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A. STATUS OF THE SECRETARY GENERAL

I. LEGAL BASIS OF THE STATUS OF THE SECRETARY GENERAL

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

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

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 BH. Legal basis of the status of the Secretary General can be found in the Rules of Procedure of the CCBH and the Court's Decision on the Organisation of the Secretariat of the CCBH. Only recently the Law on Civil Department has been adopted. It should also apply to the CC (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 n° 59-1293 of 13 November 1959, concerning the organisation of the general secretariat of the Constitutional Council.

Law on civil servant: 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, §§ 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 servant: 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 n° 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, only the function 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 Tribunal departments.

According to Article 224, n.º 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 n.º 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 n.º 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 Justice^{1[1]}. 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 n° 28/82 of 15 November by the Law n.° 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.

This change entailed the publication of the law by decree n.° 545 of December 14. 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:

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 eight of the Constitution provides guidelines in respect of courts and the administration of justice.

Spain:

Acknowledgment in the Organic Law 2/1979, on the Constitutional Court (LOTIC): 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.

^{1[1]} Article 46, line 3 of the Law n° 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.

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 six 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 six 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:

- 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

*: see comments

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

Argentina:

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

Azerbaijan:

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:

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:

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 n° 545/99 of December, 14, 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 text^{2[2]}, it is subject to the pertinent legal regulations.

^{2[2]} The legislative act, which at present regulates the status of the senior management is the Law n°44/99 of 22 June. This status is generally common to all the universe of the public service.

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.

South Africa:

1.c: Currently, the director of the Constitutional Court is legally qualified and it would almost be impossible to co-ordinate the functions of the Constitutional Court without any legal background since 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 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.

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.*

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

* = see comments

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

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 the one 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.

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:

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: to the 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:

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

Israel:

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

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

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

Italy:

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 of Secretary General. The amount of his retirement is the same as the other judges.

Japan:

They are equal to that of vice ministers 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:

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:

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 allocations^{3[3]}, the social benefits and the pension.

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, concerning his status, the same rank as the other, rare, servants of the Confederation who are equally nominated, instead of being employed with a contract of public law, which are: the Secretary General of the Parliament, the general Procurer of the Confederation and his procurers (length of the office: four 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[3]} For instance, the allocation for the representation expenditures, in addition to those ones generally attributed to all the public servants.

3. Recruitment of the Secretary General:

3.a General requirements:

General requirements for access to the civil service ?

* = see comments

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

Andorra:

Yes: to have the nationality of Andorra.

Bulgaria:

As for all civil servants.

Czech Republic:

No. 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 comes into force on 1 January.2004.

Finland:

Supreme Court:

Yes: skill, ability and proven civic merit.

Finland:

Supreme Administrative Court:

Yes: skill, ability and proven civic merit.

France:

No – The texts do not provide any special condition.

Germany:

Yes: to be a German.

Greece:

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:

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

Israel:

Yes: Open Public Competition.

Japan:

No person as mentioned below shall be qualified for the civil services: (Article 38 of National Public Department Law)

(1) A major under guardianship or a person under curator ship

(2) A person who has been sentenced to imprisonment or a heavier penalty and has not completed execution or probation.

(3) A person who has been subjected to disciplinary action unless two years have passed since such disciplinary action was imposed upon him/her.

(4) 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.

(5) A person who has organized 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:

Yes: Norwegian citizen; Norwegian language.

Poland:

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

Portugal:

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

Slovakia:

Yes: Citizenship of the Slovak Republic, relevant education.

Slovenia:

1. Citizenship of the Republic of Slovenia.
2. Capacity to contract.
3. Not having been convicted for a criminal offence that prevents one by law from being employed at a State body.

Spain:

Yes: to be a member of the Body of Lawyers of the Constitutional Court.

Switzerland:

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 ? *

* = see comments

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

Andorra:

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

Argentina:

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:

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.

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:

No specific condition.

Germany:

3.b.i: Yes, 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: No. Unnecessary. In practice, the Secretary General is appointed from among judges who have well experienced in practice 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 twenty-seven years old and

a. either hold a Doctor of Laws diploma issued by the Jury of Luxemburg 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 have previously served for five 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:

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

Portugal:

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 of the latter. Besides these requirements, any other specific recruitment condition is required by the law n°545/99.

In addition, the senior management status requires that the candidate to the director general office, either he is a civil servant or not, has a degree.

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 n°. 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's general 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. (six 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: Ten years of work experience.

South Africa:

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

Switzerland:

Complete 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: Yes; appointed from those citizens who are eligible for the position of a professional judge.

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

3.b.iii: Yes; Work experience in the sphere of law for no less than three 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 three 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 ?

upon competition = C

upon nomination = N

* = see comments

Country	3.c	Country	3.c
Albania	N	Italy	N*
Andorra	C+ N*	Japan	*
Argentina	N	Kazakhstan	N
Armenia	N	Latvia	/
Austria	N	Liechtenstein	N
Azerbaijan	N	Lithuania	C
Belarus	N	Luxembourg	Neither, nor
Belgium	C+N	Norway	C
Bosnia and Herzegovina	C+N*	Poland	N
Bulgaria	N	Portugal	N*
Czech Republic	C*	Romania	N
Estonia	C+N*	Russia	N
Finland Supreme Court	C+N	Slovakia	N
Finland Supreme administ. Court	C+N	Slovenia	C+N
France	N	South Africa	C*
Germany	N*	Spain	N
Greece	/	Switzerland	N*
Hungary	C+N	Turkey	N
Ireland	*	Ukraine	N
Israel	C*		

Andorra:

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:

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

Czech Republic:

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 CC to the function of the Director. Any approval was not required.

Estonia:

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

Germany:

Nomination after successful interview.

Ireland:

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

Israel:

Competition - mostly within the courts employees. The final decision is done by a committee of three: A representative of the director of the courts, a representative of another ministry, and a representative of the labour union.

Japan:

Neither. Appointed by the Supreme Court.

Portugal:

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

South Africa:

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:

The administrative Commission, composed by three 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:

Pst = Nomination by the President of the Court

Court = Nomination by the Court

O = Others

*** = Approval necessary ?**

* = see comments

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

Albania:

The nomination is made by the Meeting of Judges. The approval is not necessary.

Argentina:

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

Austria:

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 nine - Reporting Judges of the Court).

Belgium:

No: First there is a presentation of the two candidates made 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:

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

Bulgaria:

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

Czech Republic:

The nomination is made by the President of the Court. The approval is not necessary.

Finland:**Supreme court**

The recruitment is made upon competition and nomination.

Finland:**Supreme Administrative Court**

The recruitment is made upon competition and nomination. The approval is not necessary.

France:

The nomination is made by decree of the President of the Republic, on proposal of the President of the Constitutional Council. The approval is not necessary.

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

Germany:

The nomination is made by the Court. The approval is not necessary.

Hungary:

The nomination is made by the President, with the full agreement of the plenary session.

Italy:

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 the majority of 2/3 of the Court for a three years office, renewable up to seven 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:

Upon suggestion of the President of the Court the Secretary General [Chief of the Office] is appointed [by voting] by the Court and then formally nominated by the President of the Court.

Portugal:

The President of the Constitutional Tribunal, as to the choice of the Secretary General, acts freely, 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, exclusively and without any preliminary condition, the candidates. Nevertheless, he has the obligation to consult the plenary assembly before the nomination of the agent concerned.

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

South Africa:

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:

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

Switzerland:

The administrative Commission, composed by three 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.

Turkey:

The nomination is made by the President of the Court. The approval is not necessary.

Ukraine:

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 ?

* = see comments

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

Austria:

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

Azerbaijan:

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

Estonia:

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

Israel:

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 fiduciary to the State of Israel and its Laws.

Italy:

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

Liechtenstein:

Yes: but we are talking of the Registrar.

Luxembourg:

No. "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:

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

Spain:

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

Switzerland:

Yes. Before the Federal Tribunal.

Ukraine:

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

* = see comments

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

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 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 five 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 five 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.

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. 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. Nevertheless, nowadays the Czech Labour Law does not 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 her office except by a judgement of a Court of law (commit a crime).

Finland:**Supreme Administrative Court:**

4.b: (For ex., a new office/work)

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 any career: in fact, to this day, the office has been taken by secondment from the Council of State or from the magistrate 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 (five 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.

Ten civil servants from the registry of civil and criminal tribunals can be seconded for a undetermined time to the Court's Secretariat. In October 2002, six individuals were assigned to it. The duties of the workers are determined by the President of the Court following a proposition by the Secretary General.

Hungary:

4.c: 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 two years and the third rank is given three 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: Yes: 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 all the term of the President's office, that is, generally, four years and six 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) happens for: (1) the end of the office; (2) the resignation, which can be asked by the person concerned or determined, at any moment, following the initiative of the President^{4[4]} and (3) the 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 the civil servants, generally applicable to the universe of all the 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[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 n° 545/99.

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 two-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 six years, like the 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 the office, the Secretary General may be removed for a serious violation of his obligations. Art. 12 al. 7 of the law on the Confederation staff provides as follows: "There is a reason of immediate termination for both the parties when the rules of good faith do not allow, for the person who gives his notice, the continuation of the work relations".

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

Turkey:

4.a: The term of office is indeterminate.

4.b: In case, 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).

5. Is the Secretary General assisted by a Deputy ?

* = see comments

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

Argentina:

The secretaries have no deputies, but they head the civil servants of lower hierarchy who are their assistants.

Azerbaijan:

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

Bosnia and Herzegovina:

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:

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**

The Secretary General has no deputies but the President of the Court can order one of the auxiliary judges to take care of duties.

Finland:**Supreme Administrative Court**

The Secretary General has no deputies but the President of the Court can order one of the auxiliary judges to take care of duties.

Germany:

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

Ireland:

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:

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

Liechtenstein:

There is no Secretary General.

Luxembourg:

If the Secretary General is prevented from acting, 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:

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

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:

Yes. The Deputy Secretary General equals, in rank and salaries, 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 the case of the absence of the Secretary General, the Deputy Secretary General takes over all of the Secretary General's functions and duties.

Slovenia:

The Secretary General is assisted by a Deputy and has three Assistants which helps lead the staff of legal advisers. Administrative technical services are headed by the Director.

South Africa:

The Secretary General is not assisted by a deputy Director however; the second 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 the quasi-judicial as well as the financial/administrative roles.

Spain:

The Secretary General is assisted by a Deputy-Secretary general.

Switzerland:

Yes. And 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

= Departments headed by the Secretary general

* = see comments

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

Argentina:

1.a: There is not a centralised registry but twelve secretaries that provide assistance to the Court. Each judge has also 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-adjunctive, 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:

a) 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 five 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 seven people, among which three 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 three members: a judge of the judicial order, a judge of the administrative order and a parliamentary servant assisted by three secretaries.

- The library and documentation department includes a head of division and two 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 two 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.

Israel:

Yes. Two Registrars. A centralised registry.

Italy:

1.a: There is a centralised registry and each judge has three legal assistants (judges or university professors commissioned to the Court).

Luxembourg:

1.a: 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:

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 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,
- 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 three 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 & 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 summarized 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 realization 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 realization 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 & 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 by:

1. the staff of legal advisers,
2. the Analysis and International Cooperation Department,
3. the Documentation and Information Technology Department,
4. the Registrar,
5. 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.a.b: The Registrar's office, who oversees the functioning of the general office as well as manning of all the 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

= Departments headed by the Secretary general

* = see comments

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

Austria:

1.a.iv: Legal research is decentralised. All nine Reporting Judges have two to three legal assistants who carry out the research work.

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

Azerbaijan:

1.a: 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-adjunctive, 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 authorization 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 authorized; 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 authorization 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 five 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 seven people, among which three 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 three members: a judge of the judicial order, a judge of the administrative order and a parliamentary servant assisted by three secretaries.

- The library and documentation department includes a head of division and two 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 two 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 fifty eight people.

Germany:

1.a.iv: No, every judge has three or four 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: fourteen lawyers.

1.b.iv: Headed by the Registrar.

Italy:

1.a: There is a centralised registry and each judge has three 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,
- 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 & 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: eight 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:

1. the staff of legal advisers,
2. the Analysis and International Cooperation Department,
3. the Documentation and Information Technology Department,
4. the Registrar,
5. 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.ii: The Registrar's office, who oversees the functioning of the general office as well as manning of all the Registrars of the Court.

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 two or three 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 two or three 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.

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 five 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 SG 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

= Departments headed by the Secretary general

* = see comments

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

Armenia:

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

Austria:

1.b.vi: No, the Head of department is directly responsible before the President.

Azerbaijan:

1.a: 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-adjunctive, 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 authorization 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 five 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 seven people, among which three 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 three members: a judge of the judicial order, a judge of the administrative order and a parliamentary servant assisted by three secretaries.

- The library and documentation department includes a head of division and two 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 two 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 fifty eight people.

Ireland:

1.a.vi: No. IT support for the Irish judiciary is provided by the 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 - to Arabic and English

1.b.vi: Headed by the Registrar

Italy:

1.a: There is a centralised registry and each judge has three 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,
- 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 & 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:

1. the staff of legal advisers,
2. the Analysis and International Cooperation Department,
3. the Documentation and Information Technology Department,
4. the Registrar,
5. 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 two assistants

1.b.v: The Court's finances are managed by an Assistant Registrar and he has two assistants

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

1.b.vii: 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.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 FT and some tasks of representation and driving).

Protocol department: the SG 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

= Departments headed by the Secretary general

* = see comments

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

Albania:

4b.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:

1.a: 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-adjunctive, 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 authorization 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 five 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 seven people, among which three 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 three members: a judge of the judicial order, a judge of the administrative order and a parliamentary servant assisted by three secretaries.

- The library and documentation department includes a head of division and two 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 two 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 fifty eight people.

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 courts 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 three 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.

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,
- 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 & 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:

1. the staff of legal advisers,
2. the Analysis and International Cooperation Department,
3. the Documentation and Information Technology Department,
4. the Registrar,

5. 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.

1.a.x: The Secretary General manages communication with internal as well as external stakeholders.

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 President.

1.a.ix: There is an Office of secretary assistance that gives assistance to the lawyers of the Constitutional Court.

1.b.ix: Headed by the manager.

1.a.x: The Management department.

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 FT and some tasks of representation and driving).

Protocol department: the SG 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

= Departments headed by the Secretary general

* = see comments

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

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:

1.a: 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-adjunctive, 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.

Belarus:

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

Bosnia and Herzegovina:

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

a) 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.

b) 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 authorization 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 five 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 seven people, among which three 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 three members: a judge of the judicial order, a judge of the administrative order and a parliamentary servant assisted by three secretaries.

- The library and documentation department includes a head of division and two 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 two 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 three 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.xi: there are several employees, who perform the functions but there are no special departments as structural units.

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,
- 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 & 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 by:

1. the staff of legal advisers,
2. the Analysis and International Cooperation Department,
3. the Documentation and Information Technology Department,
4. the Registrar,
5. 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.

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 SG 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**

* = see comments

Country	2.a	2.b	Country	2.a	2.b
Albania	9	4	Italy	15	/
Andorra	4	2	Japan	3094	/*
Argentina	9	128	Kazakhstan	7	14
Armenia	9	7	Latvia	7	13
Austria	14*	29*	Liechtenstein	5+5*	0
Azerbaijan	9	/	Lithuania	9	17
Belarus	12	19+12*	Luxembourg	9*	*
Belgium	12	20	Norway	19*	20
Bosnia and Herzegovina	9	8	Poland	15	68
Bulgaria	12	2	Portugal	13*	23*
Czech Republic	15	34	Romania	9	22
Estonia	17	22	Russia	19	120
Finland Supreme Court	20	34	Slovakia	13	22
Finland Supreme administ. Court	21	38	Slovenia	9	28*
France	9	1+3*	South Africa	11	11*
Germany	16	70*	Spain	12	40+5*
Greece	13	/	Switzerland	30	94*
Hungary	11	55	Turkey	15	18
Ireland	8	0	Ukraine	18	30*
Israel	14+2*	35			

Austria:

2.a: 14 (President, Vice President, 12 members), six 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 + 12 assistants of judges.

France:

2.b: The Secretary General + three lawyers (plus secretary).

Germany:

2.b: 70 law clerks, Secretary General, the adviser of the Second Panel, two heads of the General Registry, 12 *Rechtspfleger* (Court Registrars with a three-year training).

Israel:

2.b: 14 and two Registrars.

Japan:

2.b: No statistics available.

Liechtenstein:

2.a: Five and five deputies.

Luxembourg:

2.a: nine members. Article 3 of the law 27 July 1997 provides that:

"(1) nine members compose the Constitutional Court: a President, his Deputy and seven advisers.

(2) The Grand Duke appoints the President, his Deputy and seven advisers.

(3) The President of the High Court of Justice, the President of the administrative Court and the two advisers of the Cassation Court are by right members of the Constitutional Court.

(4) the five 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 three 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 above referred.

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;

16 bailiffs;

20 servants in the administrative field;

16 secretaries (directly assigned to the members).

The whole structure of the Tribunal counts 75 people.

40 servants are under the authority of the Secretary General.

Slovenia:

2.b: 28 people, four of them part time.

Spain:

40 layers and five secretaries of justice.

Switzerland:

2.b: 94 (86 lawyers and eight 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

* = see comments

Country	2.c	2.d	2.e	Country	2.c	2.d	2.e
Albania	29	42	29	Italy	-	175 + 150*	10
Andorra	1	7	2	Japan	*	25148	760
Argentina	257	/	/	Kazakhstan	7	/	/
Armenia	19	34	25	Latvia	3	41	/
Austria	51	80*	80* 47*	Liechtenstein	3	3	0
Azerbaijan	-	110	-	Lithuania	27	44	44
Belarus	6	66,5	26	Luxembourg	1*	10*	*
Belgium	58	78	62	Norway	20	40	40
Bosnia & Herzegovina	15	23	23	Poland	40	108	*
Bulgaria	19	21	21	Portugal	*	75*	40*
Czech Republic	50	84	32	Romania	59	93	43*
Estonia	30	79	*	Russia	20	>300	185
Finland Supreme Court	33	87	66	Slovakia	38	66	5
Finland supreme administrative Court	40	99	78	Slovenia	11	65	41*
France	10*	58	58	South Africa	17	11*	*
Germany	162	244	176	Spain	150	/	*
Greece	6	/	6	Switzerland	98	30 + 192*	86*
Hungary	32	120	45	Turkey	121	154	116
Ireland	10	10	10	Ukraine	44	212	212
Israel	85 + 100*	192	157				

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 + 150 on secondment.

Japan:

2.c: No statistics available.

Luxembourg:

2.c: One, which is the Constitutional Court Registrar.

2.d: 10, namely nine 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 SG - 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:

People working in the Constitutional Tribunal are:

13 judges (including the President and his deputy)

23 jurists, one head of cabinet, eighteen cabinet advisers and four jurists in the Centre of Documentation assistance and legal information;

16 bailiffs;

20 servants in the administrative field;

16 secretaries (directly assigned to the members).

The whole structure of the Tribunal counts 75 people.

40 servants are under the authority of the Secretary General.

Romania:

2.e: Special mention: three 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: Eleven judges secretaries.

2.e: The Secretary General is head of Administration and facilitates communication between the administration and the judges.

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) ?

* = see comments

Country	Recruitment by the Secretary General ? Exclusive power (EP), Shared power (SP)	Country	Recruitment by the Secretary General ? Exclusive power (EP) Shared power (SP)
Albania	no	Italy	*
Andorra	no	Japan	*
Argentina	no*	Kazakhstan	-
Armenia	(SP) *	Latvia	-
Austria	yes (SP)*	Liechtenstein	no
Azerbaijan	no*	Lithuania	yes (EP)
Belarus	yes (SP)	Luxembourg	no*
Belgium	no	Norway	yes (SP)
Bosnia and Herzegovina	*	Poland	yes *
Bulgaria	yes (SP)	Portugal	*
Czech Republic	*	Romania	*
Estonia	no*	Russia	yes (SP)
Finland Supreme Court	yes (SP)	Slovakia	-
Finland Supreme adm. Court	yes (SP)	Slovenia	*
France	*	South Africa	yes*
Germany	yes (EP)*	Spain	no
Greece	*	Switzerland	yes (SP)* + (EP)
Hungary	no*	Turkey	yes (SP)*
Ireland	no	Ukraine	yes*
Israel	yes (EP)		

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 SG 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 CC. 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: yes, it is partly an exclusive power, except in the case of higher-ranking functions where an approval by the President is required.

Hungary:

3.a: No: the President assumes the recruitment of staff.

Italy:

The staff recruitment is within the competence of the Presidency office (the President or his deputy and two constitutional judges chosen by lot every two 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 two judges who do not work at the Court.

Japan:

3.a: The Secretary General is commissioned to designate some of the staffs, who fundamentally have to be designated by the Supreme Court of Japan, and exercises the authority within the purview of the authorization.

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 provides 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 the 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 of 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 four 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 concerning 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) ?

* = see comments

Country	Does the Secretary General manage the career of the staff? Exclusive power (EP) or shared power (SP)	Country	Does the Secretary General manage the career of the staff? Exclusive power (EP) or shared power (SP)
Albania	yes (SP)*	Italy	*
Andorra	yes (SP)*	Japan	yes*
Argentina	*	Kazakhstan	-
Armenia	yes (SP) *	Latvia	-
Austria	yes (SP)*	Liechtenstein	no
Azerbaijan	*	Lithuania	yes (EP)
Belarus	yes (SP)	Luxembourg	/
Belgium	no	Norway	yes (SP)
Bosnia and Herzegovina	*	Poland	yes (EP) *
Bulgaria	yes (SP)	Portugal	*
Czech Republic	no*	Romania	*
Estonia	no	Russia	yes (SP)
Finland Supreme Court	no	Slovakia	yes (SP)
Finland Supreme adm. Court	no	Slovenia	*
France	*	South Africa	yes*
Germany	yes (EP)*	Spain	*
Greece	*	Switzerland	yes (EP)*
Hungary	yes (SP)*	Turkey	yes (SP)*
Ireland	no	Ukraine	yes*
Israel	yes (EP)*		

Albania:

3.b: Yes: it is a 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.

The 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 reached 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; temporary staff members recruited by the Constitutional Council. The Secretary General manages the career and the promotion of temporary staff members; he has also 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: 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 two constitutional judges chosen by lot every two 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 two judges who do not work at the Court.

Japan:

3.b: Yes, the Secretary General manages the career of the staffs of the court exclusively within purview of the authorization.

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 cannot manage freely the civil servants' career, 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 empowerment. 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) ?

* = see comments

Country	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)	Italy	*
Andorra	no	Japan	yes*
Argentina	yes (EP) +(SP)*	Kazakhstan	no
Armenia	yes (SP)	Latvia	-
Austria	yes (SP)*	Liechtenstein	no
Azerbaijan	*	Lithuania	yes (EP)
Belarus	yes (SP)	Luxembourg	no
Belgium	yes (PP)	Norway	yes (SP)
Bosnia and Herzegovina	*	Poland	yes (EP) *
Bulgaria	yes (SP)	Portugal	no*
Czech Republic	*	Romania	yes*
Estonia	no	Russia	yes (SP)
Finland Supreme Court	no	Slovakia	yes (SP)
Finland Supreme adm. Court	no	Slovenia	yes *
France	*	South Africa	yes*
Germany	yes (EP)*	Spain	yes
Greece	*	Switzerland	yes *
Hungary	yes (SP)	Turkey	yes (SP)*
Ireland	yes (SP)	Ukraine	yes (EP)*
Israel	yes *		

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 to the worst the 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; temporary staff members recruited by the Constitutional Council. The Secretary General manages the career and the promotion of temporary staff members; he has also 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: 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 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.

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: The staff recruitment is within the competence of the Presidency office (the President or his deputy and two constitutional judges chosen by lot every two 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 two judges who do not work at the Court.

Japan:

3.c: Yes, The Secretary General can exercise the authority to discipline the staffs, who fundamentally have to be designated by the Supreme Court of Japan, within the purview of the authorization.

Poland:

3.c: The Secretary General has certain disciplinary powers, the use of which is his exclusive prerogative; according to the regulations of office practice some measures may be applied upon a suggestion of the head of a unit, and in cases of heavy offences - according to the conclusions made by the disciplinary commission, following the 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 for the Registrars; exclusive power for the remaining staff.

Turkey:

3.c: Yes, it is a shared power. It is subject to the approval of 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 ?

* = see comments

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

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, 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; temporary staff members recruited by the Constitutional Council. The Secretary General manages the career and the promotion of temporary staff members; he has also 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 two constitutional judges chosen by lot every two 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 two 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: President of the Tribunal decides on staff legal training, on proposal of the Secretary General, 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 (e.g. 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 (e.g. 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, she has to submit a written motivation and submit it to the training committee who has to make the decision. The Department also has a number of staff development programmes for the 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 ?

Exclusive power (EP)

Shared power (SP)

* = see comments

Country	4.a	Country	4.a
Albania	yes (SP)*	Italy	yes*
Andorra	yes (SP)*	Japan	yes*
Argentina	yes (EP)*	Kazakhstan	yes
Armenia	yes	Latvia	/
Austria	yes (EP)	Liechtenstein	/
Azerbaijan	no	Lithuania	yes (SP)
Belarus	yes (EP)	Luxembourg	*
Belgium	yes (SP)	Norway	yes (EP)
Bosnia and Herzegovina	yes*	Poland	yes *
Bulgaria	yes (SP)	Portugal	yes*
Czech Republic	yes*	Romania	yes*
Estonia	no	Russia	/
Finland Supreme Court	yes (EP)	Slovakia	yes (SP)
Finland Supreme adm. Court	yes (EP)	Slovenia	*
France	*	South Africa	yes (EP)*
Germany	yes *	Spain	yes*
Greece	*	Switzerland	yes (EP)*
Hungary	yes (SP)	Turkey	yes (SP)*
Ireland	yes*	Ukraine	yes (SP)
Israel	yes (SP)*		

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 SGs, 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 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 makes an examination and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75000 €, 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 75000 € 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 ?

* = see comments

Country	4.b	Country	4.b
Albania	yes to the Court	Italy	yes*
Andorra	no*	Japan	yes*
Argentina	yes to the Court	Kazakhstan	yes
Armenia	yes to the Plmt	Latvia	/
Austria	*	Liechtenstein	/
Azerbaijan	no	Lithuania	yes to the Pst of the Court
Belarus	yes	Luxembourg	*
Belgium	yes	Norway	yes
Bosnia and Herzegovina	*	Poland	yes *
Bulgaria	yes to the Ministry of Finance	Portugal	yes*
Czech Republic	yes*	Romania	yes*
Estonia	no	Russia	/
Finland Supreme Court	yes to the Court	Slovakia	no
Finland Supreme adm. Court	yes to the Court	Slovenia	yes*
France	yes to the Pst of the Court	South Africa	yes to the Pst of the Court
Germany	yes *	Spain	yes to the Pst of the Court *
Greece	*	Switzerland	yes *
Hungary	no	Turkey	yes to the National Assembly
Ireland	yes*	Ukraine	no
Israel	yes *		

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 makes an examination and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75000 €, 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 75000 € 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 to the Plenary Assembly. Once approved, the budget is forwarded to the Government for being 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 three 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 ?

To the President of the Court = Pst

Any other authority = *

* = see comments

Country	4.c	Country	4.c
Albania	yes Pst + *	Italy	yes*
Andorra	*	Japan	yes Pst*
Argentina	yes Pst	Kazakhstan	/
Armenia	yes Pst	Latvia	/
Austria	yes Pst	Liechtenstein	/
Azerbaijan	no	Lithuania	yes Pst
Belarus	yes Pst	Luxembourg	*
Belgium	yes	Norway	yes
Bosnia and Herzegovina	yes *	Poland	yes Pst*
Bulgaria	yes *	Portugal	no*
Czech Republic	yes Pst	Romania	yes
Estonia	yes	Russia	/
Finland Supreme Court	yes Pst	Slovakia	/
Finland Supreme adm. Court	yes Pst	Slovenia	yes Pst
France	yes Pst	South Africa	yes Pst +*
Germany	yes Pst +*	Spain	*
Greece	*	Switzerland	yes *
Hungary	no	Turkey	yes*
Ireland	yes*	Ukraine	yes*
Israel	yes *		

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 three 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 makes an examination and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75000 €, 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 75000 € 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.c: 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 SG 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 budget is given execution by the Tribunal or, by delegation, by 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 ?

Exclusive power (EP)

Shared power (SP)

* = see comments

Country	4.d	Country	4.d
Albania	yes (EP)	Italy	yes*
Andorra	yes (SP)*	Japan	yes *
Argentina	yes (EP)*	Kazakhstan	yes
Armenia	yes *	Latvia	/
Austria	yes (EP)	Liechtenstein	/
Azerbaijan	no	Lithuania	yes (SP)
Belarus	no	Luxembourg	/
Belgium	yes (SP)	Norway	yes (EP)
Bosnia and Herzegovina	yes *	Poland	*
Bulgaria	yes (SP)	Portugal	yes*
Czech Republic	yes (SP)*	Romania	yes*
Estonia	no	Russia	/
Finland Supreme Court	yes (EP)	Slovakia	/
Finland Supreme adm. Court	yes (EP)	Slovenia	yes *
France	yes	South Africa	yes*
Germany	yes *	Spain	yes*
Greece	*	Switzerland	yes (EP)*
Hungary	no	Turkey	yes (SP)*
Ireland	yes (EP)	Ukraine	no
Israel	yes (SP)		

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 authorization 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 makes an examination and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75000 €, 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 75000 € 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.

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.

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.

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 (e.g. 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?

* = see comments

Country	4.e	4.f	4.g	Country	4.e	4.f	4.g
Albania	all	none	*	Italy	<75000€	*	>75000€
Andorra	<1500€	none	>1500€*	Japan	/	/	*
Argentina	<5000€*	none	>5000€*	Kazakhstan	/	/	/
Armenia	*	*	*	Latvia	/	/	/
Austria	none	none	none	Liechtenstein	/	/	/
Azerbaijan	*	*	*	Lithuania	*	*	>7000€
Belarus	no	no	no	Luxembourg	/	/	/
Belgium	no	*	/	Norway	/	none	/
Bosnia & Herzegovina	none	<1500€	>1500€	Poland	*	*	*
Bulgaria	*	*	*	Portugal	*	*	*
Czech Republic	*	*	*	Romania	none *	/	*
Estonia	/	/	/	Russia	/	/	/
Finland Supreme Court	/	none	none	Slovakia	/	/	/
Finland Supreme Administrative Court	/	none	none	Slovenia	all	none	none*
France	all	*	none	South Africa	*	>4000€ <20000€	*
Germany	all	*	none	Spain	*	*	*
Greece	*	*	*	Switzerland	all*	*	none*
Hungary	none*	*	*	Turkey	*	*	no
Ireland	none	none	*	Ukraine	*	/	*
Israel	*	*	*				

Albania:

4.g: All expenses are committed by the order and signature of the Secretary General.

Andorra:

4.g: For all expenses greater than 1500€, he needs the countersignature of the President or of the Vice-President.

Argentina:

4.e: The Secretary of the Administrative Department may authorize only the expenses no greater than 20.000 pesos.

4.g: The Secretary of the Administrative Department cannot commit the 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: 3000KM (Konvertible Mark)

4.g: 3000KM (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 two persons payments order. The Director is usually one of the signing persons.

France:

4.f: Only small daily expenses, which are usually called "the small 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, e.g. 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 makes an examination and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75000 €, 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 75000 € are committed by the Presidency Office.

Japan:

4.g: As we mentioned above "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 authorization of the Secretary General, because the Director of the Financial Bureau, who is under the supervision of the Secretary General, authorizes execution of the budget.

Lithuania:

4.e.f: The expenses committed by the President of the Court.

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 SG 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.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: >30000 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

Exclusive power (EP), shared power (SP)

* = see comments

Country	4.h	Country	4.h
Albania	/	Italy	*
Andorra	yes (SP)*	Japan	yes *
Argentina	yes (EP)	Kazakhstan	yes
Armenia	yes (EP)*	Latvia	/
Austria	yes (SP)*	Liechtenstein	/
Azerbaijan	no	Lithuania	yes (SP)
Belarus	no	Luxembourg	*
Belgium	yes (SP)	Norway	yes (EP)
Bosnia and Herzegovina	yes *	Poland	yes*
Bulgaria	yes (SP)	Portugal	yes (SP)*
Czech Republic	yes (SP)*	Romania	yes
Estonia	no	Russia	/
Finland Supreme Court	yes	Slovakia	/
Finland Supreme adm. Court	yes	Slovenia	*
France	*	South Africa	*
Germany	yes	Spain	yes*
Greece	*	Switzerland	yes (SP)*
Hungary	no	Turkey	yes (SP)*
Ireland	yes (EP)*	Ukraine	no
Israel	no		

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 makes an examination and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75000 €, 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 75000 € are committed by the Presidency Office.

Japan:

4.h: The Secretary General is responsible for the determination to the extent of his/her own approval in the approval process which the Chief Justice of the Supreme Court of Japan has conclusive authority of. 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, which is 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, which is on the proposal of the Economic commission adopted at an administrative session of the Constitutional Court. The closing of the budget is part of the closing of the budget of the Republic of Slovenia that 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 commission and then before the 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 ?

Parliament = Plmt

Government = Gvt

President of the Court: Pst

Judges gathered in plenary/ Court = Court

* = see comments

Country	4.i	Country	4.i
Albania	yes, Court	Italy	*
Andorra	no*	Japan	*
Argentina	yes, Court	Kazakhstan	/
Armenia	yes, Court + Plmt	Latvia	/
Austria	yes *	Liechtenstein	/
Azerbaijan	no	Lithuania	no
Belarus	no	Luxembourg	*
Belgium	yes, Court	Norway	yes, Ministry of justice*
Bosnia and Herzegovina	yes, Court + Ministry of Finance*	Poland	yes, Court*
Bulgaria	yes, Pst	Portugal	yes *
Czech Republic	yes *	Romania	yes
Estonia	no	Russia	/
Finland Supreme Court	no	Slovakia	/
Finland Supreme adm. Court	no	Slovenia	/
France	yes, Pst*	South Africa	yes, Pst
Germany	yes, Ministry of Finance	Spain	yes, Pst *
Greece	*	Switzerland	yes *
Hungary	no	Turkey	yes *
Ireland	yes *	Ukraine	no
Israel	no		

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 makes an examination and sends them to the Court for approval. The Secretary General can commit expenses no greater than 75000 €, 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 75000 € are committed by the Presidency Office.

Japan:

4.i: No, We don't have such a 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)

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: 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: Two to three 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: Nineteen judges + the Secretary General.

Finland:

Supreme Administrative Court

5.a: Seven or twenty one 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 sixteen judges), the Plenum shall set up the following standing committees:

- a) a Committee on the Rules of Procedure (President, Vice-President and four judges)
- b) a Records Committee (President, Vice-President and 4 judges)
- c) a Committee on Budgetary and Personnel Matters (President, Vice-President and four judges)
- d) a Library Committee (four judges)

Greece:

5.a: Administrative meetings, which are rare in general, are convened when the President believes necessary to do so (for ex., for 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 two 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, i.e. nine.

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 ten judges.

Portugal:

5.a: The law provides an “administrative council” composed by the President of the Tribunal, two 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 (nine judges) on the issues of its organisation and activities. The Court may authorize 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 two Judges).

Switzerland:

5.a: At the highest level, the administrative commission, composed by three 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 thirty 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: At least three judges are involved.

Ukraine:

5.a: The total composition of the Court or the Court commission (four to five 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 ?

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 two 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.

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.

Belgium:

5.b: About ten times per year. The initiative: President + Registrar

Bosnia and Herzegovina:

5.b: Ten 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). There are no means of diffusion of the decisions.

Hungary:

5.b: Two 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

Lithuania:

5.b: Not established.

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 three 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.

Slovakia:

5.b: No information available,.

Slovenia:

5.b: There are approximately twenty to thirty 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:

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 periodical 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.

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 ?

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: Personal engagements, 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 (four judges).

Greece:

5.c: Administrative meetings, in general rare, are convened when the President believes necessary to do so (for ex., for establishing the regulations of the Court). There are no means of diffusion of the decisions.

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.

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 ?

* = see comments

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

Argentina:

5.d: 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.

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:

5.d: 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.

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 not any 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, Secretary General or any other staff authorized 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 ?

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 web-site.

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 one 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: The administrative meetings concern only the President of the Court.

Germany:

5.e: Diffusion of the record only on paper.

Greece:

5.e: Administrative meetings, in general rare, are convened when the President believes necessary to do so (for ex., for establishing the regulations of the Court). 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 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.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 not any 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 the staff. Now the text can be accessed on the Intranet. Official notes are made of administrative sessions' records concerning the orders taken; they 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:

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?

* = see comments

Country	6.a	6.b	Country	6.a	6.b
Albania	yes	no	Italy	yes*	no*
Andorra	yes	yes	Japan	yes*	yes*
Argentina	*	*	Kazakhstan	yes	no/yes
Armenia	no	no	Latvia	/	/
Austria	yes	yes	Liechtenstein	/	/
Azerbaijan	*	*	Lithuania	yes	no/yes
Belarus	yes	yes	Luxembourg	*	*
Belgium	yes	no	Norway	yes	*
Bosnia and Herzegovina	yes	yes	Poland	yes*	yes*
Bulgaria	yes	yes	Portugal	yes*	no*
Czech Republic	yes	no*	Romania	yes	yes
Estonia	yes	yes*	Russia	yes*	yes*
Finland Supreme Court	no	no	Slovakia	yes	*
Finland Supreme administ. Court	no	yes	Slovenia	yes	yes*
France	*	*	South Africa	yes	yes
Germany	no	no	Spain	yes*	no
Greece	/	/	Switzerland	yes*	yes*
Hungary	yes	yes*	Turkey	no	no*
Ireland	no	no	Ukraine	*	no
Israel	no*	no*			

Argentina:

6.a: Any Secretary is in charge of the management of the Court's public relations.

6.b: The press department is not under the Secretary'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 meet also journalist after pronouncement of a judgement to comment on it.

Estonia:

6.b: Yes, to some extent

Is she/he in charge of the press releases? There is a special Press Officer, but all the press releases have to be authorised by the Secretary General.

Is she/he in charge of the organisation of press conferences? 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? Two to three 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 officials 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 in '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 organisation 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, which is the place where the press releases are made and the press conferences organised, is in charge of this task.

Russia:

6.a: Yes, to a certain extent.

6.b: Yes, since he governs the relevant departments.

Slovakia:

6.b: He 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 organize 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.

Concerning the case-law, the press releases 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: 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 ?

* = see comments

Country	6.c	6.d	Country	6.c	6.d
Albania	yes	yes	Italy	yes*	*
Andorra	yes*	yes*	Japan	yes*	no*
Argentina	*	*	Kazakhstan	yes	no
Armenia	no	no	Latvia	/	/
Austria	yes*	yes*	Liechtenstein	/	/
Azerbaijan	*	no	Lithuania	yes	yes*
Belarus	yes	yes	Luxembourg	*	*
Belgium	no	no	Norway	yes	yes
Bosnia and Herzegovina	yes*	yes	Poland	yes*	yes*
Bulgaria	yes	yes	Portugal	yes*	*
Czech Republic	no*	no	Romania	yes	yes
Estonia	yes*	/	Russia	yes*	yes*
Finland Supreme Court	no	no	Slovakia	yes	yes
Finland Supreme administ. Court	no	no	Slovenia	yes*	yes
France	*	*	South Africa	yes	no*
Germany	yes	yes*	Spain	*	no
Greece	/	/	Switzerland	yes*	yes*
Hungary	yes*	no	Turkey	no	no
Ireland	no	yes	Ukraine	yes*	yes
Israel	no*	no			

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 is in charge of the organisation of international relations of the Court.

6.d: Any Secretary 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 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".

Germany:

6d: 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 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.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 ?

* = see comments

Country	7.a	7.b	Country	7.a	7.b
Albania	yes	yes	Italy	no*	yes*
Andorra	yes	no	Japan	*	yes*
Argentina	yes*	yes*	Kazakhstan	yes	no
Armenia	yes	yes	Latvia	/	/
Austria	no*	no*	Liechtenstein	/	/
Azerbaijan	*	yes	Lithuania	yes	yes
Belarus	yes	yes	Luxembourg	yes*	*
Belgium	yes*	no	Norway	no	yes
Bosnia and Herzegovina	yes	no	Poland	yes*	yes*
Bulgaria	yes	yes	Portugal	no*	no
Czech Republic	no*	yes*	Romania	yes	no
Estonia	yes*	yes*	Russia	yes*	yes*
Finland Supreme Court	no	no	Slovakia	no	yes
Finland Supreme administ. Court	no	yes	Slovenia	yes	no*
France	yes*	yes*	South Africa	no*	yes
Germany	yes	yes	Spain	yes*	yes*
Greece	*	no	Switzerland	yes*	yes*
Hungary	yes*	yes	Turkey	yes	yes
Ireland	yes	no	Ukraine	yes	yes
Israel	no*	no*			

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. Two 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.

Greece:

7.a: The Court's decisions, except for the decisions concerning the elections, are published on the Official Journal.

There are no official Court's 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.

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 ?

* = see comments

Country	7.c	7.d	Country	7.c	7.d
Albania	yes	yes	Italy	no*	no*
Andorra	yes	yes*	Japan	yes*	yes*
Argentina	yes*	yes*	Kazakhstan	no	no
Armenia	yes	yes	Latvia	/	/
Austria	*	yes	Liechtenstein	/	/
Azerbaijan	*	*	Lithuania	yes	yes*
Belarus	yes	yes	Luxembourg	yes*	*
Belgium	no	no	Norway	*	yes*
Bosnia and Herzegovina	yes*	yes*	Poland	*	yes*
Bulgaria	yes	yes	Portugal	no*	yes*
Czech Republic	no	no	Romania	yes*	yes
Estonia	yes*	yes*	Russia	yes*	yes*
Finland Supreme Court	no	no	Slovakia	yes	yes
Finland Supreme administ. Court	no	no	Slovenia	yes*	yes
France	yes*	yes*	South Africa	no*	no*
Germany	yes*	yes	Spain	*	*
Greece	/*	/*	Switzerland	yes*	yes*
Hungary	yes	yes	Turkey	yes	yes
Ireland	*	yes*	Ukraine	yes*	yes
Israel	no*	no*			

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. Secretary General overview the functioning of the information system.

7.d: There is the Court Commission for Electronic equipment and Information Systems. SG 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 three years ago, but the first appointment to the office was made two 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 complains, please specify the approximate number of cases registered per year

* = see comments

Country	1.a	Country	1.a
Albania	200	Italy	/
Andorra	10*	Japan	/
Argentina	5099 (year 2001)	Kazakhstan	25-30
Armenia	250	Latvia	500 about
Austria	2000-3000	Liechtenstein	80 about
Azerbaijan	15* (year 2001)	Lithuania	35
Belarus	48 (year 2001)	Luxembourg	*
Belgium	300	Norway	1550-1600
Bosnia and Herzegovina	250-300	Poland	291 (Year 2001)*
Bulgaria	300 complains, 20 cases heard	Portugal	839 (year 2001)*
Czech Republic	3100*	Romania	375*
Estonia	10*	Russia	12000
Finland Supreme Court	3000	Slovakia	711 (year 2001)*
Finland Supreme administ. Court	4000	Slovenia	850 (year 2001)*
France	10-15 +162 (year 2002)*	South Africa	100 complains, 50 cases heard*
Germany	4700	Spain	6934 (year 2001)
Greece	80-110*	Switzerland	5000
Hungary	1200-1300 complains, 400 cases heard*	Turkey	*
Ireland	350 complains, 250 cases heard	Ukraine	300 about
Israel	10 000*		

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 ten per year.

Azerbaijan:

1.a: 65 cases were registered during four years since the Court began functioning. Fifteen 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. Approx ten 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 arrived to 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 ten 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: 10000 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 2300 letters and documents which are neither complaints nor applications.

Portugal:

Registration of all complaints and all cases brought before the Court:

a) 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 five 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 three judges is to be assigned the case. In 1999 there were 650 new cases, in 2000 850, in 2001 850, and this year 1029 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 ?

* = see comments

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

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: A Secretary is in charge of dispatching the cases.

Armenia:

1.c: No, It is the documentation center'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, I dispatch the cases, together with my deputy, between the two 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 my 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, my 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 advisers-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 Code⁵, 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 specialize.

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: Among the judges.

1.c: No. The Registrar does.

Spain:

⁵Nonetheless clime

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?

C = Constitution

LCC = Law on the Constitutional Court

RCC = Regulations of the Constitutional Court

P= Practice

* = see comments

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

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 sixty).

For the litigation on electoral matters:

a-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 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 ...”.

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: 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?

* = see comments

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

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, $\frac{1}{4}$ 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 on 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.

Romania:

2.a: 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.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.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 ?

* = see comments

Country	2.c.i	2.c.ii	Country	2.c.i	2.c.ii
Albania	114* (year 2001)	53% (year 2001)	Italy	/	/
Andorra	50%	50%	Japan	/	/
Argentina	3414 (year 2001)	33,05% (year 2001)	Kazakhstan	5-6	/
Armenia	78/250	71,2%	Latvia	/	/
Austria	/	/	Liechtenstein	/	/
Azerbaijan	*	*	Lithuania	A few	5%
Belarus	/	99% (year 2001)	Luxembourg	/	/
Belgium	/	5%	Norway	/	/
Bosnia and Herzegovina	/	30%	Poland	*	77%*
Bulgaria	/	/	Portugal	300	/
Czech Republic	*	*	Romania	400	/
Estonia	*	*	Russia	/	97%
Finland Supreme Court	/	/	Slovakia	226 (year 2001)	31%
Finland Supreme administ. Court	/	/	Slovenia	*	/
France	/	25%*	South Africa	>50%*	>50%
Germany	4500*	/	Spain	/	/
Greece	/	/	Switzerland	*	50% +27%+11%*
Hungary	452/1132 (year 2001)*	/	Turkey	/	/
Ireland	/	/	Ukraine	47	55% about
Israel	/	/			

Albania:

2.c: For the year 2001, from 213 registered cases 114 have not passed for judgement (53%). Whereas, for the first six-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 were 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 three 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 approx. 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 ?

* = see comments

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

Albania:

2.d: Yes: 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.⁶

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 (in average, 400 per year).

Slovenia:

2.d: The Secretary responds to approx. 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 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 ?

* = see comments

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

Albania:

2.e: Yes: The decision of non-admissibility during a Court hearing is taken by the colleges of the Constitutional Court. In cases when 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 three, 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 approx. 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 letter 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 ?

C = Constitution

LCC= Law on the Constitutional Court

RCC = Regulations of the Constitutional Court

* = see comments

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

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 two 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 CC is not foreseen.

Estonia:

3.a: The Constitutional Review Act states that the cases should be decided within reasonable time, this could not exceed four months. There are certain applications that require shorter time limits. For example, the complaints concerning decisions on elections have to be decided within three workdays.

France:

3.a: Concerning litigation on constitutionality of laws, the Constitution provides that the Constitutional Council should take a decision within one month (eight 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 three 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: Yes – Articles 10 and 13 of the law of 27 July 1997 provide that

- "In a thirty days 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 thirty 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 on through 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 two 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:

a-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 thirty 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 three to six months, in case of urgent cases – one 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 ?

* = see comments

Country	3.b	3.c	Country	3.b	3.c
Albania	2 months	2-6 months	Italy	/	/
Andorra	1 month	2 month	Japan	/	/
Argentina	*	*	Kazakhstan	3 days	1 month
Armenia	1 month max	1 month max	Latvia	21 days	4-5 months
Austria	*	*	Liechtenstein	/	/
Azerbaijan	7-15 days	7-60 days	Lithuania	7 days	1,5 year
Belarus	1 month	3 months	Luxembourg	*	*
Belgium	30 days	1 year	Norway	/	/
Bosnia and Herzegovina	6-10 months	12-16 months	Poland	3-4 months	8 months
Bulgaria	/	/	Portugal	10 days or 25 days*	1 day to 1 year*
Czech Republic	*	1 year*	Romania	30 days*	4,5 months*
Estonia	/	2 months	Russia	1-4 months*	3-6 months
Finland Supreme Court	/	/	Slovakia	1 month	Several months
Finland Supreme administ. Court	/	/	Slovenia	416 days*	191 days*
France	*	Several months*	South Africa	21 days*	*
Germany	1 month*	3-12 months	Spain	*	*
Greece	/	/	Switzerland	*	120 days*
Hungary	1-2 months	1-2 years	Turkey	10 days*	*
Ireland	/	/	Ukraine	<1 month	3-6 months*
Israel	1 day 1 month*	<1 year*			

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 six 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: see 3.a.

Germany:

3.b.c: The average time between the reception of a complaint and the informing letter to the complainant is approx. four weeks. If the complainant wants a decision of the Court, the time is between approx. three and twelve 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: see answer given sub 2, concerning the preliminary assessment of admissibility of complaints.

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 four 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 (e.g. 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 three 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 approx. 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: Ten 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 three to six 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 ?

* = see comments

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

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.

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: in fact 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)?

* = see comments

Country	4.a	4.b	4.c	Country	4.a	4.b	4.c
Albania	yes	no	no	Italy	/	/	/
Andorra	yes	yes	yes	Japan	no	no	no
Argentina	yes*	yes*	no*	Kazakhstan	no	yes	no
Armenia	no	no	yes	Latvia	/	/	/
Austria	no	no	no*	Liechtenstein	/	/	/
Azerbaijan	no	*	*	Lithuania	yes*	no	no
Belarus	yes	no	no	Luxembourg	*	no	no
Belgium	yes	no	no	Norway	yes	yes*	yes
Bosnia & Herzegovina	yes	yes	no	Poland	yes*	no*	*
Bulgaria	no	no	no	Portugal	no*	no*	no*
Czech Republic	no	no*	no	Romania	yes	no	yes
Estonia	yes	yes	yes	Russia	no	yes	yes
Finland Supreme Court	no	no	no	Slovakia	yes	no	no
Finland supreme administrative Court	no	no	no	Slovenia	yes*	*	yes*
France	yes	yes*	yes*	South Africa	yes*	no	no
Germany	no*	no	yes*	Spain	yes*	no	no*
Greece	no	no	no	Switzerland	no*	no	no
Hungary	no	no	no	Turkey	yes	no*	/
Ireland	no*	no	no	Ukraine	no	yes	yes
Israel	no*	no*	no				

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 four times per year and last for three 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 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 organizes 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

* = see comments

Country	5.a	Country	5.a
Albania	36 (as from 1.01 until 25.09.02)	Italy	/
Andorra	11*	Japan	*
Argentina	*	Kazakhstan	20-30
Armenia	106	Latvia	19 (year 2002)
Austria	8-10	Liechtenstein	10 about
Azerbaijan	*	Lithuania	20
Belarus	variable	Luxembourg	+/- 4
Belgium	20 about	Norway	160 about*
Bosnia and Herzegovina	*	Poland	65 about*
Bulgaria	60 about	Portugal	2x/week*
Czech Republic	*	Romania	80*
Estonia	*	Russia	25 + 20 *
Finland Supreme Court	Less then 10	Slovakia	108 plenary 170 senate
Finland Supreme administ. Court	Only few oral hearings	Slovenia	5*
France	1/week*	South Africa	50 about
Germany	10-15 about	Spain	2*
Greece	80-110*	Switzerland	122 (year 2001)*
Hungary	100-110 plenary	Turkey	1/week
Ireland	250	Ukraine	3/week*
Israel	/		

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 two 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 (approx. five 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 ten public hearings.

Switzerland:

5.a: 122 hearings in 2001 for all Courts of the Federal Tribunal.

Ukraine:

5.a: Three 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 ?

- = see comments

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

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?

* = see comments

Country	6.a	6.b	Country	6.a	6.b
Albania	yes	yes*	Italy	/	/
Andorra	yes	yes	Japan	no	no
Argentina	yes*	no*	Kazakhstan	yes	yes
Armenia	yes	yes	Latvia	/	/
Austria	no	no*	Liechtenstein	yes	no
Azerbaijan	*	*	Lithuania	no	no
Belarus	yes	yes	Luxembourg	yes*	yes*
Belgium	yes	yes	Norway	yes	yes*
Bosnia and Herzegovina	yes	yes*	Poland	yes*	*
Bulgaria	no	no	Portugal	no*	no*
Czech Republic	no*	no*	Romania	yes*	no*
Estonia	yes	yes	Russia	yes	yes
Finland Supreme Court	no	no	Slovakia	no	no
Finland Supreme administ. Court	no	no	Slovenia	yes	*
France	yes	*	South Africa	yes	yes
Germany	yes*	no*	Spain	no*	/
Greece	*	*	Switzerland	no*	no*
Hungary	yes	yes	Turkey	yes	yes
Ireland	no*	yes	Ukraine	yes	yes
Israel	yes	yes			

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, my 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 item 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 number 2, letter d.

6.The Secretary General and court decisions:

6.c Does the Secretary General follow the execution of the decisions of the Court?

* = see comments

Country	6.c	Country	6.c
Albania	yes	Italy	/
Andorra	yes	Japan	no
Argentina	no*	Kazakhstan	yes
Armenia	no	Latvia	/
Austria	no	Liechtenstein	no
Azerbaijan	*	Lithuania	no
Belarus	yes	Luxembourg	no*
Belgium	*	Norway	no
Bosnia and Herzegovina	no	Poland	*
Bulgaria	no	Portugal	no*
Czech Republic	no	Romania	no
Estonia	no	Russia	yes*
Finland Supreme Court	no	Slovakia	no
Finland Supreme administ. Court	no	Slovenia	yes*
France	*	South Africa	yes
Germany	no	Spain	/
Greece	no	Switzerland	no
Hungary	yes	Turkey	no
Ireland	no	Ukraine	yes
Israel	no*		

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 (e.g. 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.