptive enumeration of the various departments of the Court

1.a: Enumeration of the Court departments

1.a.v Department of translation

1.a.vi Computer department

1.a.vii Financial department

1.b: Departments headed by the Secretary General

Country	1.a.v	1.a.vi	1.a.vii
Albania	yes #	no	yes #
Andorra	yes	no	yes
Argentina	yes #	yes	yes #
Armenia	yes* #	yes #	yes #
Austria	no	yes	yes #
Azerbaijan	*	*	*
Belarus	yes	yes #	yes #
Belgium	yes #	yes #	yes #
Bosnia and Herzegovina	yes*	yes*	yes*
Bulgaria	yes #	yes #	yes #
Czech Republic	no	yes	yes
Estonia	yes	yes	yes
Finland: Supreme Court	no	yes #	yes
Finland: Supreme Administrative Court	no	yes #	yes
France	*no	yes*#	yes*#
Germany	yes #	yes #	yes #
Greece	no	no	no
Hungary	yes	yes	yes
Ireland	no	no*	no*
Israel	no*#	yes	yes #
Italy	no*	/*	/*
Japan	yes #	yes #	yes #
Kazakhstan	yes #	no	yes #
Latvia	yes*	yes*	yes*
Liechtenstein	no	no	no
Lithuania	yes #	yes	yes #
Luxembourg	no*	yes*	no*
Norway	no	no	no
Poland	*	*	*
Portugal	no	yes #	yes #
Romania	/*	yes*	yes*
Russia	no	yes #	yes #
Slovakia	no	yes #	yes #
Slovenia	yes*	yes*	yes*
South Africa	/*	yes*	yes*
Spain	no	yes*	yes*
Switzerland	no*	yes*#	yes* #
Turkey	yes #	yes #	yes #
Ukraine	no	yes #	yes #

= Departments headed by the Secretary general

* see comments

Comments

Armenia

1.a.v: Yes. Within the external relations department.

Azerbaijan

Centralised registry. According to the drafted Internal Statute of the Court the personnel will include:

- secretariat;
- administrative department
- library;
- publishing house;
- scientific-research centre;
- constitutional law department;
- department for constitutional control in spheres of civil-adjecive, labour laws and social protection, department for constitutional control in spheres of administrative and criminal law, law of criminal procedure and reformatory law, *jus gentium* department, department for international relations and generalisation of foreign practice of constitutional control, department for administrative security.

It will also have sectors for legal security, examination of letters and reception of citizens, press service, reception, chancellery and several other departments.

Bosnia and Herzegovina

1.a: The Secretariat is composed of the following Sections:

- Department for Advisory Issues and Constitutional Jurisprudence and Documentation

This Department performs legal and other professional duties related to the accomplishment of jurisdiction of the Constitutional Court of Bosnia and Herzegovina (hereinafter referred to as: the Court), which shall be as follows: processing of requests for institution of proceedings, appeals and other submissions including drafting of reports, development of analyses, writing notifications and pieces of information, drafting decisions and rulings, and other professional duties related to the preparation and organisation of the public hearings; providing services within the framework of constitutional jurisprudence and documentation; other duties as assigned by the President of the Court,

Secretary General of the Court and Assistant Secretary General of the Court.

- Department for Administrative and Financial Issues

This Department performs the following services: translation/interpretation and proof-reading; office management and other administrative and technical issues; bookkeeping and other financial and operational duties required by the Court and the Secretariat; personnel issues; protocol and public relations, relations with the Entity Constitutional Courts, Constitutional Courts of other countries, as well as with the international organisations, subject to authorisation of the Secretary General of the Court; information technology (IT); other duties as assigned by the President of the Court, Secretary General of the Court and Assistant Secretary General of the Court.

France

1.a: The Constitutional Council includes 5 departments, all placed under the Secretary General's management:

- the administrative and financial department includes an Head of Division, who is the paymaster of the Constitutional Council, and 7 people, among which 3 secretaries, a person responsible for the purchases, one responsible for the internal department, a maintaining technician and an agent of security;
- the legal department includes 3 members: a judge of the judicial order, a judge of the administrative order and a parliamentary servant assisted by 3 secretaries;
- the library and documentation department includes a head of division and 2 deputies: one for the Internet web site, one for the database and for the documentation assistance; some trainers with a PHD in public law also work in this department;
- the external relations department includes a head of division, one deputy, one administrative assistant and one secretary;
- the registry and the computer department include 2 technicians, under the authority of the Registrar of the Constitutional Council.

There also some special departments:

- drivers department (8)
- Bailiffs department (3)
- hostesses department (2)

- cooking department (2)
- household department (6)
- the secretary of the Presidency (1)
- the secretaries of the members and of the technical adviser (7)

All departments employ totally 58 people.

Ireland

1.a.vi: No. Information technology support for the Irish judiciary is provided by the Information Technology (IT) section of the Courts Service. There is also an Intranet Project Board, which lays down policy for the use of information technology by all of the judiciary. In recent times, there has been a great increase in the use of technology in the Court, facilitated by the Executive Legal Officer to the Chief Justice.

1.a.vii: No. This function is provided by the Courts department Finance Directorate.

Israel

1.a.v: No, but soon will be into Arabic and English.

1.b.vi: Headed by the Registrar.

Italy

1.a: There is a centralised registry and each judge has 3 legal assistants (judges or university professors commissioned to the Court). The documentation centre and the department of legal research are joined together in the same Department (*Servizio Studi*).

It does not exist a translation department, a secretariat, or an external relations department.

Latvia

1.a: There are several employees, who perform the mentioned functions, but there are no special departments nor structural units.

Luxembourg

1.a: Documentation centre/Library/Department of legal research/Computer Department:

- The registry of the High Court of Justice acts as the registry of the Constitutional Court and, for this fact, disposes of the enter keys of the legal data bases subscribed by the High Court. The access to international collections and to the Court of Justice of the European Communities and of the European Court of Human Rights is also available on a permanent

basis.

Financial Department / Translation Department / Press Department / Protocol Department / External relations Department:

- The Constitutional Court does not dispose of the above mentioned departments.

Poland

1.a: Organisational units of the Office of the Constitutional Court (in Poland named – Tribunal)

- Secretariat (Registrar) of the Constitutional Tribunal (registration of cases, repertories, department of the proceedings before the Tribunal, referral of judgements for promulgation);
- Division for Preliminary Assessment of Constitutional Complaints and Applications;
- Jurisprudence and Research Division;
- Presidium Division (the protocol, department to the President of the Tribunal, international relations);
- Press and Information Division;
- Library;
- The Constitutional Tribunal Publishing Division;
- Positions for adjudication expert staff, and assistants to the judges;
- Expert for personnel -related matters;
- Legal Counsel;
- Internal audit.

Departments co-ordinated by the Administrative Director of the Office of the Constitutional Tribunal:

- Bookkeeping and Finance Department;
- Administration and Maintenance;
- Information Technology (IT);
- Tribunal Security.

Romania

1.a: Enumeration of the Court departments:

Department for the organisation of jurisdictional activity, consisting of:

- registry, archives and secretarial department;
- documentation, research, and computer department;

- external relations compartment.

Economic Direction, comprising:

- financial department;
- acquisition, technical and administrative department;
- remuneration and Human Resources bureau;
- body of assistant-magistrates;
- office staff attached to each judge;
- internal audit, directly subordinated to the President of the Court.

Slovenia

1.a: Enumeration of the Court departments:

The Secretariat of the Constitutional Court is composed by:

- the staff of legal advisers;
- the Analysis and International Cooperation Department;
- the Documentation and Information Technology Department;
- the Registrar;
- administrative technical services.

The staff of legal advisers is centralised.

The documentation centre and the library are part of the Documentation and Information Technology Department.

The department of legal research and legal analysis is within the Analysis and International Cooperation Department; this also contains a department of translation to translate Court decisions into English.

The computer department is within the Documentation and Information Technology Department.

The financial department is part of administrative technical services.

Relations with the press are kept by the Secretary General personally.

Staff department is part of administrative services.

There is no special protocol department; the organisation of protocol events is dealt with by the Director.

The external relations department is within the Analysis and International Cooperation Department.

The Registrar is charged with the acceptance

of applications and the delivery of mail, the registration of applications, the keeping of various lists and other records on cases, and the performance of certain administrative tasks regarding files.

South Africa

1.a.vi: The Court has a fulltime network controller who is on contract with the Department of Justice and is stationed at the constitutional Court.

1.a.vii: The Court's finances are managed by an Assistant Registrar and he has 2 assistants

Spain

1.a.vi: There is a department of Study of the Constitutional Doctrine and of Information Technology

1.a.vii: There is a Management department.

1.b.vii: Headed by a lawyer, it is part of the General Secretariat.

Switzerland

1.a: Decentralised legal assistance to the judges: 86 offices of Registrars-lawyers for 30 judges.

- Documentation Department, including the department of publication and of legal research;
- Library;
- Computer department;
- Financial department and centre of purchases;
- Staff department;
- Secretary department: central chancellery, archives and 5 chancelleries of the Court;
- Building and security department;
- Bailiffs department (internal office of the Federal Tribunal and some tasks of representation and driving);
- Protocol department: the Secretary General is also Head of protocol;
- Department of external relations included in the general secretary;
- The central chancellery and the general secretary assume the press department;
- There is no translation department. Generally, we renounce to Federal Tribunal translations. The Registrars or the documentation department make some necessary translations.

1. Descriptive enumeration of the various departments of the Court

1.a: Enumeration of the Court departments

1.a.viii Press relations department

1.a.ix Staff department

1.a.x Protocol department

1.b: Departments headed by the Secretary General

Country	1.a.viii	1.a.ix	1.a.x
Albania	yes #	/	yes #
Andorra	yes	yes	yes
Argentina	yes	yes #	yes
Armenia	*	* #	yes #
Austria	no*	yes #	yes*#
Azerbaijan	/*	/*	/*
Belarus	yes #	yes #	yes #
Belgium	no	*#	no
Bosnia and Herzegovina	yes*	yes*	yes*
Bulgaria	yes #	yes #	yes #
Czech Republic	no	yes	no
Estonia	yes	yes	/
Finland: Supreme Court	no	no	no
Finland: Supreme Administrative Court	no	no	no
France	yes*#	yes*#	yes*#
Germany	yes	yes #	yes #
Greece	no	no	no
Hungary	yes	yes*	yes
Ireland	no*	no*	no
Israel	yes*	yes #	yes #
Italy	no*	/*	no*
Japan	yes #	yes #	yes #
Kazakhstan	no	no	no
Latvia	yes	no	no
Liechtenstein	no	no	no
Lithuania	no	yes #	yes #
Luxembourg	no*	no*	no*
Norway	yes #	no	yes #
Poland	yes*	yes*	yes*
Portugal	yes*#	yes* #	no*
Romania	yes*	yes*	yes*
Russia	yes #	yes #	no
Slovakia	yes* #	yes	no
Slovenia	*	*	*
South Africa	yes*	yes*	/*
Spain	yes*	yes*	*
Switzerland	yes*	yes*#	yes*#
Turkey	yes*#	yes #	no
Ukraine	yes #	yes #	no

= Departments headed by the Secretary general

* see comments

Comments

Albania

1b.xi: Assisting staff.

Armenia

1.a.viii: Press Secretary.

1. a.ix: Staff inspector.

Austria

1.a.viii: No. (Secretary General acts as a press officer).

1.a.x: Yes. (Protocol Officer).

Azerbaijan

Centralised registry. According to the drafted Internal Statute of the Court the personnel will include:

- secretariat;
- administrative department
- library;
- publishing house;
- scientific-research centre;
- constitutional law department;
- department for constitutional control in spheres of civil-adjecutive, labour laws and social protection, department for constitutional control in spheres of administrative and criminal law, law of criminal procedure and reformatory law, *jus gentium* department, department for international relations and generalisation of foreign practice of constitutional control, department for administrative security.

It will also have sectors for legal security, examination of letters and reception of citizens, press service, reception, chancellery and several other departments.

Belgium

1.a.ix: Registrar.

Bosnia and Herzegovina

1.a: The Secretariat is composed of the following Sections:

- Department for Advisory Issues and Constitutional Jurisprudence and Documentation

This Department performs legal and other professional duties related to the

accomplishment of jurisdiction of the Constitutional Court of Bosnia and Herzegovina (hereinafter referred to as: the Court), which shall be as follows: processing of requests for institution of proceedings, appeals and other submissions including drafting of reports, development of analyses, writing notifications and pieces of information, drafting decisions and rulings, and other professional duties related to the preparation and organisation of the public hearings; providing services within the framework of constitutional jurisprudence and documentation; other duties as assigned by the President of the Court, Secretary General of the Court and Assistant Secretary General of the Court.

- Department for Administrative and Financial Issues

This Department performs the following services: translation/interpretation and proof-reading; office management and other administrative and technical issues; bookkeeping and other financial and operational duties required by the Court and the Secretariat; personnel issues; protocol and public relations, relations with the Entity Constitutional Courts, Constitutional Courts of other countries, as well as with the international organisations, subject to authorisation of the Secretary General of the Court; information technology (IT); other duties as assigned by the President of the Court, Secretary General of the Court and Assistant Secretary General of the Court.

France

1.a: The Constitutional Council includes 5 departments, all placed under the Secretary General's management:

- the administrative and financial department includes an Head of Division, who is the paymaster of the Constitutional Council, and 7 people, among which 3 secretaries, a person responsible for the purchases, one responsible for the internal department, a maintaining technician and an agent of security;
- the legal department includes 3 members: a judge of the judicial order, a judge of the administrative order and a parliamentary servant assisted by 3 secretaries;
- the library and documentation department includes a head of division and 2 deputies: one for the Internet web site, one for the database and for the documentation assistance; some trainers with a PHD in public law also work in this department;

- the external relations department includes a head of division, one deputy, one administrative assistant and one secretary;
- the registry and the computer department include 2 technicians, under the authority of the Registrar of the Constitutional Council.

There also some special departments:

- drivers department (8)
- bailiffs department (3)
- hostesses department (2)
- cooking department (2)
- household department (6)
- the secretary of the Presidency (1)
- the secretaries of the members and of the technical adviser (7)

All departments employ totally 58 people.

Hungary

1.b.ix: Headed by the President of the Court.

Germany

1.b.viii: No, the President of the Court.

Ireland

1.a.viii: No. The Courts Department employs a Media Relations Advisor, who liaises between Court's staff and judges on the one hand, and journalists and the media on the other.

1.a.ix: No. This function is provided by the Courts department Human Resources Directorate.

Israel

1.a.viii: Yes. The spokesman of the judiciary.

1.b.viii: Headed by the Director of the Courts.

Italy

1.a: There is a centralised registry and each judge has 3 legal assistants (judges or university professors commissioned to the Court). The documentation centre and the department of legal research are joined together in the same Department (*Servizio Studi*).

It does not exist a translation department, a secretariat, or an external relations department.

Latvia

1.a: There are several employees, who perform the mentioned functions, but there are no special departments nor structural units.

Luxembourg

1.a: Documentation centre/Library/Department of legal research/Computer Department:

- The registry of the High Court of Justice acts as the registry of the Constitutional Court and, for this fact, disposes of the enter keys of the legal data bases subscribed by the High Court. The access to international collections and to the Court of Justice of the European Communities and of the European Court of Human Rights is also available on a permanent basis.

Financial Department / Translation Department / Press Department / Protocol Department / External relations Department:

- The Constitutional Court does not dispose of the above mentioned departments.

Poland

1.a: Organisational units of the Office of the Constitutional Court (in Poland named – Tribunal)

- Secretariat (Registrar) of the Constitutional Tribunal (registration of cases, repertories, department of the proceedings before the Tribunal, referral of judgements for promulgation);
- Division for Preliminary Assessment of Constitutional Complaints and Applications;
- Jurisprudence and Research Division;
- Presidium Division (the protocol, department to the President of the Tribunal, international relations);
- Press and Information Division;
- Library;
- The Constitutional Tribunal Publishing Division;
- Positions for adjudication expert staff, and assistants to the judges;
- Expert for personnel -related matters;
- Legal Counsel;
- Internal audit.

Departments co-ordinated by the Administrative Director of the Office of the Constitutional Tribunal:

- Bookkeeping and Finance Department;
- Administration and Maintenance;
- Information Technology (IT);
- Tribunal Security.

Portugal

1.a: Judicial Secretary and decentralised legal assistance to the judges

- Documentation centre
- Library
- Department of legal research
- Computer department
- Financial department
- Press relations department
- Secretary department
- Staff department

In concrete terms, according to the law, the organic structure of the Portuguese Constitutional Tribunal includes the following departments:

- Judicial Secretary;
- Centre of Documentary Assistance and Legal Information (it corresponds to the documentary department, library and legal research department);
- Computer centre (it corresponds to the Computer department);
- Administrative and Financial Division (it comprises the financial and the staff departments);
- Cabinets (directly assigned to the members) of the President, the deputy President, the judges and the public Prosecutor (they include the decentralised legal assistance to the judges, the secretary and, concerning the President's cabinet, the press relations department).

Romania

1.a: Enumeration of the Court departments:

Department for the organisation of jurisdictional activity, consisting of:

- registry, archives and secretarial department;

- documentation, research, and computer department;
- external relations compartment.

Economic Direction, comprising:

- financial department;
- acquisition, technical and administrative department;
- remuneration and Human Resources bureau;
- body of assistant-magistrates;
- office staff attached to each judge;
- internal audit, directly subordinated to the President of the Court.

Slovakia

1.a.viii: A person, charged within the Office of the President.

Slovenia

1.a: Enumeration of the Court departments:

The Secretariat of the Constitutional Court is composed by:

- the staff of legal advisers,
- the Analysis and International Cooperation Department,
- the Documentation and Information Technology Department,
- the Registrar,
- administrative technical services.

The staff of legal advisers is centralised.

The documentation centre and the library are part of the Documentation and Information Technology Department.

The department of legal research and legal analysis is within the Analysis and International Cooperation Department; this also contains a department of translation to translate Court decisions into English.

The computer department is within the Documentation and Information Technology Department.

The financial department is part of administrative technical services.

Relations with the press are kept by the Secretary General personally.

Staff department is part of administrative services.

There is no special protocol department; the organisation of protocol events is dealt with by the Director.

The external relations department is within the Analysis and International Cooperation Department.

The Registrar is charged with the acceptance of applications and the delivery of mail, the registration of applications, the keeping of various lists and other records on cases, and the performance of certain administrative tasks regarding files.

South Africa

1.a.viii: The Judges prepare media release statements to assist the media in their reporting. The media statements are then distributed by the Administration.

1b.viii: The Secretary General manages communication with internal as well as external stakeholders.

1.a.ix: The Senior Registrar is the also the Human Resource official stationed at the Court since, currently, the Court is physically away from the rest of the Department's administration.

Spain

1.a.viii: There is a Press Cabinet attached to the Presidency Cabinet.

1.b.viii Headed by a press Director, dependent to the Presidency Cabinet.

1.a.ix: Management Office.

1.b.ix: Headed by the manager.

1.a.x: Presidency Cabinet.

Switzerland

1.a: Decentralised legal assistance to the judges: 86 offices of Registrars-lawyers for 30 judges.

- Documentation Department, including the department of publication and of legal research;
- Library;
- Computer department.
- Financial department and centre of purchases;

1.a.ix: Staff department:

- Secretary department: central chancellery, archives and 5 chancelleries of the Court;
- Building and security department;

- Bailiffs department (internal office of the FT and some tasks of representation and driving);
- Protocol department: the Secretary General is also Head of protocol;
- Department of external relations included in the general secretary.
- The central chancellery and the general secretary assume the press department;
- There is no translation department. Generally, we renounce to Federal Tribunal translations. The Registrars or the documentation department make some necessary translations.

Turkey

1.a.viii: Publication department.

1. Descriptive enumeration of the various departments of the Court

1.a: Enumeration of the Court departments

1.a.xi External relations department

1.a.xii Other

1.b: Departments headed by the Secretary General

Country	1.a.xi	1.a.xii
Albania	yes #	yes #
Andorra	yes	no
Argentina	yes	no
Armenia	yes #	yes* #
Austria	yes #	yes* #
Azerbaijan	/*	yes*
Belarus	yes #	yes*
Belgium	no	/
Bosnia and Herzegovina	yes*	yes*
Bulgaria	yes #	yes*
Czech Republic	yes*	yes*
Estonia	no	/
Finland: Supreme Court	no	/
Finland: Supreme Administrative Court	no	/
France	yes*#	yes* #
Germany	no	yes*
Greece	no	no
Hungary	yes	yes*
Ireland	no*	no*
Israel	yes	yes*
Italy	no*	/
Japan	yes #	yes*
Kazakhstan	no	yes
Latvia	yes*	yes
Liechtenstein	no	yes
Lithuania	yes #	yes*#
Luxembourg	yes*	*
Norway	no	/
Poland	yes*	yes*
Portugal	no*	no*
Romania	yes*	yes*
Russia	yes #	yes* #
Slovakia	yes #	/
Slovenia	yes*	yes*
South Africa	yes*#	/
Spain	yes*	yes*
Switzerland	yes*	*#
Turkey	no	/
Ukraine	yes #	yes* #

= Departments headed by the Secretary general

* see comments

Comments

Armenia

1.a.xii: Services Department, garage.

1.b.xii: Services Department, garage.

Austria

1.a.xii: Office of the President and the Vice President; Acquisition department; Support department.

1.b.xii: Office of the President and the Vice President; Acquisition department; Support department.

Azerbaijan

Centralised registry. According to the drafted Internal Statute of the Court the personnel will include:

- secretariat;
- administrative department
- library;
- publishing house;
- scientific-research centre;
- constitutional law department;
- department for constitutional control in spheres of civil-adjecive, labour laws and social protection, department for constitutional control in spheres of administrative and criminal law, law of criminal procedure and reformatory law, *jus gentium* department, department for international relations and generalisation of foreign practice of constitutional control, department for administrative security.

It will also have sectors for legal security, examination of letters and reception of citizens, press service, reception, chancellery and several other departments.

Bulgaria

1.a.xii: Technical Service. For economy of staff same departments are combined.

Belarus

1.a.xii: Maintenance and Technical Department *Non-civil servants.

Bosnia and Herzegovina

1.a: The Secretariat is composed of the following Sections:

- Department for Advisory Issues and Constitutional Jurisprudence and Documentation

This Department performs legal and other professional duties related to the accomplishment of jurisdiction of the Constitutional Court of Bosnia and Herzegovina (hereinafter referred to as: the Court), which shall be as follows: processing of requests for institution of proceedings, appeals and other submissions including drafting of reports, development of analyses, writing notifications and pieces of information, drafting decisions and rulings, and other professional duties related to the preparation and organisation of the public hearings; providing services within the framework of constitutional jurisprudence and documentation; other duties as assigned by the President of the Court, Secretary General of the Court and Assistant Secretary General of the Court.

- Department for Administrative and Financial Issues

This Department performs the following services: translation/interpretation and proof-reading; office management and other administrative and technical issues; bookkeeping and other financial and operational duties required by the Court and the Secretariat; personnel issues; protocol and public relations, relations with the Entity Constitutional Courts, Constitutional Courts of other countries, as well as with the international organisations, subject to authorisation of the Secretary General of the Court; information technology (IT); other duties as assigned by the President of the Court, Secretary General of the Court and Assistant Secretary General of the Court.

Czech Republic

1.a.xi: Yes. This department ensures translation of correspondence and some legal documents.

1.a.xii: Yes. Organisational and technical department.

France

1.a: The Constitutional Council includes 5 departments, all placed under the Secretary General's management:

- the administrative and financial department includes an Head of Division, who is the paymaster of the Constitutional Council, and 7 people, among which 3 secretaries, a person responsible for the purchases, one responsible for the internal

department, a maintaining technician and an agent of security;

- the legal department includes 3 members: a judge of the judicial order, a judge of the administrative order and a parliamentary servant assisted by 3 secretaries;
- the library and documentation department includes a head of division and 2 deputies: one for the Internet web site, one for the database and for the documentation assistance; some trainers with a PHD in public law also work in this department;
- the external relations department includes a head of division, one deputy, one administrative assistant and one secretary;
- the registry and the computer department include 2 technicians, under the authority of the Registrar of the Constitutional Council.

There also some special departments:

- drivers department (8)
- bailiffs department (3)
- hostesses department (2)
- cooking department (2)
- household department (6)
- the secretary of the Presidency (1)
- the secretaries of the members and of the technical adviser (7)

All departments employ totally 58 people.

Germany

1.a.xii: Department for building/construction affairs.

1.b.xii: Department for building/construction affairs.

Hungary

1.a.xii: Department for legal analysis, preparations.

Ireland

1.a.xii: None. The Supreme Court office, which is the responsibility of the Registrar, is primarily responsible for accepting documentation in appeals before the Court and in recording judgments given by the Court.

Israel

1.a.xii: Security, Museum of the Judiciary, Formation institute for judges, Information centre, administrative sections (civil, criminal, general and administrative-constitutional).

1.b.xii: Information centre, administrative sections (civil, criminal, general and administrative-constitutional).

Italy

1.a: There is a centralised registry and each judge has 3 legal assistants (judges or university professors commissioned to the Court). The documentation centre and the department of legal research are joined together in the same Department (*Servizio Studi*).

It does not exist a translation department, a secretariat, or an external relations department.

Japan

1.a.xii: Legal Training and Research Institute (in charge of matters concerning research or training for judges and legal apprentices), Research and Training Institute for Family Court Probation Officers (in charge of matters concerning research or training for family Court probation officers).

Latvia

1.a: There are several employees, who perform the functions but there are no special departments as structural units.

Liechtenstein

1.a: Secretarial department.

Lithuania

1.a.xii: Department of Economy.

Luxembourg

1.a: Financial Department / Translation Department / Press Department / Protocol Department / External relations Department:

- The Constitutional Court does not dispose of the above mentioned departments.

Poland

1.a: Organisational units of the Office of the Constitutional Court (in Poland named – Tribunal)

- Secretariat (Registrar) of the Constitutional Tribunal (registration of cases, repertories, department of the proceedings before the Tribunal, referral of judgements for promulgation);
- Division for Preliminary Assessment of Constitutional Complaints and Applications;

- Jurisprudence and Research Division;
- Presidium Division (the protocol, department to the President of the Tribunal, international relations);
- Press and Information Division;
- Library;
- The Constitutional Tribunal Publishing Division;
- Positions for adjudication expert staff, and assistants to the judges;
- Expert for personnel -related matters;
- Legal Counsel;
- Internal audit.

Departments co-ordinated by the Administrative Director of the Office of the Constitutional Tribunal:

- Bookkeeping and Finance Department;
- Administration and Maintenance;
- Information Technology (IT);
- Tribunal Security.

Portugal

1.a: Judicial Secretary and decentralised legal assistance to the judges

- Documentation centre;
- Library;
- Department of legal research;
- Computer department;
- Financial department;
- Press relations department;
- Secretary department;
- Staff department.

In concrete terms, according to the law, the organic structure of the Portuguese Constitutional Tribunal includes the following departments:

- Judicial Secretary;
- Centre of Documentary Assistance and Legal Information (it corresponds to the documentary department, library and legal research department);
- Computer centre (it corresponds to the Computer department);
- Administrative and Financial Division (it comprises the financial and the staff departments);

- Cabinets (directly assigned to the members) of the President, the deputy President, the judges and the public Prosecutor (they include the decentralised legal assistance to the judges, the secretary and, concerning the President's cabinet, the press relations department).

Romania

1.a: Enumeration of the Court departments:

Department for the organisation of jurisdictional activity, consisting of:

- Registry, archives and secretarial department;
- Documentation, research, and computer department;

External relations compartment;

- Economic Direction, comprising:
- Financial department;
- Acquisition, technical and administrative department;
- Remuneration and Human Resources bureau;
- Body of assistant-magistrates;
- Office staff attached to each judge;
- Internal Audit, directly subordinated to the President of the Court.

Russia

1.a.xii: Department on the Court Sessions.

Slovenia

1.a: Enumeration of the Court departments:

The Secretariat of the Constitutional Court is composed of:

- the staff of legal advisers;
- the Analysis and International Cooperation Department;
- the Documentation and Information Technology Department;
- the Registrar;
- administrative technical services.

The staff of legal advisers is centralised.

The documentation centre and the library are part of the Documentation and Information Technology Department.

The department of legal research and legal analysis is within the Analysis and International

Cooperation Department; this also contains a department of translation to translate Court decisions into English.

The computer department is within the Documentation and Information Technology Department.

The financial department is part of administrative technical services.

Relations with the press are kept by the Secretary General personally.

Staff department is part of administrative services.

There is no special protocol department; the organisation of protocol events is dealt with by the Director.

The external relations department is within the Analysis and International Cooperation Department.

The Registrar is charged with the acceptance of applications and the delivery of mail, the registration of applications, the keeping of various lists and other records on cases, and the performance of certain administrative tasks regarding files.

South Africa

1.a.xi: The Secretary General manages communication with internal as well as external stakeholders.

Spain

1.a.xi: The Presidency Cabinet.

1.a.xii: The Secretaries of Justice for the Plenary Assembly and for each Chamber.

1b.xii: On the administrative point of view, the Secretaries of Justice and the staff members of the Secretariats are dependent on the Secretary general, without prejudice of the competences of the President, of the Plenary Assembly, of the Chambers and of the sections.

Switzerland

1.a: Decentralised legal assistance to the judges: 86 offices of Registrars-lawyers for 30 judges.

- Documentation Department, including the department of publication and of legal research;
- Library;
- Computer department;
- Financial department and centre of purchases;

1.a.ix: Staff department:

- Secretary department: central chancellery, archives and 5 chancelleries of the Court;
- Building and security department;
- Bailiffs department (internal office of the FT and some tasks of representation and driving);
- Protocol department: the Secretary General is also Head of protocol;
- Department of external relations included in the general secretary;
- The central chancellery and the general secretary assume the press department;
- There is no translation department. Generally, we renounce to Federal Tribunal translations. The Registrars or the documentation department make some necessary translations.

Ukraine

1.a.xii: Administrative department, Department of the Court and the Collegial support.

2. Staff of the Court

Some figures on the staff working at the Court

2.a: Number of judges

2.b: Number of staff performing legal functions

Country	2.a	2.b
Albania	9	4
Andorra	4	2
Argentina	9	128
Armenia	9	7
Austria	14*	29*
Azerbaijan	9	/
Belarus	12	19+12*
Belgium	12	20
Bosnia and Herzegovina	9	8
Bulgaria	12	2
Czech Republic	15	34
Estonia	17	22
Finland: Supreme Court	20	34
Finland: Supreme Administrative Court	21	38
France	9	1+3*
Germany	16	70*
Greece	13	/
Hungary	11	55
Ireland	8	0
Israel	14+2*	35
Italy	15	/
Japan	3094	/*
Kazakhstan	7	14
Latvia	7	13
Liechtenstein	5+5*	0
Lithuania	9	17
Luxembourg	9*	*
Norway	19*	20
Poland	15	68
Portugal	13*	23*
Romania	9	22
Russia	19	120
Slovakia	13	22
Slovenia	9	28*
South Africa	11	11
Spain	12	40+5*
Switzerland	30	94*
Turkey	15	18
Ukraine	18	30*

* see comments

Comments

Austria

2.a: 14 (President, Vice President, 12 members), 6 deputy members.

2.b: 29 (Secretary General, Deputy Secretary General, Head of Computer Department, Head of Documentation centre, Head of Computer Department, Head of Protocol, Librarian, 22 legal assistants to the judges).

Belarus

2.b: 19 and 12 assistants of judges.

France

2.b: The Secretary General and 3 lawyers (plus secretary).

Germany

2.b: 70 law clerks, Secretary General, the adviser of the Second Panel, 2 heads of the General Registry, 12 *Rechtspfleger* (court registrars with a 3 year training).

Israel

2.a: 14 and 2 registrars.

2.b: 35 Lawyers.

Japan

2.b: No statistics available.

Liechtenstein

2.a: 5 judges and 5 deputies.

Luxembourg

2.a: 9 members. Article 3 of the law 27 July 1997 provides that:

1. "9 members in the Constitutional Court: a President, his Deputy and 7 advisers.
2. The Grand Duke appoints the President, his Deputy and 7 advisers.
3. The President of the High Court of Justice, the President of the administrative Court and the 2 advisers of the Cassation Court are by right members of the Constitutional Court.
4. The 5 other members of the Constitutional Court, who must be judges, are appointed by the Grand-Duke according to the joint opinion of the High Court of Justice and the Administrative Court.

In order to take this opinion, the High Court of Justice and the administrative Court meet in a joint general assembly, convened by the President of the High Court of Justice.

For any vacancy, the joint general assembly presents 3 candidates; the presentation of every candidate takes place separately.

5. The President of the High Court of Justice is the President of the Constitutional Court. He is in charge of supervising the good course of the complaints and of ensuring the functioning of the jurisdiction.

The President of the administrative Court is the Deputy President of the Constitutional Court.

6. The Court members continue to perform their duties in their original jurisdiction. The termination of the offices of member by right of the Constitutional Court and the temporary or permanent termination of the office of judge entail the termination of the office at the Constitutional Court."

2.b: as referred to above.

Norway

2.a: 19, including the Chief Justice.

Portugal

People working in the Constitutional Tribunal are:

- 13 judges (including the President and his deputy)
- 23 jurists, 1 head of cabinet, 18 cabinet advisers and 4 jurists in the Centre of Documentation assistance and legal information;

Slovenia

2.b: 28 people, 4 of them part time.

Spain

40 lawyers and 5 secretaries of justice.

Switzerland

2.b: 94 (86 lawyers and 8 jurists at the documentation department).

Ukraine

2.b: 30 judges' legal assistants, 50 at the Secretariat.

2. Staff of the Court

Some figures on the staff working at the Court

2.c: Number of staff performing administrative functions

2.d: Total staff number at the Court

2.e Number of staff headed by the Secretary General

Country	2.c	2.d	2.e
Albania	29	42	29
Andorra	1	7	2
Argentina	257	/	/
Armenia	19	34	25
Austria	51	80*	80* 47*
Azerbaijan	/	110	/
Belarus	6	66,5	26
Belgium	58	78	62
Bosnia and Herzegovina	15	23	23
Bulgaria	19	21	21
Czech Republic	50	84	32
Estonia	30	79	*
Finland: Supreme Court	33	87	66
Finland: Supreme Administrative Court	40	99	78
France	10*	58	58
Germany	162	244	176
Greece	6	/	6
Hungary	32	120	45
Ireland	10	10	10
Israel	85 + 100*	192	157
Italy	/	175 + 150*	10
Japan	*	25148	760
Kazakhstan	7	/	/
Latvia	3	41	/
Liechtenstein	3	3	0
Lithuania	27	44	44
Luxembourg	1*	10*	*
Norway	20	40	40
Poland	40	108	*
Portugal	*	75*	40*
Romania	59	93	43*
Russia	20	>300	185
Slovakia	38	66	5
Slovenia	11	65	41*
South Africa	17	11*	*
Spain	150	/	*
Switzerland	98	30 + 192*	86*
Turkey	121	154	116
Ukraine	44	212	212

* see comments

Comments

Austria

2.d: 80 (judges excluded).

2.e: 80 in terms of administrative supervision; 47 in terms of administrative and professional supervision.

Estonia

2.e: Unable to say.

France

2.c: Staff with administrative tasks: (which are, at the same time, legal in part) 10 plus secretariat.

Israel

2.c: 85 and 100 guards.

Italy

2.d: 175 and 150 on secondment.

Japan

2.c: No statistics available.

Luxembourg

2.c: One, which is the Constitutional Court Registrar.

2.d: 10, namely 9 judges and the Registrar.

2.e The Registrar of the Constitutional Court does not head any staff members except in case of impediment: in this case, the Registrar appoints the Registrar of the High Court of Justice, who substitutes him.

Poland

2.e: The Secretary General (the Chief of the Office of the Tribunal) is the Superior for all the staff members. There are no units which are directly headed by the Secretary General – in his work he is assisted by the Administrative Director, who co-ordinates the daily work of the administrative and financial departments. However, it is the Secretary General, who is responsible for the execution of the budget of the Tribunal.

Portugal

- 2.c: 16 bailiffs; 20 servants in the administrative field; 16 secretaries (directly assigned to the members).

The whole structure of the Tribunal comprises of 75 people.

- 40 servants are under the authority of the Secretary General.

Romania

2.e: Special mention: 3 of the staff headed by the Secretary General perform auxiliary judicial functions (as registrar).

Slovenia

2.e: 41 (23 sub headed by the Director).

South Africa

2.d: 11 judges secretaries.

2.e: The Secretary General is head of Administration and facilitates communication between the administration and the judges.

Spain

2.e: Beside lawyers (as previously said) and the manager, the staff of the secretariat general ie. 4 people.

Switzerland

2.d: 30 judges and 192 civil servants.

2.e: 86 (the remaining staff only administratively).

3. The Secretary General and staff management

3.a: Recruitment by the Secretary General? If yes, is it an exclusive power (EP) or a shared power (SP)?

Country	Recruitment by the Secretary General? Exclusive power (EP) Shared power (SP)
Albania	no
Andorra	no
Argentina	no*
Armenia	(SP) *
Austria	yes (SP)*
Azerbaijan	no*
Belarus	yes (SP)
Belgium	no
Bosnia and Herzegovina	*
Bulgaria	yes (SP)
Czech Republic	*
Estonia	no*
Finland: Supreme Court	yes (SP)
Finland: Supreme Administrative Court	yes (SP)
France	*
Germany	yes (EP)*
Greece	*
Hungary	no*
Ireland	no
Israel	yes (EP)
Italy	*
Japan	*
Kazakhstan	/
Latvia	/
Liechtenstein	no
Lithuania	yes (EP)
Luxembourg	no*
Norway	yes (SP)
Poland	yes *
Portugal	*
Romania	*
Russia	yes (SP)
Slovakia	/
Slovenia	*
South Africa	yes*
Spain	no
Switzerland	yes (SP)* + (EP)
Turkey	yes (SP)*
Ukraine	yes*

* see comments

Comments

Argentina

3.a: The secretaries have no power to recruit staff members.

Armenia

3.a: There is an entrance exam, therefore this is not an exclusive power.

Austria

3.a: Yes. Shared between the President and the personnel panel.

Azerbaijan

3.a: No. The recruitment of the personnel is implemented by the Chairman of the Court.

Bosnia and Herzegovina

3.a: Assistants Secretary General and legal advisors are appointed and dismissed by the Court.

Other staff are recruited by the President, upon agreement with the Vice-Presidents, and on the proposal by the Secretary General, after completed competition procedure.

Czech Republic

3.a: Some employees are engaged on the basis of a competition. In such cases, an ad hoc commission is nominated by the President of the Constitutional Court. The Director is usually one of its members.

Otherwise, Justices themselves choose their staff (secretaries and law clerks).

Nevertheless, the Director can bring his opinion to a proposed person.

Estonia

3.a: No power, but he/she is involved in the selection procedure as an adviser.

France

3.a: According to the texts, the Secretary General has an exclusive power on staff members and he exercises it under the authority of the President.

Germany

3.a: Yes. It is partly an exclusive power, except in the case of higher-ranking functions where an approval by the President is required.

Greece

3.a: Up to 10 civil servants for the registrar of civil and criminal courts can be affected to the Secretariat of the Court, for an indeterminate term. Currently, 6 people are affected.

The employees' obligations are determined by the Court President on proposal of the Secretary General. The Secretary is responsible of the functioning of the registry and supervises the employees with regard to the accomplishment of their obligations. The Secretary General has an evaluation power. The evaluations are transmitted to the Ministry of Justice and to the Secretary of the registry from which the employees come from. They are taken into account by the Council that takes decisions on promotions. The Secretary has not disciplinary powers.

Hungary

3.a: No. The President assumes the recruitment of staff.

Italy

3.a: The staff recruitment is within the competence of the Presidency office (the President or his deputy and 2 constitutional judges chosen by lot every 2 years, and the Secretary General filled with the task of the record of the meetings). Staff training programs are proposed by the Secretary General and decided by the Presidency office. The nomination of the Heads of Division is reserved to the Presidency office, following the Secretary General's proposal. The sanction of the "censure" is adopted by the Secretary General. The President may take more serious disciplinary actions, according to the disciplinary Committee opinion, which is composed by a constitutional judge and 2 judges who do not work at the Court.

Japan

3.a: The Secretary General is commissioned to designate some of the staff, who fundamentally have to be designated by the Supreme Court of Japan, and exercises the authority within the purview of the authorisation.

Luxembourg

3.a: Article 2 of the Regulations of the Constitutional Court:

"The Registrar in Chief of the High Court of Justice is the Registrar of the Constitutional Court. In case of impediment, the Registrar appoints the Registrar of the High Court of

Justice, who substitutes him. If he cannot provide directly for the appointment, the President of the Constitutional Court provides.”

Poland

3.a: The Secretary General has an exclusive power to recruit and dismiss staff, especially that he is fully responsible for their activities and the quality of their work. The positions of directors of divisions are filled in consultation with the President of the Tribunal. As for other positions, they are filled upon application of, or following consultations with the heads of appropriate divisions/departments.

Portugal

3.a: The President of the Tribunal decides on staff recruitment, following the proposal of the Secretary General, which is based on the information by the Heads of the concerned Departments.

This power may be transferred to the Secretary General.

The administrative procedures that lead to the recruitment are coordinated by the Secretary General. They are based on the rules and on the mechanisms provided for by the law concerning this field, and they are applicable to the whole public service.

The concerned person freely decides on the recruitment of the cabinets’ staff. The Secretary General does not intervene in this process.

Romania

3.a: Staff recruitment is done by open competition, organised and supervised by the Secretary General. Appointment to office is the exclusive prerogative of the President of the Court.

Slovenia

3.a: The Secretary General assumes different roles for staff recruitment. The staff of legal advisers and the heads of the departments and their assistants are appointed by the Constitutional Court on the proposal of the Economic Commission of the Constitutional Court, which is composed of 4 judges, the Secretary General and the Director. The Secretary General always participates in competition procedures, in particular when interviews are held with candidates for particular posts. The same applies when the Director is to be appointed, their mutual close cooperation is necessary for the smooth functioning of the secretariat.

On the employment of other staff, the Secretary General, and the Director responsible for administrative technical services, decide in agreement with the Economic Commission.

South Africa

3.a: Yes. The Secretary General is responsible for the recruitment in terms of the Public Department Act; however, posts of the Constitutional Court are under the Chief Justice’s control.

Switzerland

3.a: Yes. Shared power for the Registrars (legal assistants, lawyers), exclusive power for the remaining staff.

Turkey

3.a: Yes. It is a shared power. It is subject to the approval of the President of the Court.

Ukraine

3.a: Yes. Except for recruiting heads of departments, his deputies, assistants and advisers to judges.

3. The Secretary General and staff management

3.b: Does the Secretary General manage the career of the staff of the Court, in particular promotions? Is that an exclusive power (EP) or a shared power (SP)?

Country	Does the Secretary General manage the career of the staff? Exclusive power (EP) or shared power (SP)
Albania	yes (SP)*
Andorra	yes (SP)*
Argentina	*
Armenia	yes (SP) *
Austria	yes (SP)*
Azerbaijan	*
Belarus	yes (SP)
Belgium	no
Bosnia and Herzegovina	*
Bulgaria	yes (SP)
Czech Republic	no*
Estonia	no
Finland: Supreme Court	no
Finland: Supreme Administrative Court	no
France	*
Germany	yes (EP)*
Greece	*
Hungary	yes (SP)*
Ireland	no
Israel	yes (EP)*
Italy	*
Japan	yes*
Kazakhstan	/
Latvia	/
Liechtenstein	no
Lithuania	yes (EP)
Luxembourg	/
Norway	yes (SP)
Poland	yes (EP) *
Portugal	*
Romania	*
Russia	yes (SP)
Slovakia	yes (SP)
Slovenia	*
South Africa	yes*
Spain	*
Switzerland	yes (EP)*
Turkey	yes (SP)*
Ukraine	yes*

* see comments

Comments

Albania

3.b: Yes. Shared power. The Secretary General makes the respective proposals to the head of the institution.

Andorra

3.b: Yes. It is a shared power. The Secretary makes his proposals to the Court, which must take the final decision.

Argentina

3.b: They can propose the promotions to the Court.

Armenia

3.b: Yes. Shared power.

Austria

3.b: Yes. In line with the provisions of the Law on Civil Servants. It is a power shared by the President and the personnel panel.

Azerbaijan

3.b: This issue is to be settled in the new draft of Internal Statute of the Court.

Bosnia and Herzegovina

3.b: The President of the Court, upon agreement with the Vice-Presidents, and on the proposal of the Secretary General, manages the career of the staff.

Czech Republic

3.b: No, he has not this competence.

Wage conditions are determined by the Ministerial Order on wage relations of employees of the state administration bodies. This act lays down wage tables in accordance with agreed practise. The wage promotions occur automatically.

France

3.b: Two categories of staff are employed at the Constitutional Council: staff members on secondment at the Constitutional Council; and temporary staff members recruited by the Constitutional Council. The Secretary General manages the career and the promotion of temporary staff members and also has disciplinary power towards them. *De facto*, he exercises his powers in collaboration with the

Heads of Division. The same happens for training programs.

The staff regulations were established in 2000.

Germany

3.b: Yes. It is partly an exclusive power, in the case of higher-ranking functions approval by the President.

Hungary

3.b: Yes. It is a shared power with the President of the Court.

Greece

3.b: The Secretary General assumes responsibility for the efficiency of the registry and for the supervision of employees in the handling of their tasks. It is the Secretary General who manages rotation. A rotation shall be communicated to the Minister of Justice as well as to the Secretary of the original registry of the employees.

It is taken into account by the council which decides on the promotion of employees. The Secretary General does not possess disciplinary powers against employees.

Israel

3.b: Yes. It is an exclusive power. However within the limits of the regulations of the civil servants.

Italy

3.b: The staff recruitment is within the competence of the Presidency office (the President or his deputy and 2 constitutional judges chosen by lot every 2 years, and the Secretary General filled with the task of the record of the meetings). Staff training programs are proposed by the Secretary General and decided by the Presidency office. The nomination of the Heads of Division is reserved to the Presidency office, following the Secretary General's proposal. The Secretary General adopts the sanction of the "censure". The President may take more serious disciplinary actions, according to the disciplinary Committee opinion, which is composed by a constitutional judge and 2 judges who do not work at the Court.

Japan

3.b: Yes. The Secretary General manages the career of the Court's staff exclusively within purview of the authorisation.

Poland

3.b: The Secretary General manages the promotions of the employees individually. This is his exclusive competence. Some career-related activities, especially upgrading the professional qualifications of the staff members, special trainings, are organised upon application or on the basis of a suggestion of the staff members.

Portugal

3.b: The Secretary General is not free manage civil servants' careers, given that there are legal provisions governing the servants' promotions also in this field.

It is up to the President of the Tribunal or, with his delegation, to the Secretary General to authorise the opening of the competitions that lead to the promotion.

With regard to the career of the Tribunal's staff, it should be specified that:

The staff of the cabinets (of the President, of the judges and of the public Prosecutor) is recruited by free nomination ("personal confidence"). In this case, there are no promotions.

The servants of the bailiff's body belong to the General Department of the Justice Administration and work in the judicial secretary of the Tribunal in consequence of a mandate or of a secondment. These servants are incorporated in a special body, governed by specific rules of promotion. The promotion takes place only in their administration of origin.

The general rules of promotion, applicable to all the civil servants, are the only applicable to other Tribunal staff.

Romania

3.b: Career management of the Court administrative staff, in particular promotions, is proposed by the Secretary General, decided upon by the President.

Slovenia

3.b: The employees may be promoted as to their payment and titles. Concerning the staff appointed by the Constitutional Court, the Economic Commission makes a proposal for promotion on the proposal and report of the Secretary General. As regards the promotion of other staff, the Commission decides on that on the proposal of the Secretary General or the Director.

South Africa

3.b: Yes. As head of the Administration, the Secretary General has to oversee that the staff obtain the necessary training and competences. This function is in terms of the Public Department Act.

Spain

3.b: On the Manager's proposal, the Secretary General signs some acts concerning the administrative career (it should be noticed that the Court does not have other bodies of civil servants, except for the Lawyers' body).

Switzerland

3.b: Yes. Except for the Registrars' career that is, as a general rule, under the Courts' competence. For the remaining staff it is an exclusive power of the Secretary General.

Turkey

3.b: Yes. It is a shared power. It is subject to the approval of the President of the Court.

Ukraine

3.b: Yes. Except for promotions for the above-mentioned (3.a) positions and conferring ranks.

3. The Secretary General and staff management

3.c: Does the Secretary General have a disciplinary power, exclusive power (EP) or shared power (SP)?

Country	Does the Secretary General have a disciplinary power Exclusive power (EP) or shared power (SP)?
Albania	yes (SP)
Andorra	no
Argentina	yes (EP) +(SP)*
Armenia	yes (SP)
Austria	yes (SP)*
Azerbaijan	*
Belarus	yes (SP)
Belgium	yes (PP)
Bosnia and Herzegovina	*
Bulgaria	yes (SP)
Czech Republic	*
Estonia	no
Finland: Supreme Court	no
Finland: Supreme Administrative Court	no
France	*
Germany	yes (EP)*
Greece	*
Hungary	yes (SP)
Ireland	yes (SP)
Israel	yes *
Italy	*
Japan	yes*
Kazakhstan	no
Latvia	-
Liechtenstein	no
Lithuania	yes (EP)
Luxembourg	no
Norway	yes (SP)
Poland	yes (EP) *
Portugal	no*
Romania	yes*
Russia	yes (SP)
Slovakia	yes (SP)
Slovenia	yes *
South Africa	yes*
Spain	yes
Switzerland	yes *
Turkey	yes (SP)*
Ukraine	yes (EP)*

* see comments

Comments

Argentina

3.c: According to the nature of the sanctions, the disciplinary power may be individual or shared.

Austria

3.c: Yes. Shared between the President and the personnel panel.

Azerbaijan

3.c: This issue is to be settled in the new draft of Internal Statute of the Court.

Bosnia and Herzegovina

3.c: There is a Disciplinary Commission that acts on the initiative of the Secretary General.

Czech Republic

3.c: As mentioned above, Labour Law does not contain any stipulation concerning disciplinary proceedings of the employees as different from the other legal proceedings.

When an employee violates a working rule, the Court acts on Labour Law, and in the worst case scenario, employment of an employee could be terminated by a notice given by the Court.

France

3.c: Two categories of staff are employed at the Constitutional Council: staff members on secondment at the Constitutional Council and temporary staff members recruited by the Constitutional Council. The Secretary General manages the career and the promotion of temporary staff members and also has disciplinary power towards them. *De facto*, he exercises his powers in collaboration with the Heads of Division. The same happens for training programs.

The staff regulations were established in 2000.

Germany

3.c: Yes. It is partly an exclusive power, except in the case of higher-ranking positions where approval by the President is required.

Greece

3.c: The employees' obligations are determined by the Court President on proposal of the Secretary General.

The Secretary General is responsible for the functioning of the registry and supervises the employees with regard to the accomplishment of their obligations. The Secretary General has an evaluation power. The evaluations are transmitted to the Ministry of Justice and to the Secretary of the registry from which the employees come from. They are taken into account by the Council that takes decisions on promotions. The Secretary has not disciplinary powers.

Israel

3.c: Yes, but only in minor cases. In serious infractions, the power is in the hands of the Director of the Courts.

Italy

3.c: Staff recruitment is within the competence of the Presidency office (the President or his deputy and 2 constitutional judges chosen by lot every 2 years, and the Secretary General filled with the task of the record of the meetings). Staff training programs are proposed by the Secretary General and decided by the Presidency office. The nomination of the Heads of Division is reserved to the Presidency office, following the Secretary General's proposal. The sanction of the "censure" is adopted by the Secretary General. The President may take more serious disciplinary actions, according to the disciplinary Committee opinion, which is composed by a constitutional judge and 2 judges who do not work at the Court.

Japan

3.c: Yes. The Secretary General can exercise the authority to discipline the staff, who fundamentally have to be designated by the Supreme Court of Japan, within the purview of the authorisation.

Poland

3.c: The Secretary General has certain disciplinary powers, use of which is his exclusive prerogative. According to regulations of office practice some measures may be applied on suggestion by the head of unit, and in serious cases, according to the conclusions of the Disciplinary Commission, following completion of appropriate procedures.

Portugal

3.c: The Secretary General, as a general rule, has not disciplinary powers. The disciplinary power is under the President's competence, who may delegate it to the Secretary General.

Romania

3.c: Disciplinary powers within the Secretary General's competence are: warning and reprimand. More severe sanctions, including termination of employment fall within the President's exclusive power.

Slovenia

3.c: The Secretary General has a disciplinary power over the employed that he or she heads, and the Director over the employees in administrative technical services.

South Africa

3.c: Yes. The Secretary General has disciplinary power, since this is a management function and is regulated by prescribed Disciplinary Procedures.

Switzerland

3.c: Shared powers with regard to the Registrars and exclusive power with regard to remaining staff.

Turkey

3.c: Yes. It is a shared power and is subject to approval by the President of the Court.

Ukraine

3.c: Yes. Exclusive for respective number of positions.

3. The Secretary General and staff management

3.d: Does the Secretary General decide on professional trainings programmes?

Country	3.d
Albania	yes
Andorra	no
Argentina	no
Armenia	yes *
Austria	yes *
Azerbaijan	*
Belarus	yes
Belgium	no
Bosnia and Herzegovina	yes*
Bulgaria	yes
Czech Republic	yes*
Estonia	*
Finland: Supreme Court	yes*
Finland: Supreme Administrative Court	yes
France	*
Germany	yes
Greece	*
Hungary	*
Ireland	no
Israel	yes *
Italy	*
Japan	no*
Kazakhstan	no
Latvia	/
Liechtenstein	no
Lithuania	yes
Luxembourg	/
Norway	yes
Poland	yes *
Portugal	yes*
Romania	no
Russia	yes
Slovakia	yes
Slovenia	*
South Africa	yes*
Spain	*
Switzerland	yes *
Turkey	yes *
Ukraine	yes

* see comments

Comments

Armenia

3.d: Yes. By the programme by the Court.

Austria

3.d: Yes. Shared with the President and the personnel panel.

Azerbaijan

3.d: This issue is to be settled in the new draft of Internal Statute of the Court.

Bosnia and Herzegovina

3.d: Yes. For the staff.

Czech Republic

3.d: Yes. He authorises participation of the employees of the Constitutional Court in seminars, professional education, etc. But only for staff headed by him.

Otherwise, Justices decide on professional training programmes for their staff.

Estonia

3.d: In constitutional review issues, he/she has a consultative power.

Finland – Supreme Court

3.d: Yes. A part of these.

France

3.d: Two categories of staff are employed at the Constitutional Council: staff members on secondment at the Constitutional Council and temporary staff members recruited by the Constitutional Council. The Secretary General manages the career and the promotion of temporary staff members and also has disciplinary power towards them. *De facto*, he exercises his powers in collaboration with the Heads of Division. The same happens for training programs.

The staff regulations were established in 2000.

Greece

3.d: The employees' obligations are determined by the Court President on proposal of the Secretary General.

The Secretary General is responsible of the functioning of the registry and supervises the employees with regard to the accomplishment of their obligations. The Secretary General has

an evaluation power. The evaluations are transmitted to the Ministry of Justice and to the Secretary of the registry from which the employees come from. They are taken into account by the Council that takes decisions on promotions. The Secretary has not disciplinary powers.

Hungary

3.d: The Secretary General makes proposals, decision by the President of the Court.

Israel

3.d: Yes, but some of the programs are decided and formulated by the Directors of the Courts.

Italy

3.d: The staff recruitment is within the competence of the Presidency office (the President or his deputy and 2 constitutional judges chosen by lot every 2 years, and the Secretary General filled with the task of the record of the meetings). Staff training programs are proposed by the Secretary General and decided by the Presidency office. The nomination of the Heads of Division is reserved to the Presidency office, following the Secretary General's proposal. The sanction of the "censure" is adopted by the Secretary General. The President may take more serious disciplinary actions, according to the disciplinary Committee opinion which is composed by a constitutional judge and 2 judges who do not work at the Court.

Japan

3.d: No. Professional training programmes are fundamentally determined by Legal Training and Research Institute, Research and Training Institute for Court Clerks and Research and Training Institute for Family Court Probation Officers of the Supreme Court of Japan.

Poland

3.d: Yes. The Secretary General decides on plans for trainings, and professional skill upgrading programs; he may make individual decisions concerning staff members' participation in such trainings and upgrading courses.

Portugal

3.d: The President of the Tribunal decides on staff legal training, on the Secretary General's proposal, which is based on the information provided by the Heads of the different

departments. The President may delegate the power to authorise the training to the Secretary General.

Slovenia

3.d: Complex professional training programs (for example, postgraduate study programs) are determined for every year in an annual program, which is adopted at an administrative session of the Constitutional Court. A subsequent enrolment in such programs is possible if supported by the Economic Commission. Regarding participation in other types of educational programs (for example, several-day seminars), the Secretary General decides with regard to the employees he or she heads, except for travels abroad which are on his or her proposal approved by the Economic Commission.

South Africa

3.d: Yes. The Secretary General decides on the professional training programmes however, he/she has to submit a written motivation to the training Committee who has to make the decision. The Department also has a number of staff development programmes for staff.

Spain

3.d: There are staff training programmes managed by the Management Department.

Switzerland

3.d: Yes. With regard to the Registrars, after consulting the Presidents of the Court.

Turkey

3.d: Yes. It is a shared power. It is subject to the approval of the President of the Court.

4. The Secretary General and the budget of the Court

4.a: Is the Secretary General in charge of the preparation of the annual draft budget of the Court?

Country	4.a
Albania	yes (SP)*
Andorra	yes (SP)*
Argentina	yes (EP)*
Armenia	yes
Austria	yes (EP)
Azerbaijan	no
Belarus	yes (EP)
Belgium	yes (SP)
Bosnia and Herzegovina	yes*
Bulgaria	yes (SP)
Czech Republic	yes*
Estonia	no
Finland: Supreme Court	yes (EP)
Finland: Supreme Administrative Court	yes (EP)
France	*
Germany	yes *
Greece	*
Hungary	yes (SP)
Ireland	yes*
Israel	yes (SP)*
Israel	yes (SP)*
Italy	yes*
Japan	yes*
Kazakhstan	yes
Latvia	/
Liechtenstein	/
Lithuania	yes (SP)
Luxembourg	*
Norway	yes (EP)
Poland	yes *
Portugal	yes*
Romania	yes*
Russia	/
Slovakia	yes (SP)
Slovenia	*
South Africa	yes (EP)*
Spain	yes*
Switzerland	yes (EP)*
Turkey	yes (SP)*
Ukraine	yes (SP)

Exclusive power (EP)

Shared power (SP)

* see comments

Comments

Albania

4.a: Yes. Together with the Department of Finance.

Andorra

4.a: Yes. Also in this case there is a shared power with the Court, which must approve the draft budget making reference to a preliminary draft presented by the Secretary General.

Argentina

4.a: The annual budget is prepared by the Secretary of the Administrative Department. It is an exclusive power.

Bosnia and Herzegovina

4.a: Although there is a Court Commission for Administrative Affairs, the Secretary General, in cooperation with the Assistant Secretary General and the Accountant, prepare the proposal for the annual draft budget.

Czech Republic

4.a: Yes. It is his competence. The Director participates in process of preparing/drawing up the annual draft budget of the Constitutional Court in co-operation with other employees.

France

4.a: The preparation of the Court budget is up to the Head of the administrative and financial Department (paymaster) under the authority of the Secretary General and of the President.

Germany

4.a: Yes. The Secretary General prepares the annual draft budget and makes a proposal to the Committee on Budgetary and Personnel Matters of the Court.

Greece

4.a: The budget of the Court is managed by the President, who may delegate his powers to the Secretary General, to a civil servant of the registry or to a judge.

Ireland

4.a: This is envisaged and a transition towards this is taking place, but only for the Supreme Court office, not the Supreme Court as a whole. (For simplicity, the answers in the remainder of this section relate to the position

that will transpire when this transition is complete.)

Israel

4.a: Yes. Shared with the Registrar.

Italy

4.a: The Secretary General prepares the annual budget and the account. He presents them to the Presidency Office, which examines and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75,000 €, as well as the fixed expenses (related, for example, to the Judges and the staff salaries) and, without taking into account their amount, the continuous expenses (p. ex. the expenses for the purchase of dresses or newspapers or fuel). The expenses greater than 75,000 € are committed by the Presidency Office.

Japan

4.a: Yes. Under the supervision of the President of the Supreme Court.

Luxembourg

4.a: The budget (draft budget, execution, administration, closing) is managed by the Ministry of Justice and not by the Court.

It should be pointed out that the proceedings before the Court are free. The Court's decision cannot entail a payment of costs and expenses.

Poland

4.a: Yes. The Secretary General is in charge of preparation of the annual draft budget of the Tribunal. The draft is subsequently approved by the President of the Tribunal, and adopted by the Tribunal, following which it is presented to the Government and included – without any modifications – into the draft State budget.

Portugal

4.a: Yes. The Secretary General intervenes in the drafting of the annual budget made by the Financial and Administrative Department.

Romania

4.a: Yes. Assisted by the Economic Direction.

Slovenia

4.a: The annual draft budget of the Court is prepared by the Director. On the proposal of the Economic Commission the Court

determines the draft budget at an administrative session. The budget of the Constitutional Court is a composite part of the budget of the Republic of Slovenia, which is determined by the National Assembly of the Republic of Slovenia.

South Africa

4.a: Yes. This is the Secretary General's responsibility, in consultation with other stakeholders like the Library Committee. The Chief Justice is in charge of the budget.

Spain

4.a: According to the LOTC, the Secretary General, assisted by the expert staff, is in charge of the drafting, the execution and the closing of the budget.

Switzerland

4.a: Yes. Exclusive competence, with the assistance of the financial department.

Turkey

4.a: Yes. Shared competence with the President of the Court.

4. The Secretary General and the budget of the Court

4.b: Does the Secretary General present the draft budget to any authority?

Country	4.b
Albania	yes to the Court
Andorra	no*
Argentina	yes to the Court
Armenia	yes to the Plmt
Austria	*
Azerbaijan	no
Belarus	yes
Belgium	yes
Bosnia and Herzegovina	*
Bulgaria	yes to the Ministry of Finance
Czech Republic	yes*
Estonia	no
Finland: Supreme Court	yes to the Court
Finland: Supreme Administrative Court	yes to the Court
France	yes to the Pst of the Court
Germany	yes *
Greece	*
Hungary	no
Ireland	yes*
Israel	yes *
Italy	yes*
Italy	yes*
Japan	yes*
Kazakhstan	yes
Latvia	/
Liechtenstein	/
Lithuania	yes to the Pst of the Court
Luxembourg	*
Norway	yes
Poland	yes *
Portugal	yes*
Romania	yes*
Russia	/
Slovakia	no
Slovenia	yes*
South Africa	yes to the Pst of the Court
Spain	yes to the Pst of the Court *
Switzerland	yes *
Turkey	yes to the National Assembly
Ukraine	no

* see comments

Comments

Andorra

4.b: No. The Court presents its draft budget to the Prime Minister.

Austria

4.b: The President has to approve the draft budget, which is then forwarded to the Minister of Finance.

Bosnia and Herzegovina

4.b: After the draft budget is adopted by the Court it is sent to the Parliament, through the Ministry of Treasury and the Presidency of the State.

Czech Republic

4.b: Yes. The draft budget signed by the President of the Court, is presented through the Ministry of Finance to the Parliament of the Czech Republic. The Constitutional Court has its own budget made up of a separate allocation of the state budget that is approved within its own context.

Germany

4.b: Yes. First to the Ministry of Finance and finally to the Budget Committee of the Parliament (Bundestag).

Greece

4.b: The budget of the Court is managed by the President, who may delegate his powers to the Secretary General, to a servant of the registry or to a judge.

Ireland

4.b: Yes. To senior management in the Courts Service.

Israel

4.b: Yes. To the Director of Budgets in the office of the Director of the Courts.

Italy

4.b: The Secretary General prepares the annual budget and the account. He presents them to the Presidency Office, which examines and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75,000 €, as well as the fixed expenses (related, for example, to the Judges and the staff salaries) and, without taking into

account their amount, the continuous expenses (for example, the expenses for the purchase of dresses or newspapers or fuel). The expenses greater than 75,000 € are committed by the Presidency Office.

Japan

4.b: The Secretary General submits the Court's estimated expenditures to the Judicial Conference for its approval. Then, the Chief Justice of the Supreme Court of Japan submits the Court's estimated expenditures to the Cabinet.

Luxembourg

4.b: The budget (draft budget, execution, administration, closing) is managed by the Ministry of Justice and not by the Court.

It should be pointed out that the proceedings before the Court are free. The Court's decision cannot entail a payment of costs and expenses.

Poland

4.b: As described above, the draft budget is approved by the President of the Tribunal and adopted by the Tribunal.

Portugal

4.b: Yes. The draft budget, prepared by the Financial and Administrative Department, is presented firstly to the Administrative Council and, afterwards, by the President of the Tribunal for approval by the Plenary Assembly. Once approved, the budget is forwarded to the Government or be included into the draft financial law, which shall be assessed and approved by the Parliament.

Romania

4.b: Yes. by the Plenary Court, then forwards it to the Government, under the signature of the President of the Court, in order to be included in the State Budget.

Slovenia

4.b: The Director, and if necessary also the Secretary General, on the proposal of the Constitutional Court present the draft to the Ministry of Finance and the National Assembly.

Spain

4.b: To the President of the Court who presents it to the Plenary Assembly.

Switzerland

4.b: Yes. Firstly at the Administrative Commission of the Federal Tribunal, composed by 3 judges, then to the Financial Commissions of the two Parliament's chambers.

4. The Secretary General and the budget of the Court

4.c: Is the Secretary General responsible for the execution of the budget to the President of the Court, or any other authority?

Country	4.c
Albania	yes Pst + *
Andorra	*
Argentina	yes Pst
Armenia	yes Pst
Austria	yes Pst
Azerbaijan	no
Belarus	yes Pst
Belgium	yes
Bosnia and Herzegovina	yes *
Bulgaria	yes *
Czech Republic	yes Pst
Estonia	yes
Finland: Supreme Court	yes Pst
Finland: Supreme Administrative Court	yes Pst
France	yes Pst
Germany	yes Pst +*
Greece	*
Hungary	no
Ireland	yes*
Israel	yes *
Italy	yes*
Ireland	yes*
Israel	yes *
Italy	yes*
Japan	yes Pst*
Kazakhstan	/
Latvia	/
Liechtenstein	/
Lithuania	yes Pst
Luxembourg	*
Norway	yes
Poland	yes Pst*
Portugal	no*
Romania	yes
Russia	/
Slovakia	/
Slovenia	yes Pst
South Africa	yes Pst +*
Spain	*
Switzerland	yes *
Turkey	yes*
Ukraine	yes*

To the President of the Court = Pst

Any other authority = *

* see comments

Comments

Albania

4.c: Yes. To the President and the Assembly of Judges.

Andorra

4.c: He must inform the President on a monthly basis and the Court, in its plenary session, every 3 months.

Bosnia and Herzegovina

4.c: The Secretary General is responsible to the Court.

Bulgaria

4.c: Yes. Together with the Financial Controller of the Court.

Germany

4.c: Yes. To the President and the Federal Audit Office.

Greece

4.c: The budget of the Court is managed by the President, who may delegate his powers to the Secretary General, to a servant of the registry or to a judge.

Ireland

4.c: Yes. To senior management in the Courts Service.

Israel

4.c: Yes. To the Director of the Courts.

Italy

4.c: The Secretary General prepares the annual budget and the account. He presents them to the Presidency Office, which examines and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75,000 €, as well as the fixed expenses (related, for example, to the Judges and the staff salaries) and, without taking into account their amount, the continuous expenses (for example, the expenses for the purchase of dresses or newspapers or fuel). The expenses greater than 75,000 € are committed by the Presidency Office.

Japan

4.c: If the President of the Court means the Chief Justice of the Supreme Court of Japan, the Secretary General is responsible for the execution of the budget to the President of the Court.

Luxembourg

4: The budget (draft budget, execution, administration, closing) is managed by the Ministry of Justice and not by the Court.

It should be pointed out that the proceedings before the Court are free. The Court's decision cannot entail a payment of costs and expenses.

Poland

4.c: The execution of the budget, and the responsibility for any actions in this respect rests with the Secretary General. The Secretary General is responsible for the management of the funds before the President of the Tribunal, and submits annual reports to the Tribunal. The Tribunal subsequently grants its approval by way of a resolution. Moreover, the execution of the annual budget is supervised by the Supreme Chamber of Control every year, and the results of this supervision are presented to the President of the Tribunal and to the Parliament.

Portugal

4.c: No. The execution of the budget falls under the jurisdiction of the Tribunal, or if delegated, under the jurisdiction of the President.

South Africa

4.c: Yes. To the Chief Justice and is accountable to the Auditor-General.

Spain

4.c: The budgetary competences of the Secretary General are shared and are dependent on the President's decisions, without prejudice of the intervention, whenever necessary, of the Plenary Assembly and of the Governmental Council (*Junta de Gobierno*, thereafter, Council).

Switzerland

4.c: Yes. Before the Administrative Commission. As a general rule, the President of the Federal Tribunal does not intervene in these administrative matters.

Turkey

4.c: Yes. The Court of Audits supervises the execution of the budget.

Ukraine

4.c: Yes. Only for those delegated by the Chairman.

4. The Secretary General and the budget of the Court

4.d: Does the Secretary General administer the budget?

Country	4.d
Albania	yes (EP)
Andorra	yes (SP)*
Argentina	yes (EP)*
Armenia	yes *
Austria	yes (EP)
Azerbaijan	no
Belarus	no
Belgium	yes (SP)
Bosnia and Herzegovina	yes *
Bulgaria	yes (SP)
Czech Republic	yes (SP)*
Estonia	no
Finland: Supreme Court	yes (EP)
Finland: Supreme Administrative Court	yes (EP)
France	yes
Germany	yes *
Greece	*
Hungary	no
Ireland	yes (EP)
Israel	yes (SP)
Italy	yes*
Japan	yes *
Kazakhstan	yes
Latvia	/
Liechtenstein	/
Lithuania	yes (SP)
Luxembourg	*
Norway	yes (EP)
Poland	*
Portugal	yes*
Romania	yes*
Russia	/
Slovakia	/
Slovenia	yes *
South Africa	yes*
Spain	yes*
Switzerland	yes (EP)*
Turkey	yes (SP)*
Ukraine	no

Exclusive power (EP)

Shared power (SP)

* see comments

Comments

Andorra

4.d: Yes. It is a power shared with the President of the Court.

Argentina

4.d: The Secretary of the Administrative Department, delegated by the President of the Court, manages the budget. It is an exclusive power.

Armenia

4.d: Yes. By the Court President's resolution.

Bosnia and Herzegovina

4.d: The Secretary General, in accordance with the authorisation of the President, is responsible for using the means of operation of the Court and the Secretariat. The Court's decision is needed for capital investments.

Czech Republic

4.d: The Director administers the budget. This competence is shared with the President of the Constitutional Court.

Germany

4.d: Yes, with his or her staff.

Greece

4.d: The budget of the Court is managed by the President, who may delegate his powers to the Secretary General, to a servant of the registry or to a judge.

Italy

4.d: The Secretary General prepares the annual budget and the account. He presents them to the Presidency Office, which examines and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75,000 €, as well as the fixed expenses (related, for example, to the Judges and the staff salaries) and, without taking into account their amount, the continuous expenses (for example, the expenses for the purchase of dresses or newspapers or fuel). The expenses greater than 75,000 € are committed by the Presidency Office.

Japan

4.d: The Secretary General administers the budget of all the Courts of Japan under the

supervision of the Chief Justice of the Supreme Court of Japan.

Luxembourg

4: The budget (draft budget, execution, administration, closing) is managed by the Ministry of Justice and not by the Court.

It should be pointed out that the proceedings before the Court are free. The Court's decision cannot entail a payment of costs and expenses.

Poland

4.d: Spending of the budgetary funds, and effecting the different expenditures according to the plan belongs to the organisational units. Each expenditure, however, must be controlled and approved by the Chief Accountant. The majority of expenditures are co-ordinated by the Administrative Director. The Secretary General is in charge of decisions concerning large expenses, for ex. in cases of public procurement for the amounts exceeding the equivalent of 30,000 €, or on some extraordinary expenses, not included in the plan. Moreover, the Secretary General has an exclusive competence to decide on spending of funds from the payroll pool.

Portugal

4.d: Yes. The President of the Tribunal, who can delegate his power to the Secretary General, manages the budget.

Romania

4.d: Yes. Assisted by the Economic Direction.

Slovenia

4.d: The Director issues orders in budget matters. He or she independently orders certain outcomes, certain he or she orders by order of the Secretary General (for example, the purchase of professional literature), and certain in agreement with the Economic Commission.

South Africa

4.d: Yes, as Head of Administration.

Spain

4.d: The administration of the credits is up to the Secretary General, without prejudice of what will be said hereinafter.

Switzerland

4.d: Yes. Exclusive competence, with the assistance of the financial department.

Turkey

4.d: Yes, shared with the President of the Court.

4. The Secretary General and the budget of the Court

- 4.e: What are the expenses that can be committed by the Secretary General alone?
- 4.f: What are the expenses that can be committed exclusively without any authorisation by the Secretary General?
- 4.g: What are the expenses that cannot be committed by the Secretary General alone?

Country	4.e	4.f	4.g
Albania	all	none	*
Andorra	<1,500€	none	>1,500€*
Argentina	<5,000€*	none	>5,000€*
Armenia	*	*	*
Austria	none	none	none
Azerbaijan	*	*	*
Belarus	no	no	no
Belgium	no	*	/
Bosnia and Herzegovina	none	<1,500 €	>1,500€
Bulgaria	*	*	*
Czech Republic	*	*	*
Estonia	/	/	/
Finland: Supreme Court	/	none	none
Finland: Supreme Administrative Court	/	none	none
France	all	*	none
Germany	all	*	none
Greece	*	*	*
Hungary	none*	*	*
Ireland	none	none	*
Israel	*	*	*
Italy	<75,000€	*	>75,000€
Japan	/	/	*
Kazakhstan	/	/	/
Latvia	/	/	/
Liechtenstein	/	/	/
Lithuania	*	*	>7,000€
Luxembourg	/	/	/
Norway	/	none	/
Poland	*	*	*
Portugal	*	*	*
Romania	none *	/	*
Russia	/	/	/
Slovakia	/	/	/
Slovenia	all	none	none*
South Africa	*	>4,000€ <20,000€	*
Spain	*	*	*
Switzerland	all*	*	none*
Turkey	*	*	no
Ukraine	*	/	*

* see comments

Comments

Albania

4.g: All expenses are committed by the order and signature of the Secretary General.

Andorra

4.g: For all expenses greater than 1,500 €, he needs the countersignature of the President or of the Vice-President.

Argentina

4.e: The Secretary of the Administrative Department may authorise only expenses no greater than 20,000 pesos.

4.g: The Secretary of the Administrative Department cannot commit expenses greater than 20,000 pesos.

Armenia

4.e: Funds.

4.f: Size of salary.

4.g: Budget articles.

Azerbaijan

4.e.f.g: This issue is to be settled in the new draft of Internal Statute of the Court.

Belgium

4.f: Some expenses are committed by the President with the authorisation of the Registrar.

Bosnia and Herzegovina

4.e: 3,000 KM (Konvertible Mark)

4.g: 3,000 KM (Konvertible Mark)

Bulgaria

4.e Salaries.

4.f: Small everyday expenses.

4.g: Salaries.

Czech Republic

4.e: The determined employees of technical department can continuously buy office equipment without the authorisation of the Director.

Nevertheless, all employees of the Court have to apply in written form about the release of material from the stocks and their requests are

signed by the Director.

In all other cases, an authorisation is required.

4.f: The President of the Court disposes of funds for representative purposes and only he decides how they shall be used. Of course, he has to keep its use within regulations.

4.g: All document addressed to a Bank must be signed by 2 persons payments order. The Director is usually one of the signing persons.

France

4.f: Only small daily expenses, which are usually called "petty cash".

Germany

4.f: The current administration.

Greece

4.e.f.g: The budget of the Court is managed by the President, who may delegate his powers to the Secretary General, to a servant of the registry or to a judge.

Hungary

4.e.f.g: The agreement of the President is needed for all the financial questions.

Ireland

4.g: Any major expenditure, (for example, refurbishments, information technology).

Israel

4.e.f.g: No. The Registrar is exclusively in charge of the expenses.

Italy

The Secretary General prepares the annual budget and the account. He presents them to the Presidency Office, which examines and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75,000 €, as well as the fixed expenses (related, for example, to the Judges and the staff salaries) and, without taking into account their amount, the continuous expenses (for example, the expenses for the purchase of dresses or newspapers or fuel). The expenses greater than 75,000 € are committed by the Presidency Office.

Japan

4.g: As we mentioned above in "4.d", the Secretary General administers the budget of all the Courts under the supervision of the

Chief Justice. All the expenses can be committed without specific authorisation of the Secretary General, because the Director of the Financial Bureau, who is under the supervision of the Secretary General, authorises execution of the budget.

Lithuania

4.e.f: The expenses committed by the President of the Court.

Luxembourg

4: The budget (draft budget, execution, administration, closing) is managed by the Ministry of Justice and not by the Court.

It should be pointed out that the proceedings before the Court are free. The Court's decision cannot entail a payment of costs and expenses.

Poland

4.e: In principle there are no such expenses, which are committed exclusively without authorisation of the Secretary General; some minor funds may be at the disposal of the President of the Tribunal (a discretionary fund provided in the budget), and the Secretary General does not interfere with the spending thereof.

4.f: There are no such expenses. If the Secretary General intends to commit some minor expenses (representation, hosting guests) such expenses are also formally approved *ex post* by the Chief Accountant.

4.g: Expenses which would exceed the plan of expenses provided for in the budget.

Portugal

4.e: The Secretary General is not competent for committing expenses. This is a President's competence. The President may delegate this power to the Secretary General for the expenses and within the amount defined in such a delegation.

4.f: In the field of expenses, in absence of delegation of power to the Secretary General, every expense should be authorised and approved by the President of the Tribunal.

4.g: The Secretary General cannot commit expenses getting over the amount defined in the delegation of competence. Without delegation, the expenses order is within the President's competence or, if the expenses are greater than 199,519 €, within the Tribunal plenary assembly's competence.

Romania

4.e: None. No expenses can be committed unless authorised by the Secretary General (or the one acting on his behalf).

4.g: Certain expenses (such as capital expenditure) require approval by the Court.

Slovenia

4.e.f: There are no such expenses.

4.g: Investments must be approved by the Economic Commission.

South Africa

4.e: Day-to-day expenses not exceeding also signed for by Registrar.

4.f: >30,000 Rand <150,000 Rand.

4.g: Electronic equipment that is provided by the Department, unless there is an emergency.

Spain

4.e: The Secretary General authorises the expenses in case the Plenary Assembly of the Court or its Council intervene beforehand.

4.f: Upon delegation, the Vice-Secretary General or, if the case arises, the Manager authorises the expenses in other cases.

4.g: The preliminary intervention of the Plenary Assembly or of the Council is required when a determined amount has been reached.

Switzerland

4.e: There is no limit.

4.f: The expenses of the Heads of the following departments: the financial, the computer, the library department, and also the expenses of the Head of the centre of purchases, of the Head of the resources for the furnishing. Such expenses are provided by their respective budgets.

4.g: There is no limit.

Turkey

4.e.f: Expenses except for administrative issues.

Ukraine

4.e Those of current administrative needs within the stated cost estimate approved by the Chairman.

4.g: Those not approved by the Chairman.

4. The Secretary General and the budget of the Court

4.h: Is the Secretary General responsible for the closing of the annual budget of the Court

Country	4.h
Albania	/
Andorra	yes (SP)*
Argentina	yes (EP)
Armenia	yes (EP)*
Austria	yes (SP)*
Azerbaijan	no
Belarus	no
Belgium	yes (SP)
Bosnia and Herzegovina	yes *
Bulgaria	yes (SP)
Czech Republic	yes (SP)*
Estonia	no
Finland: Supreme Court	yes
Finland: Supreme Administrative Court	yes
France	*
Germany	yes
Greece	*
Hungary	no
Ireland	yes (EP)*
Israel	no
Italy	*
Japan	yes *
Kazakhstan	yes
Latvia	/
Liechtenstein	/
Lithuania	yes (SP)
Luxembourg	*
Norway	yes (EP)
Poland	yes*
Portugal	yes (SP)*
Romania	yes
Russia	/
Slovakia	/
Slovenia	*
South Africa	*
Spain	yes*
Switzerland	yes (SP)*
Turkey	yes (SP)*
Ukraine	no

Exclusive power (EP), shared power (SP)

* see comments

Comments

Andorra

4.h: Yes. It is a shared liability, because there must be the approval of the Court in its plenary composition.

Armenia

4.h: Yes. By the Court President's resolution, exclusive.

Austria

4.h: Yes. Liability shared with President.

Bosnia and Herzegovina

4.h: The Secretary General, in cooperation with the Assistant Secretary General and Accountant, prepare and submit the Annual Report to the Court for adoption.

Czech Republic

4.h: Yes. The Director is responsible for the closing of the Court's annual budget to President of the Constitutional Court.

France

4.h: The President gives *quietus* to the paymaster every month.

Greece

4.h: The budget of the Court is managed by the President, who may delegate his powers to the Secretary General, to a servant of the registry or to a judge.

Ireland

4.h: Yes. Exclusively, but only for the Supreme Court office.

Italy

4.h: The Secretary General prepares the annual budget and the account. He presents them to the Presidency Office, which examines and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75,000 €, as well as the fixed expenses (related, for example, to the Judges and the staff salaries) and, without taking into account their amount, the continuous expenses (for example, the expenses for the purchase of dresses or newspapers or fuel). The expenses greater than 75,000 € are committed by the Presidency Office.

Japan

4.h: The Secretary General is responsible for determining the extent of his/her own approval in the approval process which the Chief Justice of the Supreme Court of Japan has conclusive authority over. The Chief Justice of the Supreme Court of Japan assumes full responsibility.

Luxembourg

4.h: The budget (project management, drafting, administration, closing) is not attributed to the Court. It is managed by the Department of Justice. It shall be noted that procedure before the Court is free of charge. The decisions of the Court do not result award costs and expenses.

Poland

4.h: Yes. The Secretary General is responsible for the closing (execution) of the budget for any given year.

Portugal

4.h: Once the Financial and Administrative Department has prepared the draft budget, the Secretary General forwards the financial account to the Administrative Council as competent for the closing and the approval.

Slovenia

4.h: The Director may prepare a proposal for the closing of the annual budget of the Court, on the proposal of the Economic Commission adopted at an Administrative Session of the Constitutional Court. This is part of the closing of the budget of the Republic of Slovenia which is approved by the National Assembly.

South Africa

4.h: The Chief Justice.

Spain

4.h: The closing of the budget is up to the Plenary Assembly, with the preliminary drafting of the Secretary General.

Switzerland

4.h: Yes. The Secretary General must present the detailed account before the Administrative and then Financial Commissions of the Parliament. Therefore, it is a shared liability.

Turkey

4.h: Yes. Shared with the Court of Audits.

4. The Secretary General and the budget of the Court

4.i. Does the Secretary General present the closing of the budget for approval? To which authority?

Country	4.i
Albania	yes, Court
Andorra	no*
Argentina	yes, Court
Armenia	yes, Court + Plmt
Austria	yes *
Azerbaijan	no
Belarus	no
Belgium	yes, Court
Bosnia and Herzegovina	yes, Court + Ministry of Finance*
Bulgaria	yes, Pst
Czech Republic	yes *
Estonia	no
Finland: Supreme Court	no
Finland: Supreme Administrative Court	no
France	yes, Pst*
Germany	yes, Ministry of Finance
Greece	*
Hungary	no
Ireland	yes *
Israel	no
Italy	*
Japan	*
Kazakhstan	/
Latvia	/
Liechtenstein	/
Lithuania	no
Luxembourg	*
Norway	yes, Ministry of Justice*
Poland	yes, Court*
Portugal	yes *
Romania	yes
Russia	/
Slovakia	/
Slovenia	/
South Africa	yes, Pst
Spain	yes, Pst *
Switzerland	yes *
Turkey	yes *
Ukraine	no

Parliament = Plmt
 Government = Gvt
 President of the Court: Pst
 Judges gathered in plenary/ Court = Court

* see comments

Comments

Andorra

4.i: No. Once the closing of the budget is approved by the Court, it forwards it to the Revenue Court, which assumes control over it.

Austria

4.i: Yes. To the Audit Office (*“Rechnungshof”*) after approval by the President.

Bosnia and Herzegovina

4.i: The closing of the budget (Annual Report) is presented to the Court for approval and then sent to the Ministry of Treasury for further procedure.

Czech Republic

4.i: Yes. The closing of the budget is presented through the Ministry of Finance to the Parliament of the Czech Republic for approval.

France

4.i: The Secretary General presents the closing of the budget for approval to the President.

Greece

4.i: The budget of the Court is managed by the President, who may delegate his powers to the Secretary General, to a servant of the registry or to a judge.

Ireland

4.i: Yes. To senior management in the Courts Service.

Italy

4.i: The Secretary General prepares the annual budget and the account. He presents them to the Presidency Office, which examines and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75,000 €, as well as the fixed expenses (related, for example, to the Judges and the staff salaries) and, without taking into account their amount, the continuous expenses (for example, the expenses for the purchase of dresses or newspapers or fuel). The expenses greater than 75,000 € are committed by the Presidency Office.

Japan

4.i: No, there is no such system as the Secretary General presents the closing of the budget for approval to any authorities.

Luxembourg:

4.i: The budget (project management, drafting, administration, closing) is not attributed to the Court. It is managed by the Department of Justice. It shall be noted that procedure before the Court is free of charge. The decisions of the Court do not result award costs and expenses.

Norway

4.i: Yes. Ministry of Justice (from the 1 November 2002 the Court Administration).

Poland

4.i: See item c. The Secretary General submits a report on the execution of the budget to the President of the Tribunal, then to the Tribunal, together with the application for approval. Conclusions of the control made by the Supreme Chamber of Control, which tests the legitimacy and the good management of the Tribunal's budget, are annexed to the report.

Portugal

4.i: Once approved by the Administrative Council, the financial account is forwarded to the Revenue Court for deliberation.

Spain

4.i: To the President, in order to include it in the Order of Business of the Plenary Assembly.

Switzerland

4.i: Yes. The Secretary General must present the detailed account before the Administrative Commission and then before the Financial Commissions of the Parliament. Therefore, it is a shared liability.

Turkey

4.i: Yes. To the Court of Audits.

5. The Secretary General and administrative meetings of the Court

5.a: Composition of the administrative meetings of the Court (number of judges involved)

Comments

Albania

5.a: Meeting of Judges (9), Secretary General, Head of the Financial Department, or the heads of other Departments according to specific cases.

Andorra

5.a: The Court meets in plenary session (4 judges).

Argentina:

5.a: There is no regulations on the administrative meetings of the Court with the Secretary of the Administrative Department.

In practice, these meetings take place at the same time of the Court periodical meetings, for which no record is taken.

Armenia

5.a: 14 judges.

Austria

5.a: Administrative decisions are taken by the President (in cooperation with the Vice President) and the Secretary General. Formally, the other Judges are not involved in such decisions. It occurs, however, frequently that the President asks for the other Judges' opinions before taking a decision.

Azerbaijan

5.a: Only judges.

Belarus

5.a: 12 judges.

Belgium

5.a: All the judges.

Bosnia and Herzegovina:

5.a: Administrative meetings are attended by all the judges, by the Secretary General and, if necessary, by other professional employees as determined by the Secretary General.

Bulgaria

5.a: 2 to 3 judges.

Czech Republic

5.a: No. the Director does not attend any meetings of the Court. He can be invited to give an explanation to a specific problem. All judges of the Constitutional Court attend all meetings. The assistant of the President of the Constitutional Court /clerk/ is also present as Registrar.

Estonia

5.a: The Secretary General of the Constitutional Review Chamber is involved in the administrative meeting when the issues discussed concern the Constitutional Review Chamber.

Finland – Supreme Court

5.a: 19 judges and the Secretary General.

Finland – Supreme Administrative Court

5.a: 7 or 21 judges and the Secretary General

France

5.a: The administrative meetings concern only the President of the Court.

Germany

5.a: The important administrative affairs are discussed in the Plenum (all 16 judges), the Plenum shall set up the following standing committees:

- a) Committee on the Rules of Procedure (President, Vice-President and 4 judges)
- b) Records Committee (President, Vice-President and 4 judges)
- c) Committee on Budgetary and Personnel Matters (President, Vice-President and 4 judges)
- d) Library Committee (4 judges)

Greece

5.a: Administrative meetings, which are rare in general, are convened when the President believes necessary to do so (for example, establishing the regulations of the Court). There are no means of diffusion of the decisions.

Hungary

5.a: 11 judges.

Ireland

5.a: There are no administrative meetings of the Court.

Israel

5.a: The President, Vice-President and the 2 Registrars.

Italy

5.a: The administrative Court is composed by 15 judges; convene the President calls the meetings, as well as the Presidency Office (*v. supra*). There is not a prefixed number of meetings.

The Court:

- Approves the regulations; the budget and the account; the aims to pursue in the administrative and financing management of the Court; it nominates the Secretary General and his deputy, as well as the members of the Committee of experts in accounting (consultative body composed by 3 members external to the Court).

The Presidency Office:

- Examines and proposes the draft budget and account to the Court, as well as the directives and the aims to pursue in the administrative action; transfers the accounts from a budgetary office to another; approves the projects of improvement of the Court buildings; nominates the Heads of Division; decides to cover the offices by competition.

The Secretary General is in charge of the record of the meetings of the Presidency Office. The youngest judge writes the record of the Court's meetings. The administrative decisions concerning the staff are published in an "internal" bulletin. The Judges and the Directors receive the records of the Court and of the Presidency Office meetings.

Japan

5.a: The administrative meeting of the Court is the Judicial Assembly, which shall consist of all of 15 Justices of the Supreme Court. The Secretary General may attend the Judicial Assembly and express his/her opinion.

Kazakhstan

5.a: 3 judges

Lithuania

5.a: All justices (9).

Luxembourg

5.a: All members (9) are present at the administrative meetings of the Court.

Norway

5.a: There are not any formalised administrative meetings.

Poland

5.a: All the 15 judges of the Tribunal form a General Assembly of the judges. The General Assembly must be attended by at least 10 judges.

Portugal

5.a: The law provides an "administrative council" composed by the President of the Tribunal, 2 judges appointed by the Tribunal, the Secretary General and the Head of Financial and Administrative Department.

Romania

5.a: Administrative meetings are held by the Plenary Court, in the presence of at least two thirds of its members.

Slovakia

5.a: No information available.

Slovenia

5.a: The Constitutional Court decides at administrative sessions in full composition (9 judges) on the issues of its organisation and activities. The Court may authorise the Economic Commission, which otherwise prepare proposals for administrative sessions, to reach certain decisions.

South Africa

5.a: There is no particular plan; there are various committees which meet regularly.

Spain

5.a: The Plenary Assembly (12 judges) and the Council (President, his Deputy and 2 judges).

Switzerland

5.a: At the highest level, the Administrative Commission, composed by 3 judges, deals with administrative cases. The Secretary General is the Secretary of the Commission. Nevertheless, every judge has the right to ask that any administrative matter should be dealt with by the plenum of 30 judges. Sometimes, the Administrative Commission asks for a plenum's decision. Such decisions of the plenary Court take place once or twice per year.

Turkey

5.a: Publication, library, symposium commissions. At least 3 judges are involved.

Ukraine

5.a: The total composition of the Court or the Court Commission (4 to 5 judges).

5. The Secretary General and administrative meetings of the Court

5.b: Convocation of the meetings (how many times per year/month?) Does the Secretary General have any power to initiate in this matter?

Comments

Albania

5.b: The administrative meetings are carried out with or without the presence of judges. The judges of the Constitutional Court participate in those meetings relating to the approval and preparation of the budget of the coming year, as well as to the information about the committed expenses from the funds of the actual budget. Whereas, the other administrative meetings are carried out with the presence of the Secretary General and the administrative staff, and where is the case, with the presence of the President of the Court. These meetings are carried out on 1, 3, 6, 12 monthly bases.

Andorra

5.b: The Court meets at least every 2 months, but, in principle, it meets once a month. The President convenes the ordinary and the extraordinary meetings.

Argentina

5.b: There is no regulations on the administrative meetings of the Court with the Secretary of the Administrative Department.

In practice, these meetings take place at the same time of the Court periodical meetings, for which no record is taken.

Armenia

5.b: 34 administrative meetings, 72 sessions of the Court. No, the Secretary General has no initiative power.

Austria

5.b: Administrative decisions are taken by the President (in cooperation with the Vice President) and the Secretary General. Formally, the other judges are not involved in such decisions. It occurs, however, frequently that the President asks for the other Judges' opinions before taking a decision.

Azerbaijan

5.b: Unlimited number of sittings may be held. The answer to the second part of the question is provided for by the Internal Statute of the Court.

Belarus

5.b: Yes. The Secretary General has power to initiate.

Belgium

5.b: About 10 times per year. The initiative: President and Registrar.

Bosnia and Herzegovina

5.b: 10 times per year. Secretary General has the power and obligation to initiate in this matter if needed.

Bulgaria

5.b: Yes. Generally once per month.

Czech Republic

5.b: Meetings are held usually once a week and administrative matters are dealt there.

Estonia

5.b: The Secretary General of the Constitutional Review Chamber is involved in the administrative meeting when the issues discussed concern the Constitutional Review Chamber.

Finland – Supreme Court

5.b: 25-30 per year. Yes, the Secretary General has the power to initiate.

Finland – Supreme Administrative Court

5.b: Once or twice per month. Yes, the Secretary General has the power to initiate.

France

5.b: The administrative meetings concern only the President of the Court.

Germany

5.b: Normally, every committee meets once a year, the Plenum twice. The Secretary General proposes the date and subjects of the meeting to the President.

Greece

5.b: Administrative meetings, which are rare in general, are convened when the President believes necessary to do so (for example, establishing the regulations of the Court).

Hungary

5.b: 2 meetings per week; No

Ireland

5.b: There are no administrative meetings of the Court.

Israel

5.b: Once a week. The Secretary General does not intend those meetings and does not initiate them.

Italy

5.b: The administrative Court is composed by 15 judges; the President calls the meetings, as well as the Presidency Office (v. supra). There is not a prefixed number of meetings.

The Court:

- Approves the regulations; the budget and the account; the aims to pursue in the administrative and financing management of the Court; it nominates the Secretary General and his deputy, as well as the members of the Committee of experts in accounting (consultative body composed by 3 members external to the Court).

The Presidency Office:

- Examines and proposes the draft budget and account to the Court, as well as the directives and the aims to pursue in the administrative action; transfers the accounts from a budgetary office to another; approves the projects of improvement of the Court buildings; nominates the Heads of Division; decides to cover the offices by competition.

The Secretary General is in charge of the record of the meetings of the Presidency Office. The youngest judge writes the record of the Court's meetings. The administrative decisions concerning the staff are published in an "internal" bulletin. The Judges and the Directors receive the records of the Court and of the Presidency Office meetings.

Japan

5.b: The Secretary General has no power to call the Judicial Assembly and Convocation of the meetings. The judicial assembly shall be called regularly by the Chief Justice of the Supreme Court once a month. In practice, it is called generally once a week.

Luxembourg

5.b: The Registrar, upon order of the President of the Court, convenes the meetings, about 4 meetings per year.

Norway

5.b: There are not any formalised administrative meetings.

Poland

5.b: The Assembly meets to consider administrative matters at least 3 times a year, upon an application of the Secretary General addressed to the President of the Tribunal, who then convenes the Assembly.

Portugal

5.b: The administrative council meets once a week with regard to ordinary sessions and upon convocation of the President with regard to extraordinary sessions.

Romania

5.b: Convocation of administrative meetings is decided by the President of the Court, and meetings are held usually twice a month. The Secretary General is responsible for preparing the draft agenda, as well as of any documents presented to the Plenary Court in administrative meetings.

Russia

5.b: The Secretary General has some power to initiate administrative meetings.

Slovakia

5.b: No information available.

Slovenia

5.b: There are approximately 20 to 30 administrative sessions per year. The Secretary General in fact initiates administrative sessions and is to the most part obliged to prepare the materials for such.

South Africa

5.b The Secretary General does initiate meetings with the Judges, formal and/or informal

Spain

5.b: The President convenes the meetings that are not on a pre-established basis.

Switzerland

5.b: The Administrative Commission meets once or twice per month. As a general rule, the Secretary has the power to initiate and prepares the agenda.

Turkey

5.b: The convocation of meetings is not periodic; Yes, Secretary General has the power to initiate in this matter.

Ukraine

5.b: No. The Secretary General has no power to initiate administrative meetings.

5. The Secretary General and administrative meetings of the Court

5.c: What are the types of decisions that require administrative meetings of the Court?

Comments

Albania

5.c: Approval of the work plans for different period of times. Organisation or participation in different activities of the Court.

Andorra

5.c: The decisions concerning the budget of the Court (draft budget, execution, closing, extraordinary expenses); the decisions concerning the participation of the Court to the international meetings; the decisions concerning the congresses, the seminars or other activities organised by the Court.

Argentina:

5.c: There is no regulation on the administrative meetings of the Court with the Secretary of the Administrative Department.

In practice, these meetings take place at the same time of the Court periodical meetings, for which no record is taken.

Armenia

5.c: Administrative decisions.

Austria

5.c: Administrative decisions are taken by the President (in cooperation with the Vice President) and the Secretary General. Formally, the other Judges are not involved in such decisions. It occurs, however, frequently that the President asks for the other Judges' opinions before taking a decision.

Azerbaijan

5.c: The new draft Law on Constitutional Court provides that issues concerning early resignation of judges, internal statute of the Court, its emblem, stamp, uniform, breastplates of judges and others may be put on agenda of administrative sittings.

Belarus

5.c: Resolutions.

Belgium

5.c: Staff talking on nominations, important purchases, important administrative decisions.

Bosnia and Herzegovina:

5.c: The election of the President and Vice-Presidents;

- the status and immunity rights of the President and judges;
- the internal organisation of the Court and the Services;
- the foundation of working bodies of the Court;
- status issues with regard to the Secretary of the Court and the advisors of the Court;
- the working schedule of the Court and its execution;
- the financial needs of the Court;
- other issues within the competence of the Court;
- a draft budget of the Court;
- a financial plan for the Court which sets out the expected revenues and expenditures for the current year;
- the use of donations and other sources of revenues.

Bulgaria

5.c: Administrative matters

Czech Republic

5.c: Meetings of the Court involve decisions concerning different matters. Minutes are recorded. Administrative decisions are taken by simple majority of members of the Plenum.

Estonia

5.c: The Secretary General of the Constitutional Review Chamber is involved in the administrative meeting when the issues discussed concern the Constitutional Review Chamber.

Finland – Supreme Court

5.c: Budget, nominations.

Finland – Supreme Administrative Court

5.c: Budget; statements; nominations.

France

5.c: The administrative meetings concern only the President of the Court.

Germany

5.c: For example: amendments of the General Rules of Procedure, the approval of the budget (4 judges).

Greece

5.c: Administrative meetings, in general rare, are convened when the President believes necessary to do so (for example, for establishing the regulations of the Court).

Ireland

5.c: There are no administrative meetings of the Court.

Israel

5.c: Budget, regulation, amount of cases to be heard, computer changes and Internet.

Italy

5.c: The administrative Court is composed by 15 judges; the President calls the meetings, as well as the Presidency Office (v. supra). There is not a prefixed number of meetings.

The Court:

- Approves the regulations; the budget and the account; the aims to pursue in the administrative and financing management of the Court; it nominates the Secretary General and his deputy, as well as the members of the Committee of experts in accounting (consultative body composed by 3 members external to the Court).

The Presidency Office:

- Examines and proposes the draft budget and account to the Court, as well as the directives and the aims to pursue in the administrative action; transfers the accounts from a budgetary office to another; approves the projects of improvement of the Court buildings; nominates the Heads of Division; decides to cover the offices by competition.

The Secretary General is in charge of the record of the meetings of the Presidency Office. The youngest judge writes the record of the Court's meetings. The administrative decisions concerning the staff are published in an "internal" bulletin. The Judges and the Directors receive the records of the Court and of the Presidency Office meetings.

Japan

5.c: In its conduct of judicial administrative affairs, the Supreme Court shall act through the deliberations of the Judicial Assembly, which in principle is needed to all conducts of judicial administrative affairs. However, the Assembly may leave its conduct of smaller matters to the Secretary General or to the Chiefs of the Bureaus of the General Secretariat of the Supreme Court which are under the supervision of the Secretary General.

Luxembourg

5.c: At the time of meetings, the President decides the composition of the Court for each case and appoints a counsellor-rapporteur. The Court fixes the date of the hearings – the parties are not present.

Norway

5.c: There are not any formalised administrative meetings.

Poland

5.c: The Assembly meets in order to adopt a draft budget, to approve a report on execution of the Tribunal budget for the previous year, and in order to consider a report of the Secretary General on the work of the Office and the problems related thereto.

Portugal

5.c: The commitments, the draft budgets, the proposals of amendments to the budget and the authorisation to permanent found must be authorised by the administrative council. According to the law, the Administrative Council should promote and follow the financial management of the Tribunal, namely:

- a) to elaborate the draft budgets and to decide on the proposal of amendments to the budget;
- b) to commit the expenses; to authorise the constitution of permanent founds;
- c) to orientate the accountancy and to control its respect.

Romania

5.c: Any decision in connection with:

- approval of budget, and capital expenditures;
- international relations;
- organisation of the Court departments;
- functions and duties to be fulfilled by the staff;
- measures aimed at ensuring proper operation of the Court;
- norms and regulations specific for the Court.

Russia

5.c: Financial and some staff matters.

Slovakia

5.c: No information available.

Slovenia

5.c: At administrative sessions particularly the following decisions are reached:

- the adoption of the Rules of Procedure and other general acts of the Court;
- an annual plan of work;
- the appointment and dismissal of certain staff members;
- the determination of the draft budget and the closing of the budget;
- the determination of an annual program of education;
- the determination of a staffing plan;
- general views concerning the manner of proceedings in cases falling within the jurisdiction of the Constitutional Court;
- decisions connected with the position of Constitutional Court judges;
- decisions relating to the international cooperation of the Constitutional Court; etc.

South Africa

5.c: Administrative or logistical decisions.

Spain

5.c: The most important administrative decisions according to the ROP (for instance: approval and changes to the Budget, nomination of the temporary Lawyers (*de adscripción temporal*), etc.).

Switzerland

5.c: The budget, the accounts, the change of some directives, the recruitment politics and the registrar's career (career of the legal assistants), the basic administrative decisions and other administrative matters of interest for the judges.

Turkey

5.c: Decisions regarding publication, library and symposiums require administrative meetings of the Court.

Ukraine

5.c: It is up to the Court of the Chairman to decide.

5. The Secretary General and administrative meetings of the Court

5.d: Is the Secretary General in charge of the records of the meetings?

Country	5.d
Albania	no
Andorra	yes
Argentina	*
Armenia	yes
Austria	*
Azerbaijan	*
Belarus	yes
Belgium	yes
Bosnia and Herzegovina	yes
Bulgaria	yes
Czech Republic	no *
Estonia	*
Finland: Supreme Court	yes
Finland: Supreme Administrative Court	yes
France	*
Germany	yes *
Greece	yes
Hungary	yes, reminders
Ireland	no*
Israel	no
Italy	yes*
Japan	yes
Kazakhstan	/
Latvia	/
Liechtenstein	/
Lithuania	yes
Luxembourg	*
Norway	*
Poland	no*
Portugal	*
Romania	yes
Russia	yes
Slovakia	/
Slovenia	yes*
South Africa	no
Spain	yes *
Switzerland	yes *
Turkey	yes *
Ukraine	yes

* see comments

Comments

Argentina

5.d: There are no regulations on the administrative meetings of the Court with the Secretary of the Administrative Department.

In practice, these meetings take place at the same time as the Court periodical meetings, for which no record is taken.

Austria

5.d: Administrative decisions are taken by the President (in cooperation with the Vice President) and the Secretary General. Formally, the other Judges are not involved in such decisions. It occurs, however, frequently that the President asks for the other Judges' opinions before taking a decision.

Azerbaijan

5.d: This issue is to be settled in the new draft of Internal Statute of the Court.

Czech Republic

5.d: No. The law clerk of the President of the Constitutional Court records minutes of the meetings.

Estonia

5.d: The Secretary General of the Constitutional Review Chamber is involved in the administrative meeting when the issues discussed concern the Constitutional Review Chamber.

France

5.d: The administrative meetings concern only the President of the Court.

Germany

5.d: Yes, but except for the record of the Plenum meetings.

Ireland

5.d: There are no administrative meetings of the Court.

Italy

The Secretary General is in charge of the record of the meetings of the Presidency Office. The youngest judge writes the record of the Court's meetings. The administrative decisions concerning the staff are published in

an "internal" bulletin. The Judges and the Directors receive the records of the Court and of the Presidency Office meetings.

Luxembourg

5.d: The Court fixes the date of the hearings. The Registrar gives communication to the lawyers by registered letter at least 15 days before the hearing.

Norway

5.d: There are no formalised administrative meetings.

Poland

5.d: No, the record of the General Assembly is made by a staff member appointed by the Secretary General to perform this task.

Portugal

5.d: The Financial and Administrative Department gives assistance to the Administrative Council.

Slovenia

5.d: The Secretary General is in charge of the record of administrative meetings, and the Director is in charge of such record at the meetings of the Economic Commission.

Spain

5.d: Usually, Yes.

Switzerland

5.d: Yes. He is in charge of the records of the bodies of which he is the Secretary: the Plenary Court, the Presidents' conference, the Administrative Commission (for the last one, with the help of his own personal assistant).

Turkey

5.d: Yes. The Secretary General or any other staff authorised by the Secretary General shall be in charge of the record of meetings.

5. The Secretary General and administrative meetings of the Court

5.e Means of diffusion of the decisions memorandum? Letters? Diffusion of the record? Internet journal? Intranet?

Comments

Albania

5.e: Intranet.

Andorra

5.e: Diffusion of the record, or, if the case arises, letters.

Argentina:

5.e: There is no regulations on the administrative meetings of the Court with the Secretary of the Administrative Department.

In practice, these meetings take place at the same time of the Court periodical meetings, for which no record is taken.

Armenia

5.e: All the above-mentioned means.

Austria

5.e: Administrative decisions are taken by the President (in cooperation with the Vice President) and the Secretary General. Formally, the other judges are not involved in such decisions. It occurs, however, frequently that the President asks for the other judges' opinions before taking a decision.

Azerbaijan

5.e The Constitutional Court decisions are published in the official newspaper, "Bulletin of the Constitutional Court" and the web – site of the Court.

Belarus

5.e: Diffusion of the record.

Belgium

5.e: Memorandum, letters, diffusion of the record.

Bosnia and Herzegovina

5.e: Decisions of the Court are submitted to the participants in the proceedings and are published in the Official Gazette of Bosnia and Herzegovina and in the official gazettes of the Entities and also displayed on the Court website.

Bulgaria

5.e: Generally, letters.

Czech Republic

5.e: All judges receive a copy of the minutes. Organisational department, the Director and the head of Registrar receive a copy.

Estonia

5.e: The Secretary General of the Constitutional Review Chamber is involved in the administrative meeting when the issues discussed concern the Constitutional Review Chamber.

Finland – Supreme Court

5.e: Memorandum; letters.

Finland – Supreme Administrative Court

5.e: Memorandum; letters.

France

5.e: Administrative meetings concern only the President of the Court.

Germany

5.e Diffusion of the record only on paper.

Greece

5.e: There are no means of diffusion of the decisions.

Hungary

5.e: Part of the reminders.

Ireland

5.e: There are no administrative meetings of the Court.

Israel

5.e: Mainly Intranet and letters.

Italy

5.e: The administrative decisions concerning the staff are published in an "internal" bulletin. The judges and the directors receive the records of the Court and of the Presidency Office meetings.

Japan

5.e: Means of diffusion of the decisions. Upon necessity, official instructions, etc., are issued. In such cases, the Intranet network of Courts may be used.

Diffusion of the record: Records themselves are not diffused.

Kazakhstan

5.e: Letters.

Lithuania

5.e: Intranet.

Luxembourg

5.e: The Court fixes the date of the hearings. The Registrar gives communication to the lawyers by registered letter at least 15 days before the hearing.

Norway

5.e: There are no rules for formalised administrative meetings.

Poland

5.e: The records and decision of the Assembly are kept in the files: only the resolution on the draft budget of the Tribunal is referred to the Government (the Ministry of Finance), and the Assembly's position concerning the approval of the execution of the budget for the previous year may be presented to the appropriate parliamentary committee.

Portugal

5.e: The contents of the meetings of the Administrative Council, including its decisions, appear in the records.

Romania

5.e: Restricted distribution of internal documents (by courier) to: judges, the chief-assistant-magistrate, any department concerned

Special note: The Regulations on the organisation and operation of the Court, and any amendment to such Regulations are published in the Official Gazette of Romania.

Slovakia

5.e: The decisions are diffused by record and Internet.

Slovenia

5.e: The Rules of Procedure and the General Acts of the Court are published in the Official Gazette. Internal General Acts are posted on the announcement board. Prior to that, they were photocopied for all staff. Now the texts are accessible on the Intranet. Official notes are made of administrative sessions' records concerning the orders taken. These are delivered to the staff which is in charge of the carrying out thereof.

South Africa

5.e: All means of communication preferred or traditionally used.

Spain

5.e: There is not a chosen and fixed mean of diffusion of the decisions.

Switzerland

5.e: All the records of the Plenary Court, of the Presidents' Conference, of the Administrative Commission are dispatched to all judges by letters.

Turkey

5.e: All.

Ukraine

5.e: Distribution of the sessions' minutes in the Court.

6. The Secretary General and relations with the public

6.a: Is the Secretary General in charge of the management of the Courts public relations?

6.b: Is the Secretary General in charge of the relations with the press and more precisely is she/he in charge of the press releases?

Is she/he in charge of the organisation of press conferences?

Country	6.a	6.b
Albania	yes	no
Andorra	yes	yes
Argentina	*	*
Armenia	no	no
Austria	yes	yes
Azerbaijan	*	*
Belarus	yes	yes
Belgium	yes	no
Bosnia and Herzegovina	yes	yes
Bulgaria	yes	yes
Czech Republic	yes	no*
Estonia	yes	yes*
Finland: Supreme Court	no	no
Finland: Supreme Administrative Court	no	yes
France	*	*
Germany	no	no
Greece	/	/
Hungary	yes	yes*
Ireland	no	no
Israel	no*	no*
Italy	yes*	no*
Japan	yes*	yes*
Kazakhstan	yes	no/yes
Latvia	/	/
Liechtenstein	/	/
Lithuania	yes	no/yes
Luxembourg	*	*
Norway	yes	*
Poland	yes*	yes*
Portugal	yes*	no*
Romania	yes	yes
Russia	yes*	yes*
Slovakia	yes	*
Slovenia	yes	yes*
South Africa	yes	yes
Spain	yes*	no
Switzerland	yes*	yes*
Turkey	no	no*
Ukraine	*	no

* see comments

Comments

Argentina

6.a: Any Secretary General is in charge of the management of the Court's public relations.

6.b: The press department is not under the Secretary General's supervision. It deals with the press releases.

Azerbaijan

6.a.b: This issue is to be settled in the new draft of Internal Statute of the Court.

Czech Republic

6.b: No. The President and the Vice-Presidents meet journalists. Some justices also meet journalists after pronouncement of a judgement in order to comment on it.

Estonia

6.a: Yes. To some extent

6.b: There is a special Press Officer, but all the press releases have to be authorised by the Secretary General. He is involved in the organisation of press conferences

France

6.a.b The Secretary General executes the principles of communication politics established in the plenary sessions. The external relations department is in charge of public relations.

The external relations department manages the daily relations with the press.

Concerning the press releases, the Secretary General prepares them, under the authority of a judge-rapporteur.

The decision of organising a press conference is taken by the President, on proposal of the Secretary General. The Head of the external relations department reads the press releases. If there are questions aiming to clarify the decision, the Secretary General may answer "off the record".

Hungary

6.b: Yes.

Is she/he in charge of the press releases? Yes.

Is she/he in charge of the organisation of press conferences? 2 to 3 times a year.

Israel

6.a: No. There is a special department for this, headed formally by the Secretary General.

6.b: No. All the relation with the press is governed by the spokesman of the judiciary.

Italy

6.a.b: The Secretary General is in charge of the management of the Court's public relations as well as the Head of the Press Department (now a professional journalist);he deals with the relations with the press, the press review, the press releases and the annual press conference. The Secretary General is in charge of the organisation of the international relations following the indications of the collective bodies of the Court and of the President.

Japan

6.a: Yes. The Secretary General of the Supreme Court shall, under the supervision of the Chief Justice of the Supreme Court, administer the affairs of the General Secretariat of the Supreme Court including public relations and control and supervise staff member of the Secretariat in charge of public relations. The division of the General Secretariat which directly manages the Court's public relations is the Public Information Division.

6.b: Yes, with the exception of the press conferences by the Chief Justice of the Supreme Court.

The management of the Court's public relations mentioned above under 6.a includes the relations with the press. Therefore, the Secretary General is in charge of the relations with the press including the press releases.

The body which gives a press conference is determined according to the nature and importance of the information to be released. It may be the Chief Justice of the Supreme Court, the Secretary General, Chiefs of Bureaus and Divisions of the General Secretariat or the Public Information Division accordingly. As is already stated above, the Secretary General of the Supreme Court administers the affairs of the General Secretariat of the Supreme Court in general, he/she administers the affairs of himself/herself, Chiefs of Bureaus and Divisions of the General Secretariat, and the Public Information Divisions mentioned above.

Luxembourg

6.a.b: See answer given to questions 3.a and 3.b concerning the Court's departments.

Norway

6.b: Not directly: there is a public relations officer under the authority of the Secretary General.

Poland

6.a: Yes. The Secretary General is in charge of organisation of works related to the Tribunal's public relations. Thus, he oversees the work of the Press and Information Division, as well as of other divisions which provide information to the public.

6.b: Yes. The Secretary General oversees the organisation of relations with the press and other public communication media, i.e. providing materials and information on cases considered by the Tribunal, promulgation of press releases following the Tribunal's hearings, and organisation of press conferences. At the same time the Secretary General organises the reference – as complex as possible – of information concerning the work of the Tribunal to the Internet.

Portugal

6.a: The relations between the Tribunal and the outside are under the responsibility of the Secretary General, except for the relations kept up by the President of the Tribunal or by its cabinet or the relations regarding procedural matters, which are within the judicial Secretary's competence.

6.b: The Secretary General is not exclusively responsible for the relations with the press. The press expert of the President's cabinet is in charge of this task. This is where press releases are prepared and press conferences organised

Romania

6.b: Assisted by the Press officer under his/her direct coordination.

Russia

6.a: Yes. To a certain extent.

6.b: Yes. Since he governs the relevant departments.

Slovakia

6.b: The Secretary General is in charge of cooperating, giving materials on foreign activities and conferences to Press secretary.

Is she/he in charge of the press releases?: Partly.

Is she/he in charge of the organisation of press conferences?: Shared.

Slovenia

6.b: Yes. If the Court decides so, press releases regarding more complex cases are prepared in advance according to a special procedure. Otherwise the Secretary General communicates with the press.

He or she takes care of the organisation and preparation of press conferences of the President of the Constitutional Court.

He or she may organise its own press conference, however, this has not yet occurred as the Secretary General does not comment issued decisions, but only explains whether a decision was reached and which type of a decision was reached, and give general information on the manner of proceedings before the Constitutional Court.

Spain

6.a: Only if , in certain cases, the President decides so.

Switzerland

6.a: Yes, with the help of his deputy.

6.b: Yes, with the help of his deputy, of his assistant and of the chief of the central chancellery.

Is she/he in charge of the press releases?: His deputy is in charge of the press releases. Press releases concerning case-law are rare. The Court prepares them.

Is she/he in charge of the organisation of press conferences?: Yes. By his deputy.

Turkey

6.b: No. The Deputy President is in charge of press releases.

Ukraine

6.a: Only in case of replying to appeals.

6. The Secretary General and relations with the public

6.c: Is the Secretary General in charge of the organisation of international relations of the Court?

6.d: Has the Secretary General the power to initiate in this matter?

Country	6.c	6.d
Albania	yes	yes
Andorra	yes*	yes*
Argentina	*	*
Armenia	no	no
Austria	yes*	yes*
Azerbaijan	*	no
Belarus	yes	yes
Belgium	no	no
Bosnia and Herzegovina	yes*	yes
Bulgaria	yes	yes
Czech Republic	no*	no
Estonia	yes*	/
Finland: Supreme Court	no	no
Finland: Supreme Administrative Court	no	no
France	*	*
Germany	yes	yes*
Greece	/	/
Hungary	yes*	no
Ireland	no	yes
Israel	no*	no
Italy	yes*	*
Japan	yes*	no*
Kazakhstan	yes	no
Latvia	/	/
Liechtenstein	/	/
Lithuania	yes	yes*
Luxembourg	*	*
Norway	yes	yes
Poland	yes*	yes*
Portugal	yes*	*
Romania	yes	yes
Russia	yes*	yes*
Slovakia	yes	yes
Slovenia	yes*	yes
South Africa	yes	no*
Spain	*	no
Switzerland	yes*	yes*
Turkey	no	no
Ukraine	yes*	yes

* see comments

Comments

Andorra

6.c: Yes, but always with the agreement of the President of the Court.

6.d: Yes, but, anyway, he is not exempted from the agreement of the President of the Court.

Austria

6.c: Yes. Supported by the Head of Protocol.

6.d: Yes. On her level.

Argentina

6.c: Any Secretary General is in charge of the organisation of international relations of the Court.

6.d: Any Secretary General has the power to initiate in this matter.

Azerbaijan

6.c: This issue is to be settled in the new draft of Internal Statute of the Court.

Bosnia and Herzegovina

6.c: In accordance with the authorisation of the Court or the President of the Court.

Czech Republic

6.c: No. The Vice-President of the Constitutional Court is in charge of the organisation of international relations. She administers the international relations department.

Estonia

6.c: In the matters of Constitutional review, yes.

France

6.c.d: The Secretary General executes the principles of communication politics established in the plenary sessions. The external relations department is in charge of public relations.

The external relations department manages the daily relations with the press.

Concerning press releases, the Secretary General prepares them under the authority of a judge-rapporteur.

The decision of organising a press conference is taken by the President, on proposal of the Secretary General. The Head of the external relations department reads the press releases. If there are questions aiming to clarify the decision, the Secretary General may answer "off the record".

Germany

6.d: Yes, as a proposal to the President.

Hungary

6.c: Partly.

Israel

6.c: No, see above (6.a.b).

Italy

6.c.d: The Secretary General is in charge of the management of the Court's public relations as well as the Head of the Press Department (now a professional journalist). He or she deals with the relations with the press, the press review, the press releases and the annual press conference. The Secretary General is in charge of the organisation of international relations following the indications of the collective bodies of the Court and of the President.

Japan

6.c: If the organisation of international relations of the Court means a department which is liaison with international organisation, it is the Secretary Division of the General Secretariat. Since the Secretary General of the Supreme Court administers the affairs of the General Secretariat of the Supreme Court, he/she is in charge of this division.

6.d: If "to initiate in this matter" means "to initiate international relations", namely to decide the basic policy how to meet the Court's international relations, it needs the administrative decision which shall have gone through the deliberation of the Judicial Assembly. If it means to initiate Court's public relations, namely to decide the basic policy how to meet the Court's public relations, it also needs the administrative decision which shall have gone through the deliberation of the Judicial Assembly.

Lithuania

6.d: Yes, in part.

Luxembourg

6.c.d: See answer given to questions 3.a and 3.b concerning the Court's departments.

Poland

6.c: Organisation of work in the area of international relations of the Tribunal and the President of the Tribunal is also the responsibility of the Secretary General.

6.d: The Secretary General has the power to initiate international contacts in consultation with the President of the Tribunal.

Portugal

6.c: The Secretary General may participate to the organisation of the Tribunal's international relations, which are carried out by the President of the Tribunal or by his cabinet.

6.d: No, but he can make suggestions to the President.

Russia

6.c.d: Yes. Since he governs the relevant departments.

Slovenia

6.c: The Secretary General is responsible for international cooperation, whereas the organisation of international protocol events is carried out by the Director.

South Africa

6.d: No. It has not happened. But may motivate a project to the Chief Justice.

Spain

6.c: Only when the President decides so.

Switzerland

6.c: Yes. With the help of different people.

6.d: He can always take the initiative, but, in reality, he rather handles the information.

Ukraine

6.c: Yes. Within the limits of his competence.

7. The Secretary General and publications

7.a: Is the Secretary General in charge of the publication of the decisions of the Court?

7.b: Does the Court provide summaries of decisions?

Country	7.a	7.b
Albania	yes	yes
Andorra	yes	no
Argentina	yes*	yes*
Armenia	yes	yes
Austria	no*	no*
Azerbaijan	*	yes
Belarus	yes	yes
Belgium	yes*	no
Bosnia and Herzegovina	yes	no
Bulgaria	yes	yes
Czech Republic	no*	yes*
Estonia	yes*	yes*
Finland: Supreme Court	no	no
Finland: Supreme Administrative Court	no	yes
France	yes*	yes*
Germany	yes	yes
Greece	*	no
Hungary	yes*	yes
Ireland	yes	no
Israel	no*	no*
Italy	no*	yes*
Japan	*	yes*
Kazakhstan	yes	no
Latvia	/	/
Liechtenstein	/	/
Lithuania	yes	yes
Luxembourg	yes*	*
Norway	no	yes
Poland	yes*	yes*
Portugal	no*	no
Romania	yes	no
Russia	yes*	yes*
Slovakia	no	yes
Slovenia	yes	no*
South Africa	no*	yes
Spain	yes*	yes*
Switzerland	yes*	yes*
Turkey	yes	yes
Ukraine	yes	yes

* see comments

Comments

Argentina

7.a: The Secretary of the case-law is in charge of the case-law and it is responsible for its publication.

7.b: The Court provides summaries of the decisions.

Austria

7.a: No (the Deputy Secretary General is in charge of the official Collection of Decisions; the Head of the Documentation Centre is in charge of the publication of those selected Court decisions on the homepage of the Court which are not accompanied by a press release).

7.b: No (with the exception of summaries made by the Venice Commission Liaison Officer for the Bulletin and press releases prepared by the Secretary General).

Azerbaijan

7.a: This issue is to be settled in the new draft of Internal Statute of the Court.

Belgium

7.a: Yes (Official Journal).

Czech Republic

7.a: No, the Vice-President of the Constitutional Court is in charge of the publication of the decisions. The Court published a book on the Constitutional Court and its activity in Czech and English. The book presents history and foundation of the Court, its organisation and competencies, history of the building and short CVs.

Booklets containing Constitution of the Czech Republic, Charter of fundamental rights and basic freedoms and Act on the Constitutional Court were published, too.

7.b: No. 2 secretaries send the final copy of judgements and the chosen rulings to the company ASPI, that makes them public at Internet. International relations department sends the chosen judgements and some legal text in English to the computer department, that gives it publicity.

Estonia

7.a: Yes. He/she has general supervising power.

7.b: The Court provides the press releases with short summary.

France

7.a: Under the Secretary General's authority, the external relations department is in charge of publications, which are essentially the annual Bulletin and a half-year publication entitled: "The notebooks of the Constitutional Council". The Council also takes part in publication of the summary of its most important decisions in the data base CODICES (Venice Commission).

7.b: The Secretary General publishes regularly in the review "the small advertisements", a comment on the Constitutional Council's decisions, immediately after they are pronounced.

Germany

7.a: Partially, for example, the decisions in the Federal Law Gazette.

7.b: A staff members does.

Greece

7.a: The Court's decisions, except for the decisions concerning the elections, are published on the Official Journal.

7.c: There are no publications.

Hungary

7.a: Yes. The Secretary General is the editor in chief of the Official Gazette of the Constitutional Court, which includes decisions, orders.

Israel

7.a: No, they are all immediately on the Internet and are given to private companies for their commercial purposes. Selected decisions are printed by a private firm.

7.b: No, it is done by a private firm – except rare cases in which there is a massive public interest in the decision. In these cases the court delivers summaries too.

Italy

7.a.b: The Secretary General is not responsible for the publication of the decisions to be published in the Official Journal. The Court prepares summaries of decisions to be published in the Official Journal and in the database of the Court. The Secretary General is responsible for the administrative publications of the Court, whilst his deputy is responsible of the Internet web site of the Court.

Japan

7.a: As the means of "Publication of Judicial Decisions and Availability of Law Reports", the Supreme Court provides the official reports of the Courts (paper-based) and the reports of the Court in the Internet web site of the Court (electronic data-based).

There are three types of the reports mentioned in above;

- the reports of the Supreme Court judgements on civil cases;
- the reports of the Supreme Court on criminal cases;
- the reports of High Courts judgements.

Supreme Court judgements and High Court judgements are selected by each "Reporter Commission" established in the Supreme Court and each High Court accordingly consisting of judges and other Court staffs, etc. of each Court. The affairs such as management of Reporter Commission and issuance of the Reports are conducted by General Affairs Bureau of General Secretariat in the Supreme Court, and by General Affairs Division in High Courts, accordingly. The Secretary General is in charge of the affairs conducted by General Affairs Bureau of the Supreme Court.

Through the Internet web site of the Court mentioned above, the Supreme Court provides reports on the following;

- a) judgements which are published in the above mentioned official Reports of the Supreme Court;
- b) judgements on labour cases;
- c) judgements on intellectual property right cases; and
- d) judgements on leading cases in High Courts and District Courts.

Regarding (a), the Reporter Commission selects judgements and the General Affairs Bureau conducts related affairs to put in the Internet web site as described in above. Each Court selects judgements for (d) and the General Affairs Division of each Court administers the affairs concerning (d). Administrative Affairs Bureau of the General Secretariat is in charge of selection and management of (b) and (c). Public Information Division and General Affairs Bureau of the General Secretariat, fully manage and administer the Internet web site of the Court as a whole, including the above mentioned reports publication. The Secretary General of the Supreme Court administers the affairs of the General Secretariat of the Supreme Court.

7.b: While the summaries are provided for those decisions or judgments in the official reports mentioned in above (paper-based reports), no summary is provided for those decisions or judgements mentioned in above other than for the official reports of the Supreme Court judgements mentioned in above (a).

A part of (a) Judgements which are published in the official reports of the Supreme Court are available in English through the Internet web site of the Court and a part of the summaries of the Supreme Court judgements are also provided in English through the Internet web site of the Court.

Luxembourg

7.a: Yes. After pronouncing the decision, the Registrar sends immediately a copy to the Memorial, the Collection of laws, where the decision is published within 30 days.

7.b: The Constitutional Court may decide, when publishing the decision, not to reveal the personal data of the parties.

Poland

7.a: Yes. The Secretary General is in charge of organisation of the works of the Constitutional Tribunal Publishing Division, which also include prompt publication of the collections of the Tribunal's judgements.

7.b: Yes. The Office publishes collections of summaries of the Tribunal's judgements twice a year. The collections contain the synthesis of each judgement (the essence). The Tribunal (the judges) does not edit the collections; the edition is the task of a specialist in the Office (he/she is considered the author of the edition).

Portugal

7.a: No. The Secretary General is not directly responsible for the publication of the Tribunal's decisions, either in the Official journal, or in the Bulletin. The Centre of Documentary Assistance and Legal Information is in charge of the publication.

Russia

7.a.b: Yes. Through relevant departments which he governs.

Slovenia

7.b: No, but it prepares abstracts of cases.

South Africa

7.a: No. This is done under the Chief Justice's directions.

Spain

7.a: According to the LOTC, the Secretary General is in charge of choosing, classifying and publishing the constitutional doctrine of the Court (Article 99.2).

7.b: Yes. In his Annual Report.

Switzerland

7.a: Yes. The documentation and publication department, which is under the Secretary General's authority, is in charge of publications.

7.b: Yes. The Registrar is in charge.

7. The Secretary General and publications

7.c: Is the Secretary General in charge of the publication of the Court Bulletin, leaflet, journal, etc..?

7.d: Is the Secretary General in charge of the content of the Internet web site of the Court?

Country	7.c	7.d
Albania	yes	yes
Andorra	yes	yes*
Argentina	yes*	yes*
Armenia	yes	yes
Austria	*	yes
Azerbaijan	*	*
Belarus	yes	yes
Belgium	no	no
Bosnia and Herzegovina	yes*	yes*
Bulgaria	yes	yes
Czech Republic	no	no
Estonia	yes*	yes*
Finland: Supreme Court	no	no
Finland: Supreme Administrative Court	no	no
France	yes*	yes*
Germany	yes*	yes
Greece	/*	/*
Hungary	yes	yes
Ireland	*	yes*
Israel	no*	no*
Italy	no*	no*
Japan	yes*	yes*
Kazakhstan	no	no
Latvia	/	/
Liechtenstein	/	/
Lithuania	yes	yes*
Luxembourg	yes*	*
Norway	*	yes*
Poland	*	yes*
Portugal	no*	yes*
Romania	yes*	yes
Russia	yes*	yes*
Slovakia	yes	yes
Slovenia	yes*	yes
South Africa	no*	no*
Spain	*	*
Switzerland	yes*	yes*
Turkey	yes	yes
Ukraine	yes*	yes

* see comments

Comments

Andorra

7.d: The Court of Andorra does not have a web site at the moment. This site is under construction and the Secretary General will be responsible for its contents.

Argentina

7.c: The Secretary is in charge of the publications of the Court.

7.d: The Secretary of the case-law is in charge of the web-site of the Court.

Austria

7.c: Do not exist.

Azerbaijan

7.c.d: This issue is to be settled in the new draft of Internal Statute of the Court.

Bosnia and Herzegovina

7.c: There is the Court Commission for Publications and Information. The Secretary General oversees the functioning of the information system.

7.d: There is the Court Commission for Electronic Equipment and Information Systems. The Secretary General provides the functioning of information system.

Estonia

7.c.d: Yes. In relation to Constitutional review matters.

France

7.c: A webmaster is in charge of the Internet site. The contents of the site are determined by the Secretary General.

Germany

7.c: Partially.

Greece

7.c: No publication.

7.d: No Internet website.

Ireland

7.c: There are none. The Courts Department publishes a quarterly newsletter, which may carry items on the Supreme Court from time to time.

7.d: Yes. The Courts Department maintains a website at <http://www.Courts.ie>, and the portion of the site relating to the Supreme Court is the responsibility of the Registrar.

Israel

7.c: No (see a and b).

7.d: No, the site is updated automatically by the computer department, headed by the Registrar.

Italy

7.c.d: The Secretary General is not responsible for the publication of the decisions to be published in the Official Journal. The Court prepares summaries of decisions to be published in the Official Journal and in the database of the Court. The Secretary General is responsible for the administrative publications of the Court, whilst his deputy is responsible of the Internet web site of the Court.

Japan

7.c: Yes. Public report and leaflet issued by the Supreme Court are drawn up by the Public Information Division and other Bureaus of General Secretariat. The Secretary General who administers the General Secretariat is in charge of publication of the Court.

7.d: Yes. The General Affairs Bureau, the Public Information Division and other Bureaus and Divisions of the General Secretariat make and manage the Internet web site. The Secretary General who administers the General Secretariat is in charge of the Internet web site of Court.

Lithuania

7.d: Yes, in part.

Luxembourg

7.c: Yes. After pronouncing the decision, the Registrar sends immediately a copy to the Memorial, the Collection of laws, where the decision is published within 30 days.

7.d: At the moment, the Constitutional Court does not have an Internet web site.

Norway

7.c: There are no publications except the web-site of the Court.

7.d: There is a public relations officer under the authority of the Secretary General.

Poland

7.c: The Office of the Tribunal publishes studies, collections of judgements and other materials in the field of constitutional matters, and the work of the Constitutional Tribunal. Each year Information of the Constitutional Tribunal, concerning its activities and adjudication problems, is published after it is adopted by the General Assembly.

7.d: Yes. The Secretary General organises the work on the general shape and update of information of the Internet web site of the Constitutional Tribunal: www.trybunal.gov.pl. After each session a communiqué is immediately put on the site, presenting the essence of the Tribunal's judgement and the text of the sentence of the judgement.

Portugal

7.c: No. The Secretary General is not directly responsible for the Tribunal's publications. The Centre of Documentary Assistance and Legal Information is in charge of the publications.

7. d: The Secretary General organises the contents of the Internet web site with the assistance of the Centre of Information Technology and the Centre of Documentary Assistance and Legal Information.

One last remark:

The office of Secretary General has been recently incorporated in the organic structure of the Tribunal's departments. As indicated above, the office of Secretary General was created about 3 years ago, but the first appointment to the office was made 2 years ago. For this reason, not enough time has passed in order to create a new bureaucratic/administrative praxis, all the more so since the new organic structure of the administrative departments is still not functioning.

Romania

7.c: Special mention: The Court publications are:

- The Constitutional Court Bulletin, in three languages: Romanian, French and English;
- Collection of Selected Decisions, in French and English;

- Jurisprudence of the Constitutional Court, in Romanian;
- Decisions and Rulings of the Constitutional Court, in Romanian.

Russia

7.c.d: Yes. Through relevant departments which he governs.

Slovenia

7.c: Yes. The Court publishes volumes of its decisions and orders.

South Africa

7.c: Not yet.

7.d: No. The Chief Justice is in charge of the contents of the Court's Internet website.

Spain

7.c: The Secretary General does not intervene in the making process of the Bulletin (daily). Nevertheless, he intervenes in other Court's publications. (Report, monograph, etc.)

7.d: The department of Constitutional Doctrine and Information Technology, which is part of the General Secretariat, is in charge of the contents of the web-site.

Switzerland

7.c.d Yes. This task is delegated to his deputy.

Ukraine

7.c: Yes. For publication of "Visnyk of the Constitutional Court of Ukraine".

II. THE SECRETARY GENERAL AND THE JUDICIAL PHASES OF THE COURT

1. Registration of complaints and all cases brought before the Court

1.a: Registration of complaints, please specify the approximate number of cases registered per year

Country	1.a
Albania	200
Andorra	10*
Argentina	5099 (year 2001)
Armenia	250
Austria	2000-3000
Azerbaijan	15* (year 2001)
Belarus	48 (year 2001)
Belgium	300
Bosnia and Herzegovina	250-300
Bulgaria	300 complaints, 20 cases heard
Czech Republic	3100*
Estonia	10*
Finland: Supreme Court	3000
Finland: Supreme Administrative Court	4000
France	10-15 +162 (year 2002)*
Germany	4700
Greece	80-110*
Hungary	1200-1300 complaints, 400 cases heard*
Ireland	350 complaints, 250 cases heard
Israel	10 000*
Italy	/
Japan	/
Kazakhstan	25-30
Latvia	500 about
Liechtenstein	80 about
Lithuania	35
Luxembourg	*
Norway	1550-1600
Poland	291 (Year 2001)*
Portugal	839 (year 2001)*
Romania	375*
Russia	12000
Slovakia	711 (year 2001)*
Slovenia	850 (year 2001)*
South Africa	100 complaints, 50 cases heard*
Spain	6934 (year 2001)
Switzerland	5000
Turkey	*
Ukraine	300 about

* see comments

Comments

Andorra

1.a: This is a Secretary General's duty. The number of complaints per year is variable; nonetheless, from the creation of the Andorran Tribunal in 1993, the average number of complaints is 10 per year.

Azerbaijan

1.a: 65 cases were registered during 4 years since the Court began functioning. 15 cases of total were registered in 2001.

Czech Republic

1.a: **Table No 1**

Numbers of submissions, by year.

Year	Total number of submissions	Petitions to annul statute or other norm	Constitutional + other complaints
1993	523	49	474
1994	862	33	829
1995	1277	48	1229
1996	1511	41	1470
1997	2024	46	1978
1998	2221	30	2191
1999	2576	24	2552
2000	3140	59	3081
2001	3049	39	3010

Estonia

1.a: Registration of Constitutional review cases. Approximately 10 cases a year, but the new Constitutional Review Act has widened the possible applicants and issues dealt under the constitutional Review procedure, thus, there have been 14 case already registered this year.

France

1.a: Two types of cases are addressed to the Court:

- The complaints concerning the constitutionality of legal acts, which in average results in 10/15 complaints per year.
- With regard to electoral matters, for example, the legislative elections of 1997 have produced 172 petitions and 272 submissions of cases to the national Commission of election campaign accounts and of political financings. In

2002, the number of petitions reached 162 and the submissions were in progress.

Greece

1.a: If it is in an election year, from 80 to 110 cases, since the Courts is the judge of national and European elections; up to 10 in the other cases.

Hungary

1.a: All cases are received by the Secretary General; judges receive only cases where the Constitutional Court's competence exists, about 400 cases/year.

Israel

1.a: 10,000 cases (Civil, Criminal, administrative and constitutional).

Luxembourg

1.a: In the registry of the Constitutional Court there is a general cause-list, quoted and initiated by the President of the Court, where all the cases are written down in the order of their presentation (Article 3 of the internal regulations).

Poland

1.a: According to the data for 2001 the overall number of cases brought before the Constitutional Tribunal reached 291, including 181 constitutional complaints, 100 applications to assess the constitutionality of normative acts, and ten questions of law from Courts. Moreover, the Tribunal receives approximately 2,300 letters and documents which are neither complaints nor applications.

Portugal

Registration of all complaints and all cases brought before the Court:

- The registration of the complaints and of the correspondence is made by the judicial secretary (secretary-registry) with the help of the computer department.

The annual volume of complaints addressed to the Tribunal:

Year	Number
1999	811
2000	778
2001	839
2002 (until 15 July)	544

Romania

1.a: Only a very few of a Registrar' tasks are in charge of the Secretary General or performed under his/her authority, namely those related to measures before, and after the conduct of the Court proceedings, such as: Average number of cases/year brought before the Court: 375 (in the last 5 years), but constantly increasing in number.

Slovakia

1.a: In Year 2001 it was 711; increasing tendency in 2002

Slovenia

1.a: All the mail sent to the Constitutional Court is submitted to the Secretary General, who orders in which list new cases are entered. If applications concern constitutional complaints, he or she also orders which panel of 3 judges is to be assigned the case. In 1999 there were 650 new cases, in 2000 there were 850, in 2001 there were 850, and this year 1,029 new cases have already been received.

South Africa

1.a: Registration of Complaints and all cases before Court registered by the Registrar, under the Secretary General's authority an average 50 cases and hundreds of complaints per annum.

Turkey

1.a: It has increased in recent years, previously it was 70%.

1. Registration of complaints and all cases brought before the Court

1.b: Does the Secretary General dispatch the cases among the registry or among the judges?

1.c: Does the Secretary General register cases?

Country	1.b	1.c
Albania	no, registry	no
Andorra	no, Court	yes*
Argentina	yes*	yes*
Armenia	yes	no*
Austria	no*	yes*
Azerbaijan	*	*
Belarus	yes	yes
Belgium	no	yes
Bosnia and Herzegovina	*	*
Bulgaria	registry	yes
Czech Republic	no, registry	no, registry
Estonia	no*	*
Finland: Supreme Court	no	no
Finland: Supreme Administrative Court	no	no
France	no*	yes*
Germany	yes*	yes*
Greece	yes*	no
Hungary	yes*	yes*
Ireland	no*	yes
Israel	yes	yes*
Italy	no*	no*
Japan	no	no
Kazakhstan	no	no
Latvia	/	/
Liechtenstein	no	yes
Lithuania	no	no
Luxembourg	no*	no*
Norway	yes*	yes*
Poland	no*	no*
Portugal	no*	no*
Romania	no*	no*
Russia	*	no*
Slovakia	no	no
Slovenia	yes*	*
South Africa	no*	no*
Spain	no*	no*
Switzerland	no*	no
Turkey	no*	yes
Ukraine	yes*	yes*

* see comments

Comments

Andorra

1.b: No. The Court, sitting in its plenary session, dispatches the cases and appoints the judge rapporteur for each case.

1.c: Yes. (under his responsibility).

Argentina

1.b.c: The Secretary General is in charge of dispatching the cases.

Armenia

1.c: No, It is the documentation centre's responsibility.

Austria

1.b: The allocation of cases to the judges is the task of the President. The Secretary General carries out the relevant preparatory work.

1.c: Cases are registered under the responsibility of the Secretary General.

Azerbaijan

1.b.c: This issue is to be settled in the new draft of Internal Statute of the Court.

Bosnia and Herzegovina

1.b: The cases are dispatched according to the alphabetical order among the legal advisors as well as among the judges.

1.c: In preliminary stage only. The list of cases is determined by the President and the Vice-Presidents by a majority vote.

Estonia

1.b: No. There is a general system of dispatching the cases between the judges, and only the Chief Justice of the Court can change this system.

1.c: Supervises the registration.

France

1.b: The President dispatches the cases among rapporteurs.

1.c: The Secretary General registers cases under the authority of the President and in agreement with the rapporteurs concerned.

Germany

1.b: Yes. The Secretary General dispatches the cases, together with his deputy, between the 2 Panels and to the judges, but the dispatch among the judges only for the First Panel (for the Second Panel it's the task of his deputy, who is at the same time adviser of the Second Panel) and it's a proposal to the President (in the Second Panel, to the Vice-President).

1.c: Yes. The Secretary General's staff.

Greece

1.b: Yes. With the President.

Hungary

1.b: All cases are received by the Secretary General; judges receive only cases where the Constitutional Court's competence do exist.

1.c: Yes. All the cases.

Ireland

1.b: No. The distribution of the caseload of the Court is a matter for the Chief Justice.

Israel

1.c: Yes. In case there is a need for a judicial procedural decision regarding the registration of a case, it is taken by the Registrar.

Italy

1.b.c: The Secretary General does not deal with the judicial phases but the Registrar, does under the direction of the Court's President.

Luxembourg

1.b: No. When appointing the advisers and the adviser-rapporteurs, the President proceeds following the list of rank established by Article 19 of the law of 27 July 1997, in order to guarantee a regular rotation among the different members of the Court.

1.c: Same answer given to letter 1.a.

Norway

1.b: Both, under the authority of the Chief Justice.

1.c: Yes. Under the authority of the Secretary General.

Poland

1.b: The Secretary General does not dispatch the cases among the judges – this is the responsibility of the President of the Tribunal in co-operation with the Secretary of the Tribunal (Registrar). The Secretary General studies all the correspondence received by the Tribunal, including complaints and applications, and refers them to the appropriate divisions.

1.c: Registration of cases is the responsibility of the Secretary of the Tribunal, the Registrar.

Portugal

1.b: According to the provisions of the Civil Procedure Code, the President or the Deputy President of the Tribunal, with the help of the judicial Secretary or one of the legal Registrars, dispatch cases by drawing lots.

1.c: The President of the Tribunal decides the inscription of complaints for deliberation.

Romania

1.b.c: Only a very few of a Registrar' tasks are in charge of the Secretary General or performed under his/her authority, namely those related to measures before, and after the conduct of the Court proceedings.

Special note. Referrals and complaints are registered, but thereafter taken to the President of the Court who decides on the dispatch of cases among the judges, by appointing a judge-rapporteur (and an assistant-magistrate) in every case. Once the judge-rapporteur has prepared and handed over the case-report, the President decides on the date of proceedings for adjudication.

Russia

1.b: Among the legal research departments.

1.c: Not personally.

Slovenia

1.b: Concerning the assignment of new cases to judges, the order of precedence has been determined in advance, which is determined in an annual plan of work. The Secretary General assigns cases to legal advisers, according to the field of law that they specialise.

1.c: A legal adviser whom the Secretary General assigns a case defines such case, and such determination is in terms of administrative processing further carried out by the Registrar, which also takes care of all the records (now computer-supported) concerning the case.

South Africa

1.b: By the Registrar, among the judges.

1.c: No. The Registrar does.

Spain

1.b: The Secretary General dispatches the cases among judges for examination purposes. The designation of the judges-rapporteurs follows a pre-established order.

1.c: No, The President, the Plenary Court, the Chambers and the Divisions are in charge of the registration.

Switzerland

1.b: No, but he is responsible of the organisation and the good functioning up to the arrival of the complaint to the Court.

Turkey

1.b: The President of the Court distributes the cases among the judges and rapporteur judges.

Ukraine

1.b: Among the Secretariat employees.

1.c: Yes. Through respective departments of the Secretariat.

2. The Secretary General and the preliminary assessment of admissibility of complaints

2.a: Preliminary assessment of admissibility?

Provided by the Constitution , law, Court regulations, practice?

Country	2.a
Albania	yes, C, LCC
Andorra	no*
Argentina	*
Armenia	LCC, RCC
Austria	*
Azerbaijan	RCC*
Belarus	RCC, P
Belgium	P
Bosnia and Herzegovina	RCC
Bulgaria	no*
Czech Republic	no*
Estonia	P
Finland: Supreme Court	no
Finland: Supreme Administrative Court	no
France	C*
Germany	yes, RCC*
Greece	*
Hungary	RCC*
Ireland	*
Israel	RCC, P
Italy	/
Japan	no
Kazakhstan	C, LCC, RCC
Latvia	/
Liechtenstein	/
Lithuania	LCC
Luxembourg	no*
Norway	LCC
Poland	LCC*, RCC*
Portugal	*
Romania	*
Russia	LCC, RCC
Slovakia	LCC
Slovenia	RCC*
South Africa	yes, C
Spain	LCC*, P*
Switzerland	*
Turkey	no
Ukraine	RCC

C = Constitution

LCC = Law on the Constitutional Court

RCC = Regulations of the Constitutional Court

P= Practice

* see comments

Comments

Andorra

2.a: No. In practice, the Secretary General must do a formal examination of the complaint which is transmitted to the judge rapporteur of the case in question.

Argentina

2.a: In practice, the secretaries of each legal field are in charge of the preliminary assessment of the admissibility, either formal or on the merits. Nevertheless, the decision is taken by the Court, which means that the secretaries do only the draft decisions.

Austria

2.a: Every case that fulfils a minimum of formal requirements has to be allocated to a Reporting Judge by the President and must be treated by the Court itself. The Court itself decides on the admissibility of each case. The Secretary General has here no competence.

Azerbaijan

2.a: Complaints are examined by judges on the basis of the Internal Statute of the Court. The complaints those must not be necessarily examined by judges are pre-examined by the Secretariat as provided for by the new draft Law on Constitutional Court.

Bulgaria

2.a: The Registrar is in charge of the complaints.

Czech Republic

2.a: No, The Director has no competence concerning preliminary assessment of admissibility.

The Director has no competence in the proceedings before the Constitutional Court.

Justices may assign to their assistant the task of refusing submissions, if they are manifestly not a petition worthy of instituting proceedings.

France

2.a: For the litigation on the constitutionality of legal texts, it should be verified if the conditions provided by the Constitution are fulfilled: absence of promulgation and submission by an entitled authority or a group of deputies or senators (maximum 60).

For the litigation on electoral matters:

- The complaints not admissible or groundless are examined without investigation: a reasoned decision of the Constitutional Council is needed (Article 38-2 of the order of 7 November 1958 that constitutes the organic law of the Constitutional Council).

Germany

2.a: Yes. There is a preliminary assessment of admissibility by the Secretary General and the deputy. It is provided in the Rules of Procedure of the Federal Constitutional Court.

Greece

2.a: There is no preliminary assessment.

Hungary

2.a: About 30% of the complaints; by the rules.

Ireland

2.a: There is no filtering process for appeals in this sense in the Irish Supreme Court. If an appeal is valid, in that it complies with the legislation and regulations governing forms and routes of appeal, it will be accepted by the Court. If it is without substance, it may eventually be thrown out, but that is largely a matter for the parties in the case to plead rather than for the Court to decide.

Luxembourg

2.a: No. There is no pre-selection body. Article 8 of the law of 27 July 1997 provides that "the preliminary question does not have to fulfil any formal requirement. It must indicate exactly the legislative and constitutional provisions concerned ...".

Poland

2.a: The preliminary assessment of admissibility of complaints is done by the Division for Preliminary Assessment of Constitutional Complaints and Applications. Their opinions are presented to the judges of the Tribunal, who then make appropriate decisions. The procedure of preliminary assessment is regulated by the Constitutional Tribunal Act and the Rules of the Tribunal.

Portugal

2.a: The judges make the preliminary assessment of admissibility. (in some cases, the President of the Constitutional Tribunal

does the assessment, in other cases (complaints) the tribunal that pronounced the contested decision).

Romania

2.a: No such power since only the Plenary Court decides on admissibility of a case, by its decision.

Special note. Otherwise, the Secretary General is in charge of drawing up correspondence related to any petition and complaint falling outside the Court jurisdiction, as assigned by the President of the Court (in average, 400 per year).

Slovenia

2.a: If applications are not defined such that it follows which power of the Constitutional Court they concern, the Secretary General responds to them. The basis for that is determined in the Rules of Procedure of the Constitutional Court. The Secretary explains to the applicant the conditions under which proceedings before the Constitutional Court may be initiated. If an application is such that can be registered as a case falling within the jurisdiction of the Constitutional Court, the judges, in an appropriate composition, decide on its admissibility.

Spain

2.a: The preliminary assessment of admissibility is expressly provided by the LOTC for the complaints for the protection of the fundamental rights (*de amparo*) and the preliminary question. In practice, any new case is subject to a preliminary assessment.

Switzerland

2.a: The Secretary General, with the help of his staff, is only in charge of answering people whom the statement of case does not fulfil the legal requirements, when the statement is incomprehensible or when there is clearly no possibility to lodge a complaint before the Federal Tribunal. In this case, the file is not open (no registration). For the rest, the Secretary General does not intervene.

2. The Secretary General and the preliminary assessment of admissibility of complaints

2.b: Scope of preliminary assessment formal examination or also on the merits?

Country	preliminary assessment
Albania	formal *
Andorra	/
Argentina	formal + merits
Armenia	formal
Austria	formal *
Azerbaijan	formal
Belarus	formal
Belgium	formal + merits
Bosnia and Herzegovina	formal
Bulgaria	/
Czech Republic	no
Estonia	formal + merits
Finland: Supreme Court	/
Finland: Supreme Administrative Court	/
France	*
Germany	formal + merits*
Greece	/
Hungary	formal mainly
Ireland	*
Israel	Formal
Italy	/
Japan	/
Kazakhstan	merits
Latvia	/
Liechtenstein	/
Lithuania	formal
Luxembourg	*
Norway	formal
Poland	formal
Portugal	formal*
Romania	*
Russia	formal + merits
Slovakia	formal + merits
Slovenia	*
South Africa	formal + merits
Spain	formal + merits*
Switzerland	*
Turkey	/
Ukraine	formal*

* see comments

Comments

Albania

2.b: Only formal examination that is related to the legitimacy and the time limit.

Austria

2.b: Every case that fulfils a minimum of formal requirements has to be allocated to a reporting judge by the President and must be treated by the Court itself. The Court itself decides on the admissibility of each case. The Secretary General has here no competence.

France

2.b: For the litigation on electoral matters, ¼ of the complaints are examined without investigation.

Germany

2.b: Both. § 60. 2a) of the Rules of Procedure provides: Constitutional complaints whose acceptance for decision (Article 93a of the Law on the Federal Constitutional Court) is out of the question, since they are clearly inadmissible or, with due regard for the precedents of the Federal Constitutional Court, do not have sufficient prospect of success.

Ireland

2.b: There is no filtering process for appeals in this sense in the Irish Supreme Court. If an appeal is valid, in that it complies with the legislation and regulations governing forms and routes of appeal, it will be accepted by the Court. If it is without substance, it may eventually be thrown out, but that is largely a matter for the parties in the case to plead rather than for the Court to decide.

Luxembourg

2.b: No. There is not any pre-selection body. Article 8 of the law of 27 July 1997 provides that “the preliminary question does not have to fulfil any formal requirement. It must indicate exactly the legislative and constitutional provisions concerned ...”.

Norway

2.b: Formal examination. The Norwegian Supreme Court has the authority in all fields of law. A selection committee within the Court decides whether a case is allowed to be brought before the Supreme Court.

Portugal

2.a: The admissibility decision is a decision on procedural matters. It is not an examination on the merits. Nevertheless, in case of successive and concrete examination, the judge rapporteur may, through a summary decision – a formal mechanism introduced in the LTC in 1998 – take an accelerative decision on the merits, usually in cases where the subject matter of the complaint was already decided by the Tribunal or because the complaint is clearly groundless. Anyway, the summary decision can be referred to the Tribunal.

Slovenia

2.b: The purpose of such proceeding is to prevent judges hearing cases for which it is evident that they do not fall within the jurisdiction of the Constitutional Court.

Spain

2.b: Formal examination and, for a preliminary appreciation, on the merits (for the *de amparo* complaints and for the preliminary question of constitutionality).

Switzerland

2.b: The Secretary General does not intervene.

Ukraine

2.b: Formal consideration as to admissibility of a case and correspondence to the requirements of the Law and Regulations.

2. The Secretary General and the preliminary assessment of admissibility of complaints

2.c. The Secretary General and the conduct of the proceedings

2. c.i What is the approximate number of cases that are found inadmissible?

2.c.ii What is the percentage with regard to admissible complaints?

Country	2.c.i	2.c.ii
Albania	114* (year 2001)	53% (year 2001)
Andorra	50%	50%
Argentina	3414 (year2001)	33,05% (year 2001)
Armenia	78/250	71,2%
Austria	/	/
Azerbaijan	*	*
Belarus	/	99% (year 2001)
Belgium	/	5%
Bosnia and Herzegovina	/	30%
Bulgaria	/	/
Czech Republic	*	*
Estonia	*	*
Finland: Supreme Court	/	/
Finland: Supreme Administrative Court	/	/
France	/	25%*
Germany	4500*	/
Greece	/	/
Hungary	452/1132 (year 2001)*	/
Ireland	/	/
Israel	/	/
Italy	/	/
Japan	/	/
Kazakhstan	5-6	/
Latvia	/	/
Liechtenstein	/	/
Lithuania	a few	5%
Luxembourg	/	/
Norway	/	/
Poland	*	77%*
Portugal	300	/
Romania	400	/
Russia	/	97%
Slovakia	226 (year 2001)	31%
Slovenia	*	/
South Africa	>50%*	>50%
Spain	/	/
Switzerland	*	50% + 27% + 11%*
Turkey	/	/
Ukraine	47	55% about

* see comments

Comments

Albania

2.c: For the year 2001, from 213 registered cases 114 have not passed for judgement (53%). Whereas, for the first 6 month period, from 147 registered cases, 111 have not passed for judgement (75%).

Azerbaijan:

2.c: Every case that fulfils a minimum of formal requirements has to be allocated to a Reporting Judge by the President and must be treated by the Court itself. The Court itself decides on the admissibility of each case. The Secretary General has here no competence.

Czech Republic

2.c: Table No 2

The number of completed submissions according to the nature of the decisions

Year	judgment	put aside as no capable of proceedings	ruling, resolution
1993	4	91	368
1994	75	193	564
1995	129	192	905
1996	189	270	1001
1997	192	338	1417
1998	187	309	1607
1999	177	268	2036
2000	183	259	2499
2001	107	240	2092

Thick printed numbers are not final, because all cases from this year have not yet been decided.

Table No 3

The number of completed submissions according to the nature of the decisions

Year	Total number of submissions	Judgments %	Resolutions %	Refusing submissions %
1993	523	7,8	70,3	17,3
1994	862	8,7	65,4	22,3
1995	1277	10,1	70,8	15
1996	1511	12,3	66,2	17,8
1997	2024	9,4	69,9	16,6
1998	2221	8,4	72,3	13,9
1999	2579	6,8	78,9*	10,4*
2000	3140	5,8	79,5*	8,2*
2001	3049	3,4	68,6*	7,8*

Numbers with * are not final, because all cases from this year have not yet been decided.

Estonia

2.c: None of the complaints submitted have been found inadmissible on formal grounds. This is likely to be changed with the application of new Constitutional Review Act.

Germany

2.c: The number of cases that are found preliminarily inadmissible is 4,500 p.a., and 3,000 meet the requirements of admissibility

Hungary

2.c: In 2001, from 1132 received cases, 452 ones where found inadmissible, due to the lack of competence or due to the lack of legal conditions, in spite of calling upon herein.

Poland

2.c: In preliminary procedures, the judges decide that approximately 77% of complaints lodged with the Constitutional Tribunal are inadmissible, which means that about 23% of complaints are referred to the Tribunal for consideration. It should be stressed that the decision of a judge to refuse to proceed a complaint (i.e. the complaint is found inadmissible) may be appealed against. The appeal is considered by 3 judges of the Tribunal, who can uphold the decision of the first judge or repeal it by ruling that the complaint is admissible, or drop the appeal on formal grounds.

Slovenia

2.c: The Secretary responds to approximately 160 such applications per year. Some of them, if supplemented, are registered in appropriate lists, and also decided upon.

South Africa

2.c: Majority of cases not of constitutional nature.

Switzerland

2.c: Rejects: 50 %, inadmissibility: 27 %, radiation: 11%, admission: 12 %.

2. The Secretary General and the preliminary assessment of admissibility of complaints

2.d: Is the Secretary General in charge of the correspondence in this matter with the complainants?

Country	2.d
Albania	yes*
Andorra	yes*
Argentina	yes
Armenia	yes
Austria	no*
Azerbaijan	yes*
Belarus	yes
Belgium	yes
Bosnia and Herzegovina	yes
Bulgaria	/
Czech Republic	no
Estonia	yes
Finland: Supreme Court	/
Finland: Supreme Administrative Court	/
France	no*
Germany	yes*
Greece	/
Hungary	yes
Ireland	/
Israel	yes
Italy	/
Japan	/
Kazakhstan	no
Latvia	/
Liechtenstein	/
Lithuania	yes
Luxembourg	/
Norway	/
Poland	no*
Portugal	no*
Romania	yes*
Russia	yes
Slovakia	no
Slovenia	yes*
South Africa	yes
Spain	no
Switzerland	yes*
Turkey	yes
Ukraine	yes

* see comments

Comments

Albania

2.d: Yes. The Secretary General deals with the complaints and gives administrative responses in cases outside the jurisdiction of the Constitutional Court. These complaints are registered in a special Registrar.

Andorra

2.d: Yes. The Secretary General notifies the decisions taken by the judge rapporteur or by the Court.

Austria

2.d: Every case that fulfils a minimum of formal requirements has to be allocated to a Reporting Judge by the President and must be treated by the Court itself. The Court decides on the admissibility of each case. The Secretary General has here no competence.

Azerbaijan

2.d: Yes. According to the new draft Law on Constitutional Court the correspondence with the complainants is implemented by the Court secretariat.

France

2.d: The Registrar is in charge of the correspondence with the complainants.

Germany

2.d: Yes. If a case is patently inadmissible, the complainant is informed of the deficiencies in a letter.

Poland

2.d: In case of complaints and applications submitted to the Tribunal the correspondence is the responsibility of the judges or authorised staff members under the supervision of the judges.

Portugal

2.d: No. As a general rule, the Judicial Secretary is in charge of the correspondence with the complainants, or the legal registrars by delegation. In some cases, the President of the Tribunal or the Secretary General signs the correspondence.

Romania

2.d: Special note. Otherwise, the Secretary General is in charge of drawing up correspondence related to any petition and complaint falling outside the Court jurisdiction, as assigned by the President of the Court (on average, 400 per year).

Slovenia

2.d: The Secretary responds to Approximately 160 such applications per year. Some of them, if supplemented, are registered in appropriate lists, and also decided upon.

Switzerland

2.d: See answer under letter 2.a. For the rest, not at all. The Secretary General's competence starts again after the communication of the decision to the parties: he answers the parties when they cannot accept the decision or for deciding about the consultation of the cases archived.

2. The Secretary General and the preliminary assessment of admissibility of complaints

2.e Is the decision of non-admissibility systematically confirmed by a Court decision?

Country	2.e
Albania	yes*
Andorra	/
Argentina	yes*
Armenia	yes
Austria	*
Azerbaijan	yes*
Belarus	yes
Belgium	yes
Bosnia and Herzegovina	yes*
Bulgaria	/
Czech Republic	no
Estonia	*
Finland: Supreme Court	/
Finland: Supreme Administrative Court	/
France	yes*
Germany	no*
Greece	/
Hungary	no*
Ireland	*
Israel	no*
Italy	/
Japan	/
Kazakhstan	no
Latvia	/
Liechtenstein	/
Lithuania	yes
Luxembourg	/
Norway	*
Poland	no*
Portugal	no*
Romania	/
Russia	yes
Slovakia	yes
Slovenia	*
South Africa	yes
Spain	*
Switzerland	yes*
Turkey	/
Ukraine	yes*

* see comments

Comments

Albania

2.e: Yes. The decision of non-admissibility during a Court hearing is taken by the colleges of the Constitutional Court. In cases where the college is not able to decide on passing or not of a certain case for judgement, then the competent body is the Meeting of Judges, which decision is final.

Argentina

2.e: The decisions of non-admissibility are usually confirmed by the Court.

Austria

2.e: Every case that fulfils a minimum of formal requirements has to be allocated to a Reporting Judge by the President and must be treated by the Court itself. The Court itself decides on the admissibility of each case. The Secretary General has here no competence.

Azerbaijan

2.e: Specification of inadmissibility of complaints is made.

Bosnia and Herzegovina

2.e: In the cases of inadmissibility the Court shall decide by rulings and the appellant shall be informed in writing about the reasons why the appeal was not included in the case-list.

Estonia

2.e: Inadmissibility is solely decided on reasoned Court decisions.

France

2.e Yes. It is a decision of the Constitutional Council.

Germany

2.e: No. Only if the complainant insists on a Court decision.

Hungary

2.e: Not systematically.

Ireland

2.e: There is no filtering process for appeals in this sense in the Irish Supreme Court. If an appeal is valid, in that it complies with the legislation and regulations governing forms

and routes of appeal, it will be accepted by the Court. If it is without substance, it may eventually be thrown out, but that is largely a matter for the parties in the case to plead rather than for the Court to decide.

Israel

2.e: Only if there is an appeal on a decision to a judge.

Norway

2.e: The Norwegian Supreme Court has the authority on all fields of law. A selection committee within the Court decides whether a case is allowed to be brought before the Supreme Court.

Poland

2.e: No. A judge's decision to refuse to admit a complaint is considered by the Tribunal in a bench of 3 judges, as an appeal. However, this happens only when the initial decision has been appealed against.

Portugal

2.e: In case of appeal, the decision of inadmissibility is generally confirmed by the Tribunal.

Slovenia

2.e: The Secretary responds to approximately 160 such applications per year. Some of them, if supplemented, are registered in appropriate lists, and also decided upon.

Spain

2.e: A Court's body takes the decision on admissibility always.

Switzerland

2.e: Yes, except for the cases mentioned under point 2.a. The party may ask a formal decision of the Court, which is rare.

Ukraine

2.e: Yes. Systematically in case the complainant insists upon the consideration of his/her case; also in case of the Court's decision to refuse to opening a case.

3. The Secretary General and the conduct of the proceedings

3.a: Does any texts foresee a time limit in which a case must be dealt with?

Country	3.a
Albania	no,*
Andorra	yes, C*
Argentina	no*
Armenia	yes, LCC, RCC*
Austria	*
Azerbaijan	yes, C, LCC
Belarus	yes
Belgium	yes
Bosnia and Herzegovina	no
Bulgaria	/
Czech Republic	no*
Estonia	yes*
Finland: Supreme Court	no
Finland: Supreme Administration Court	no
France	yes, C*
Germany	no
Greece	/
Hungary	no
Ireland	no
Israel	no
Italy	/
Japan	/
Kazakhstan	yes
Latvia	yes, LCC
Liechtenstein	/
Lithuania	yes, LCC
Luxembourg	yes*
Norway	no
Poland	yes *
Portugal	yes, C*
Romania	yes, RCC*
Russia	yes, LCC
Slovakia	no
Slovenia	yes*
South Africa	yes, C
Spain	LCC*
Switzerland	no
Turkey	yes*
Ukraine	yes, LCC*

C = Constitution

LCC= Law on the Constitutional Court

RCC = Regulations of the Constitutional Court

* see comments

Comments

Albania

3.a: No, but during the judicial review the Constitutional Court is referred, according to the law, to the rules of the Civil Procedure Code.

Andorra

3.a: Yes. The Constitution provides that the Court must decide on the constitutional complaints against the laws and on the preliminary questions of the Courts of first instance within the term of 2 months.

In practice, the Court decides on the complaints *d'amparo* (complaints made by a private individual for the constitutional protection) within the same term, and the same applies to the rest of the procedures carried before the Court.

Argentina

3.a: There is not a time-limit to deal with the case.

Armenia

3.a: Yes. By law and Regulations of the Court maximum one month.

Austria

3.a: The Secretary General has no influence here. The Reporting Judge is exclusively responsible for the conduct of the proceedings until he/she decides that a case is ready for deliberation by the Court.

Czech Republic

3.a: No. Time limit for the proceedings before the Constitutional Court is not foreseen.

Estonia

3.a: The Constitutional Review Act states that the cases should be decided within reasonable time, this could not exceed 4 months. There are certain applications that require shorter time limits. For example, the complaints concerning decisions on elections have to be decided within 3 workdays.

France

3.a: Concerning litigation on constitutionality of laws, the Constitution provides that the Constitutional Council should take a decision within one month (8 days in case of

emergency asked by the Government, which is rare). Concerning electoral matters, the President's election and the referendums are the subject matter of decisions or opinions "at the same time" or in a very short term. For the examine of the accounts of electoral campaigns of the candidates to the Presidential election, the term is 3 months.

For the litigation of legislative and senatorial elections, there is no term provided by the law; it depends on the number of complaints but it amounts generally to a few months.

Luxembourg

3.a: Articles 10 and 13 of the law of 27 July 1997 provide that:

"In a 30 day term, starting from the notification to the parties to the preliminary question, the parties have the right to present written conclusions before the secretary of the Court; for this fact indeed, they become parties to the proceedings before the Constitutional Court.

The Registrar forwards immediately to the parties a copy of the conclusions presented. The parties then have 30 days, from the day of the notification, for addressing to the Registrar some additional conclusions.

In the 30 days, which follow the terms indicated, the Court listens, in a public hearing, the report of the adviser-rapporteur and the parties and their pleadings. The term provided is suspended between the 15 July and the 16 September of each year. The Court, without the presence of the parties, establishes the date of this hearing; it is communicated by registered letters to the counsels, at least 15 days before the hearing, by the Registrar of the Court.

The above-indicated terms do not vary according to the distance.

The term starts at midnight of the day in which the notification was made and it expires the last day at midnight. The holidays are included in this term. Any delay expiring on Saturday, on Sunday, on a legal holiday day or on another holiday, is extended until the following working day"

- Article 10

"The Court rules by decision on the conformity of the law to the Constitution.

The decisions are taken within 2 months starting from the closing of the discussion. The Court's decisions are reasoned".

- Article 13.

Poland

3.a: The Constitution (Article 224) provides that an application by the President to consider the constitutionality of the Budget Law, before it is signed by the President, must be considered by the Tribunal within 2 months. In other cases there are no limits or deadlines for consideration thereof.

Portugal

3.a: With regard to preventive control, the Tribunal has, according to the Constitution, 25 days for taking a decision. The President of the Republic in case of emergency may reduce this term.

Concerning other complaints, there is no term established for taking the final decision.

Romania

3.a: The Secretary General does not fulfil any functions related to conduct of proceedings within a specific time limit.

Special note. The President of the Court ensures that the time limit of the proceedings is respected: Time limit for the preparation of the case-report by the judge-rapporteur: in principle, no more than 60 (sixty) days, as prescribed by the Court Regulations for the exercise of the Constitutional Court powers set under the Constitution Articles 144 paragraphs a), b), c), h), and i), that is: both the *a priori* and the *a posteriori* constitutional review of laws, the constitutional review of parliamentary standing orders, the verification of requirements concerning legislative initiatives exercised by citizens, and the adjudication of challenges brought against the constitutionality of a political party.

Slovenia

3.a: It is determined only pursuant to the Referendum and People's Initiative Act that the Constitutional Court must decide on a request for the review of the constitutionality of a referendum question in a time limit of 30 days; otherwise the time limits are not determined.

Spain

3.a: The LOTC provides different time limits for each type of procedure.

Turkey

3 a Yes. Various time limits according to the subject of the case.

Ukraine

3.a: Yes. Article 57 of the Law "On the Constitutional Court of Ukraine" sets a time limit for constitutional jurisdiction from 3 to 6 months, in case of urgent cases, 1 month.

3. The Secretary General and the conduct of the proceedings

- 3.b: What is the average time limit between receiving a complaint and the decision of its admissibility?
- 3.c: What is the average time limit between its admissibility and the final decision of the Court?

Country	3.b	3.c
Albania	2 months	2-6 months
Andorra	1 month	2 month
Argentina	*	*
Armenia	1 month max	1 month max
Austria	*	*
Azerbaijan	7-15 days	7-60 days
Belarus	1 month	3 months
Belgium	30 days	1 year
Bosnia and Herzegovina	6-10 months	12-16 months
Bulgaria	/	/
Czech Republic	*	1 year*
Estonia	/	2 months
Finland: Supreme Court	/	/
Finland: Supreme Administrative Court	/	/
France	*	Several months*
Germany	1 month*	3-12 months
Greece	/	/
Hungary	1-2 months	1-2 years
Ireland	/	/
Israel	1 day 1 month*	<1 year*
Italy	/	/
Japan	/	/
Kazakhstan	3 days	1 month
Latvia	21 days	4-5 months
Liechtenstein	/	/
Lithuania	7 days	1,5 year
Luxembourg	*	*
Norway	/	/
Poland	3-4 months	8 months
Portugal	10 days or 25 days*	1 day – 1 year*
Romania	30 days*	4,5 months*
Russia	1-4 months*	3-6 months
Slovakia	1 month	Several months
Slovenia	416 days*	191 days*
South Africa	21 days*	*
Spain	*	*
Switzerland	*	120 days*
Turkey	10 days*	*
Ukraine	<1 month	3-6 months*

* see comments

Comments

Argentina

3.b.c: If the Court finds the case admissible, it also takes a decision on the merits.

Austria

3.b.c: The Secretary General has no influence here. The Reporting Judge is exclusively responsible for the conduct of the proceedings until he/she decides that a case is ready for deliberation by the Court.

Czech Republic

3.b: The number of the submissions is increasing. Judges work with every submission. Nevertheless, the average time limit between receiving a submission and final decisions does a year. According to the statistic only 6 cases from the year 2000 are still to be decided.

We do not make two steps decision in sense that first is taken a decision on admissibility and then decision on the merit.

3.c: It is not possible to determine. We do not make any difference between administrative decisions and decisions on merits.

France

3.b: With regard to litigation on constitutionality of laws, on the merits there is no declaration of admissibility. On the other hand, it happened in the past that the Constitutional Council rejected a parliamentary complaint because presented at time expired.

3.c: Concerning litigation on constitutionality of laws, the Constitution provides that the Constitutional Council should take a decision within one month (8 days in case of emergency asked by the Government, which is rare). Concerning electoral matters, the President's election and the referendums are the subject matter of decisions or opinions "at the same time" or in a very short term. For the examine of the accounts of electoral campaigns of the candidates to the Presidential election, the term is 3 months.

For the litigation of legislative and senatorial elections, there is no term provided by the law; it depends on the number of complaints but it amounts generally to a few months.

Germany

3.b.c The average time between the reception of a complaint and the informing letter to the

complainant is Approximately 4 weeks. If the complainant wants a decision of the Court, the time is between approximately 3 and 12 months.

Israel

3.b: Usually on the same day. In case there is a problem with the complaint, it might take up to a month.

3.c: The answer depends on the type of case but it stands at the moment on less than a year.

Luxembourg

3.b.c: Articles 10 and 13 of the law of 27 July 1997 provide that:

"In a 30 day term, starting from the notification to the parties to the preliminary question, the parties have the right to present written conclusions before the secretary of the Court; for this fact indeed, they become parties to the proceedings before the Constitutional Court.

The Registrar forwards immediately to the parties a copy of the conclusions presented. The parties then have 30 days, from the day of the notification, for addressing to the Registrar some additional conclusions.

In the 30 days, which follow the terms indicated, the Court listens, in a public hearing, the report of the adviser-rapporteur and the parties and their pleadings. The term provided is suspended between the 15 July and the 16 September of each year. The Court, without the presence of the parties, establishes the date of this hearing; it is communicated by registered letters to the counsels, at least 15 days before the hearing, by the Registrar of the Court.

The above-indicated terms do not vary according to the distance.

The term starts at midnight of the day in which the notification was made and it expires the last day at midnight. The holidays are included in this term. Any delay expiring on Saturday, on Sunday, on a legal holiday day or on another holiday, is extended until the following working day"

- Article 10

"The Court rules by decision on the conformity of the law to the Constitution.

The decisions are taken within 2 months starting from the closing of the discussion. The Court's decisions are reasoned".

- Article 13.

Portugal

3.b: In case of preventive control, the President of the Tribunal has the term of one day for taking the admissibility decision. In case of abstract and successive control the term given is 10 days.

With regard to the successive control, the term given to the judge a quo for pronouncing the decision of admissibility is the term established in the Code of Civil Procedure (10 days).

3.c: In case of abstract and preventive control, the Tribunal has, according to the Constitution, the maximum term of 25 days. As a general rule, the Tribunal takes a decision before the term expires. In case of abstract and successive control, the complaints are usually decided in a term running from a few days up to a year.

Romania

3.b: -Time limit for fixing the day of proceedings for the case adjudication: 30 (thirty) days after the handing over of the case-report by the judge-rapporteur.

3.c: Average time limit between registration of a referral (within the *a posteriori* review of constitutionality by means of a plea of unconstitutionality referred to the Constitutional Court by a Court of ordinary jurisdiction) and the final decision of the Court is four and a half months in the year 2001, respectively three and a half months in the year 2002.

In the case of the preliminary (*a priori*) review of laws, the average time limit is considerably shorter.

In exercising other specific powers laid down by the Constitution (for example, in the adjudication of challenges against registration or non-registration of candidates in the elections to the office of President of Romania, the Court is bound to pass its ruling within 48 hours).

Russia

3.b: One to 4 months (if decided by the Court).

Slovenia

3.b.c: Constitutional complaints (which are allowed against individual acts after the prior exhaustion of all legal remedies in judicial proceedings), which represent almost two thirds of all the caseloads in a particular year, are heard in very different time periods – depending on the fact whether the case has priority or not, and whether by its nature it requires immediate hearing (for example,

constitutional complaints against the dismissal of a candidacy at elections. The average time from the receiving of these cases to the decision on their admissibility (reached by a panel of 3 judges) is 416 days. From the decision of the panel on the acceptance of a constitutional complaint for consideration to the final decision, it takes on average approximately 191 days.

South Africa

3.b: Depends on the urgency of the matter, about 21 days

3.c: This depends entirely on the facts, technicality and agreement between the parties.

Spain

3.b.c: It is difficult to determine, in abstract, average time limits.

Switzerland

3.b: There is any separated decision on admissibility.

3.c: 120 days between the registration of the complaint and the notification of the decision.

Turkey

3.b: 10 days, as stated in the Constitutional Court Regulations.

3.c: No time limit.

Ukraine

3.c: According to the Article 57 of the Law “On the Constitutional Court of Ukraine” – from 3 to 6 months.

3. The Secretary General and the conduct of the proceedings

3.d: Is the Secretary General in charge of ensuring that the time limit of the proceedings is respected?

Country	3.d
Albania	no
Andorra	yes
Argentina	yes*
Armenia	no
Austria	no*
Azerbaijan	*
Belarus	yes
Belgium	yes
Bosnia and Herzegovina	yes*
Bulgaria	no*
Czech Republic	no*
Estonia	yes
Finland: Supreme Court	/
Finland: Supreme Administrative Court	/
France	yes, if *
Germany	yes, if*
Greece	/
Hungary	yes, if*
Ireland	no*
Israel	no*
Italy	/
Japan	/
Kazakhstan	yes
Latvia	/
Liechtenstein	/
Lithuania	no
Luxembourg	no*
Norway	/
Poland	no*
Portugal	non
Romania	no*
Russia	yes, if*
Slovakia	no
Slovenia	yes*
South Africa	no*
Spain	no
Switzerland	no*
Turkey	no
Ukraine	yes

* see comments

Comments

Argentina

3.d: The secretaries are in charge of ensuring that the time-limit of the proceedings is respected with regard to the procedural acts that depend on the parties.

Austria

3.d: The Secretary General has no influence here. The Reporting Judge is exclusively responsible for the conduct of the proceedings until he/she decides that a case is ready for deliberation by the Court.

Argentina

3.d: The Secretaries General are responsible for respecting the time limit with regard to steps in judicial proceedings in which depend on parties.

Azerbaijan

3.d: This issue is to be settled in the new draft of Internal Statute of the Court.

Bosnia and Herzegovina

3.d: There is no time limit prescribed. The Secretary General is responsible for the timely processing of the cases.

Bulgaria

3.d: The Registrar is in charge of the proceedings.

Czech Republic

3.d: No, time limit is not foreseen.

France

3.d: Yes. If it is provided. *De facto*, yes.

Germany

3.d: Only in the preliminary assessment of admissibility.

Hungary

3.d: During the preparation, Yes.

Ireland

3.d: There are no strict time limits on cases before the Supreme Court, but if there was inordinate delay, it would be a matter for the judges on the Court to deal with.

Israel

3.d: No. This is managed by the Registrar.

Luxembourg

3.d: After the expiration of the term, the Registrar forwards the file to the President in order to determine the composition of the Court and the fixation of the date of the hearing.

Poland

3.d: The Secretary General may be responsible for respecting the time limits of the Tribunal's works only in the context of the quality and reliability of the staff's performance.

Romania

3.d: The Secretary General does not fulfil any functions related to conduct of proceedings within a specific time limit.

Russia

3.d: Certain stages only.

Slovenia

3.d: As the Secretary General heads the work of legal advisers, one of his or her tasks is also to provide decision-making within a reasonable time.

South Africa

3.d: No. The Registrar, who is accountable to the Secretary General.

Switzerland

3.d: No. He puts the control instruments, namely the statistics, at the Presidents of the Courts' disposal.

4. The Secretary General and assistance to the judges

- 4.a: Is the Secretary General in charge of material assistance to judges?
 4.b: Does the Secretary General supervise assistance in preparing decisions (draft decisions?)?
 4.c: Does the Secretary General organise working sessions for judges (within the registry, among the judges, within chambers)?

Country	4.a	4.b	4.c
Albania	yes	no	no
Andorra	yes	yes	yes
Argentina	yes*	yes*	no*
Armenia	no	no	yes
Austria	no	no	no*
Azerbaijan	no	*	*
Belarus	yes	no	no
Belgium	yes	no	no
Bosnia and Herzegovina	yes	yes	no
Bulgaria	no	no	no
Czech Republic	no	no*	no
Estonia	yes	yes	yes
Finland: Supreme Court	no	no	no
Finland: Supreme Administrative Court	no	no	no
France	yes	yes*	yes*
Germany	no*	no	yes*
Greece	no	no	no
Hungary	no	no	no
Ireland	no*	no	no
Israel	no*	no*	no
Italy	/	/	/
Japan	no	no	no
Kazakhstan	no	yes	no
Latvia	/	/	/
Liechtenstein	/	/	/
Lithuania	yes*	no	no
Luxembourg	*	no	no
Norway	yes	yes*	yes
Poland	yes*	no*	*
Portugal	no*	no*	no*
Romania	yes	no	yes
Russia	no	yes	yes
Slovakia	yes	no	no
Slovenia	yes*	*	yes*
South Africa	yes*	no	no
Spain	yes*	no	no*
Switzerland	no*	no	no
Turkey	yes	no*	/
Ukraine	no	yes	yes

* see comments

Comments

Argentina

4.a: The secretaries are in charge of material assistance to the judges.

4.b: The secretaries supervise assistance in preparing decisions.

4.c: Any Secretary is in charge of the organisation of the working session for the judges.

Austria

4.c: The Secretary General is in charge of the organisation of the Court Sessions which generally takes place 4 times per year and last for 3 weeks.

Azerbaijan

4.b.c: This issue is to be settled in the new draft of Internal Statute of the Court.

Czech Republic

4.b: No. The law clerks of Justices prepare the written draft of a judgement or a resolution and secretaries draft it.

France

4.b: Yes. In agreement with the legal department

4.c: Yes. His coordination tasks concern the whole course of the complaint.

Germany

4.a: No. Only the law clerks.

4.c: Yes. For example the Plenum, but not the normal meetings of the judges.

Ireland

4.a: No. That is largely for the Judges' Library, the Judicial Support Unit, the Judicial Studies Institute and the Judicial Researchers.

Israel

4.a: No. The judges are assisted by legal assistance and clerks that are supervised only by the relevant judge.

4.b: No. This is done by the Registrar.

Lithuania

4.a: Yes, in part.

Luxembourg

4.a: The Registrar forwards copy of the procedure of the files to the Constitutional Court's members.

Norway

4.b: Yes (under his authority).

Poland

4.a: Yes. The Secretary General is in charge of proper organisation of assistance to the judges in consideration of cases, which includes providing them with access to materials, studies, sources of law. Such assistance is mainly offered to the judges – upon their request – by the Jurisprudence and Research Division, and the Tribunal Library. Direct assistance to the judges is mainly provided by their assistants and adjudication experts.

4.b: No. Preparation of drafts of the Tribunal's judgements is the sole responsibility of the judges, who are assisted in this task by their assistants and adjudication experts.

4.c: The Secretary General only provides technical and organisational facilities for the work of the judges, for their working meetings and for hearings at the Tribunal, according to the requests of the judges and the President of the Tribunal.

Portugal

4.a: The Secretary General has no participation or responsibility concerning the technical and legal assistance given to the judges. Every judge is assisted in his research works and in the study of the complaints, as well as in the draft of the decisions, by a lawyer of his choice.

4.b: No. The judge rapporteur, in collaboration with his lawyer, makes the preparation of the drafts decisions. In case of abstract and preventive control, the President of the Tribunal presents a preliminary report. The Tribunal discusses it and the final decision is based on the result of such a discussion.

4.c: No. The President of the Tribunal determines the organisation of the Tribunal meetings, should it be in plenary assembly, in section or in conference.

Slovenia

4.a: Yes. The Secretary General is present at Constitutional Court sessions, in which cases falling within the jurisdiction of the Constitutional Court are decided upon; he or she is also present at panel sessions to examine constitutional complaints, where one of his or her tasks is also to make sure that the decision-making of the panels is uniform.

4.b: He or she occasionally supervises the work or actively participates in the preparation of draft decisions.

4.c: Yes. He or she organises the work of plenary sessions and panel sessions (calls sessions, takes care of minutes, gives orders to staff when necessary).

South Africa

4.a: Yes. He is the Judges' support system.

Spain

4.a: Yes. Through the Departments and the Division of the General Secretariat.

4.c: No. The secretaries of Justice do that.

Switzerland

4.a: No. This a Registrars' exclusive task.

Turkey

4.b: No. Rapporteur judges supervise the support given in preparing decisions.

5. The Secretary General and the hearings of the Court

5.a: Number and rate of Court hearings/year

Country	5.a
Albania	36 (as from 1.01 until 25.09.02)
Andorra	11*
Argentina	*
Armenia	106
Austria	8-10
Azerbaijan	*
Belarus	variable
Belgium	20 about
Bosnia and Herzegovina	*
Bulgaria	60 about
Czech Republic	*
Estonia	*
Finland: Supreme Court	Less then 10
Finland: Supreme Administrative Court	Only few oral hearings
France	1/week*
Germany	10-15 about
Greece	80-110*
Hungary	100-110 plenary
Ireland	250
Israel	/
Italy	/
Japan	*
Kazakhstan	20-30
Latvia	19 (year 2002)
Liechtenstein	10 about
Lithuania	20
Luxembourg	+/- 4
Norway	160 about*
Poland	65 about*
Portugal	2x/week*
Romania	80*
Russia	25 + 20 *
Slovakia	108 plenary 170 senate
Slovenia	5*
South Africa	50 about
Spain	2*
Switzerland	122 (year 2001)*
Turkey	1/week
Ukraine	3/week*

* see comments

Comments

Andorra

5.a: The Court meets ordinarily once a month. So, without taking into account the rare extraordinary meetings, the Court meets 11 times per year.

Argentina

5.a: The Court does not celebrate hearings, except for exceptional cases.

Azerbaijan

5.a: 15 cases were considered in 2001. That is 23% of the total cases considered since the Court began its functioning.

Bosnia and Herzegovina

5.a: As a rule, the work of the Court is done in sessions. Hearings are held only when the Court decide that they are necessary.

Czech Republic

5.a: The task of the Justice Rapporteur is to prepare the case for decisions. The Justice Rapporteur prepares the matter for the Plenum or for the Panels and he/she proposes a date of the hearings. Justices approve it and the organisational department ensures all necessary for the achievement of the hearings.

Estonia

5.a: Under the old law, all the constitutional review cases included the public hearing. The new Constitutional Review Act also foresees possibility of written procedure, but to date, this has not been applied.

France

5.a: Very variable, because of electoral terms and of the rhythm of parliamentary work (and also the number of submissions); for the litigation on the constitutionality of legal texts, December and July are the heaviest months. There is no defined pace; the average of one hearing per week may be overcome.

Greece

5.a: Up to 110 if it is an year of elections, up to 10 in the other cases.

Japan

5.a: The Secretary General does not deal with cases.

Norway

5.a: 75-90 civil cases per year; 70-75 criminal cases per year, for a total number of 160 cases.

Poland

5.a: The number of hearings at the Tribunal per year – 65. At the same time the Tribunal considers some cases – such as admissibility of a complaint, appeals against decisions in such cases, decisions to discontinue the proceedings – at approximately 280 meetings in camera.

Portugal

5.a: As a general rule, the Tribunal has at least 2 hearings per week, on Tuesday and Thursday.

Romania

5.a: About 80 (eighty) per year, regularly held twice a week, except for the summer recess.

Russia

5.a: 25 case hearings, 20 sessions on admissibility.

Slovenia

5.a: The Constitutional Court holds only a few public hearings (approximately 5 per year).

Spain

5.a: The public hearings are only occasionally held, considering that the constitutional procedure is, as a general rule, written. In 2001, the Court held only 2 public hearings.

Switzerland

5.a: 122 hearings in 2001 for all Courts of the Federal Tribunal.

Ukraine

5.a: 3 sessions a week, excluding extraordinary sessions.

5. The Secretary General and the hearings of the Court

5.b: Does the Secretary General decide on the schedule of the hearings?

5.c: Does the Secretary General send out the summons to the hearings?

5.d: Is the presence of the Secretary General required at the hearings?

Country	5.b	5.c	5.d
Albania	no	no*	no
Andorra	yes	yes	yes*
Argentina	yes*	yes	yes
Armenia	no	yes	yes
Austria	yes*	no	no
Azerbaijan	no	*	*
Belarus	no	yes	no
Belgium	no	yes	yes
Bosnia and Herzegovina	no	yes	yes
Bulgaria	no	no	yes*
Czech Republic	no	no*	no
Estonia	yes*	yes	yes*
Finland: Supreme Court	no	no	no
Finland: Supreme Administrative Court	no	no	no
France	yes*	no*	yes
Germany	no	no	*
Greece	yes*	yes*	yes
Hungary	*	yes	Yes
Ireland	yes	yes	yes*
Israel	no*	yes	No
Italy	/	/	/
Japan	no	no	no
Kazakhstan	no	yes	yes
Latvia	no*	/	/
Liechtenstein	no	yes	yes
Lithuania	no	no	no
Luxembourg	no*	yes*	yes*
Norway	yes*	yes	no
Poland	no*	no*	no*
Portugal	no*	no*	no*
Romania	no	no	no
Russia	yes*	yes	yes
Slovakia	no	no	no
Slovenia	no	*	yes*
South Africa	no*	yes*	no
Spain	no	no	no*
Switzerland	no*	no*	no
Turkey	no	*	no
Ukraine	no	yes	*

*= see comments

Comments

Albania

5.c: No. It is the Chief Registrar.

Andorra

5.d: Yes. The presence of the Secretary General would not be essential, because the law on the Court provides that, if the President believes that it is convenient, the Secretary General shall follow the hearing and write the record, but, in practice, the Secretary is always present at the hearings.

Argentina

5.b: The Secretary in charge of the case concerned is also in charge of the schedule of the hearings.

Austria

5.b: Before each Court Session the Secretary General coordinates the schedule of the hearings. The President has to publish the Agenda of Public Hearings on the basis of the results of this coordination meeting.

Azerbaijan

5.c.d: This issue is to be settled in the new draft of Internal Statute of the Court.

Bulgaria

5.d: Yes. Only in open hearings.

Czech Republic

5.c: No. The secretaries of Justices send out the summons to the hearings.

Estonia

5.b: He/she is involved in deciding.

5.d: Through practice, yes.

France

5.b: Yes, under the authority of the President and with the agreement of the rapporteurs.

5.c: No. It is the President.

Germany

5.d: There is a meeting of the Chairman of the Panel and the reporting judge with the authorised representatives of the parties to the proceeding. The Secretary General is present at the meeting on behalf of the First Panel.

Greece

5.b: Yes. With the President.

5.c: Yes. It is under his responsibility.

Hungary

5.b: The Secretary General makes proposals to the President.

Ireland

5.d: Yes. Or his deputy.

Israel

5.b: No. This is done by a lawyer under the supervision of the Registrar.

Latvia

5.b: No. The Justices reach the decision on the time and place of the Court session at the organisational session.

Luxembourg

5.b: No. The Court fixes the date of the hearings.

5.c: Yes. The Registrar communicates the date of the hearing by registered letter to the counsels, at least 15 days before the hearing.

5.d: Yes. The Registrar is present at the public hearings and at the general assembly, as well as at the preparation of the disciplinary actions towards the members of the Court.

Norway

5.b: Yes (under his authority).

Poland

5.c: Notifications concerning hearings and summons are sent out by the Secretary of the Tribunal.

5.d: The presence of the Secretary General is neither required nor indispensable.

Portugal

5.b: The Secretary General is not in charge of the planning of the Tribunal work, namely of the hearings. The planning is made by the President, after consulting the plenary assembly of the Tribunal.

5.c: No. The President convenes the hearings.

5.d: No; The judicial Secretary is present at the hearing and he is in charge of the record of the hearing.

Russia

5.b: Partly, yes.

Slovenia

5.c: Parties and other participants in the proceedings are invited to public hearings by the President of the Constitutional Court; the Secretary General informs of such hearings the accredited journalists.

d: The Secretary General must be present at public hearings.

South Africa

5.b: No. The Chief Justice does

5.c: Yes. Referred to as the Chief Justice's directions.

Spain

5.d: No the presence required is that of the Secretary of Justice, who is in charge of the tasks outlined above.

Switzerland

5.b: No. This task is up to the Presidents of the Courts.

5.c: No. The judges and the Registrars prepare the summons for the hearings and the chancelleries send them.

Turkey

5.c: Only in exceptional situations.

Ukraine

5.d: It depends upon the decision of the Court.

6. The Secretary General and Court decisions

6.a: Is the Secretary General in charge of notifying Court decisions to the applicant?

6.b: Is the Secretary General in charge of the correspondence with the petitioners in a case?

Country	6.a	6.b
Albania	yes	yes*
Andorra	yes	yes
Argentina	yes*	no*
Armenia	yes	yes
Austria	no	no*
Azerbaijan	*	*
Belarus	yes	yes
Belgium	yes	yes
Bosnia and Herzegovina	yes	yes*
Bulgaria	no	no
Czech Republic	no*	no*
Estonia	yes	yes
Finland: Supreme Court	no	no
Finland: Supreme Administration Court	no	no
France	yes	*
Germany	yes*	no*
Greece	*	*
Hungary	yes	yes
Ireland	no*	yes
Israel	yes	yes
Italy	/	/
Japan	no	no
Kazakhstan	yes	yes
Latvia	/	/
Liechtenstein	yes	no
Lithuania	no	no
Luxembourg	yes*	yes*
Norway	yes	yes*
Poland	yes*	*
Portugal	no*	no*
Romania	yes*	no*
Russia	yes	yes
Slovakia	no	no
Slovenia	yes	*
South Africa	yes	yes
Spain	no*	/
Switzerland	no*	no*
Turkey	yes	yes
Ukraine	yes	yes

* see comments

Comments

Albania

6.b: Yes. When it is necessary.

Argentina

6.a: An office is in charge of notifying the Court decisions. It is under the responsibility of a Secretary.

6.b: No, there is no correspondence in this part of the procedure.

Austria

6.b: No. Not as long as the proceedings are pending.

Azerbaijan

6.a.b This issue is to be settled in the new draft of Internal Statute of the Court.

Bosnia and Herzegovina

6.b: Yes. Before the case is registered, and after that upon the general approval by the judge rapporteur.

Czech Republic

6.a: No. It is the task of Justices and their secretaries.

6.b: No. Justices and their assistants in the determined cases maintain contacts with the petitioners.

France

6.b: With regard to litigation on legal texts, the contact persons are the Secretary General of the government and the secretaries of the parliamentary groups. In electoral matters, the exchange is made through the Registry. The Secretary General informs the elected person or its council of the decisions of annulment.

Germany

6.a: Yes. The Secretary General's staff.

6.b: No. Only of the correspondence after the decision.

Greece

6.a.b All decisions are notified to the Ministry of Justice, those ones concerning the elections also to the Ministry of the Internal Politics. They are notified to the applicants.

Ireland

6.a: No. Parties to a case will almost always be in Court to hear a decision.

Luxembourg

6.a: Yes. The Registrar sends the decision to the jurisdiction that submitted the case and a certified complying copy is sent to the parties standing before that jurisdiction.(Article 10 of the law of 27 July 1997).

6.b: Yes. The Registrar is in charge of the notification of the preliminary question and of the written conclusions lodged before the Court's Registrars, as well as the communication of the date of the hearings to the parties.

Norway

6.b: Partly.

Poland

6.a: The Tribunal's decisions are sent to the participants in the proceedings by the Secretary of the Tribunal; in performance of this task, he/she is supervised by the President of the Tribunal. The Secretary General is generally responsible for the reliability of the work of the Secretary of the Tribunal and his staff.

6.b: The correspondence with the petitioners in cases before the Constitutional Tribunal – depending on its nature – is the responsibility of the judges, the President, or the Secretary of the Tribunal.

Portugal

6.a: No. Judicial secretary notifies them.

6.b: No. As a general rule, the judicial Secretary is in charge of the correspondence with the complainants, or the legal Registrars by delegation. In some cases, the President of the Tribunal or the Secretary General signs the correspondence.

Romania

6.a: Yes. In charge of sending out Court decisions and the case file back to the Court of law before which the applicant raised the plea of unconstitutionality (within the *a posteriori* review of constitutionality).

Special note. Sending out is done after the Court decisions are signed by the President of the Court and the case file is handed back by the assistant-magistrate.

6.b: No, In charge of the correspondence with the petitioners in a case (see point 6.2 above).

Slovenia

6.b: The Secretary General informs applicants of the state of proceedings in a case. He or she communicates with them also when the proceedings are already completed, but the parties still address complaints to the Court if they are not satisfied with unfavourable decisions.

Spain

6.a: No, it is up to the secretaries of Justice, who are also in charge of the correspondence of the applicants and of the execution of the decisions of the Court.

Switzerland

6.a: No. The chancelleries are in charge of the notifications.

6.b: No. Concerning his duties after the end of the proceedings, see point 2.d.

6. The Secretary General and Court decisions

6.c: Does the Secretary General follow the execution of the decisions of the Court?

Country	6.c
Albania	yes
Andorra	yes
Argentina	no*
Armenia	no
Austria	no
Azerbaijan	*
Belarus	yes
Belgium	*
Bosnia and Herzegovina	no
Bulgaria	no
Czech Republic	no
Estonia	no
Finland: Supreme Court	no
Finland: Supreme Administrative Court	no
France	*
Germany	no
Greece	no
Hungary	yes
Ireland	no
Israel	no*
Italy	/
Japan	no
Kazakhstan	yes
Latvia	/
Liechtenstein	no
Lithuania	no
Luxembourg	no*
Norway	no
Poland	*
Portugal	no*
Romania	no
Russia	yes*
Slovakia	no
Slovenia	yes*
South Africa	yes
Spain	/
Switzerland	no
Turkey	no
Ukraine	yes

* see comments

Comments

Argentina

6.c: The secretaries do not follow the execution of the Court's decisions because the task of following the execution is up to the Courts of first degree.

Azerbaijan

6.c: This issue is to be settled in the new draft of Internal Statute of the Court.

Belgium

6.c: The Secretary follows only the publication.

France

6.c: The question does not apply. According to Article 62 of the Constitution, the Constitutional Council decisions cannot be appealed. They are binding for public powers and for administrative and judicial authorities.

Israel

6.c: No – this is done by a special unit attached to magistrate Courts in Israel.

Luxembourg

6.c: No. The jurisdiction that puts down the preliminary question, as well as other jurisdictions that must rule on the same complaint, must comply with the Court's decision (Article 10 of the Law of 27 July 1997).

Poland

6.c: The Secretary General oversees prompt promulgation of the Tribunal's decisions in appropriate journals. The execution of the Tribunal's decisions by the subjects obliged to do so, especially in the field of law making, is being monitored.

Portugal

6.c: No. With regard to the successive and concrete control (complaints) the decisions are executed by the Tribunals *a quo*.

The Constitution provides that, in case of preventive control, the decision of inconformity, pronounced by the Tribunal, obliges the President of the Republic to put their veto to the act concerned and to send it back to the legislative body, which adopted it. In case of abstract and successive control, the Tribunal declares the unconstitutionality, which is binding and retroactive.

Russia

6.c: Yes. Through special division.

Slovenia

6.c: The Secretary General supervises whether the Court decisions are implemented in the areas in which this is possible (for example, if the Court imposes on the legislature a time limit to remedy the unconstitutionality).

Appropriate findings on that are made for the purpose of an annual report by the President of the Constitutional Court.

