

Improvement of the efficiency of the Latvian judicial system and budget planning

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Abbreviations and their explanations

Abbreviation	Explanation	Abbreviation	Explanation
AAT	Administrative Regional Court	KPI	Key performance indicators
AL	Administrative cases	KRT	Kurzeme District Court
ang.	In English	Labuma guvējs	Judicial Council of the Republic of Latvia
AP lietas	Cases of administrative offenses	NTA	Finnish National Judicial Administration
ART	Administrative District Court	PwC	"PricewaterhouseCoopers SIA"
CCJE	Consultative council of European judges	RAT	Riga Regional Court
CEPEJ	Council of Europe European Commission for the efficiency of justice	RPT	Riga City Court
CL	Civil cases	RRT	Riga District Court
COFOG	<i>Classification of the functions of government</i>	SG REFORM	Reform and Investment Task Force
e-lieta	A set of information and communication technologies that ensure the implementation of criminal proceedings, administrative offence proceedings, administrative proceedings, civil proceedings, proceedings for the application of coercive measures of an educational nature to children and the process of enforcement of a decision and the availability of data to be processed in the proceedings in an electronic environment	Standarts	Standard time limits for handling cases
ELT	Economic Court	TIS	Court information system
ES	European Union	TO-BE	Preferred situation
ESAO	Organisation for Economic Co-operation and Development	TP	Judicial Council
IKP	Gross domestic product	VAT	Vidzeme Regional Court
IKT	Information and communication technologies	VRT	Vidzeme District Court
IS	Information system	ZAT	Zemgale Regional Court
IT	Informāciju tehnoloģijas	ZRT	Zemgale District Court
KAT	Courland Regional Court	Zgr.	Land registry
KL	Criminal cases		

Terms and their explanations

Understanding the term 'effectiveness'

Usually, in Latvian, the same term 'efficiency'¹ is a translation of two different terms, which, for example, is denoted in English as 'effectiveness'² and 'efficiency'³.

In public administration⁴ in Latvia, when it comes to efficiency, two of its forms are distinguished:

1. **Economic efficiency** – the ratio between the achieved result and the resources used to achieve it, reflecting the cost per unit of result. The assessment of economic efficiency includes a cost-benefit analysis.⁵
2. **Functional efficiency** – describes the extent to which the resources invested and the results achieved have ensured the achievement of the planned policy results.⁶

In the performance audit, the State Audit Office of the Republic of Latvia evaluates whether institutions operate in accordance with the terms of economy, productivity (from *ang.* 'efficiency') and efficiency (from *ang.* "Effectiveness" is a principle⁷.

Based on the approach in public administration, the following terms are used in this report:

1. table. The approach to the use of the term "effectiveness" in this report.

Economic efficiency (from <i>ang.</i> 'efficiency')	Efficiency (from <i>ang.</i> 'effectiveness')
Describes how well the invested resources (investments) are used to achieve the result of work. Questions to be answered: • To what extent is the hearing of court cases, while maintaining the required quality, ensured within the target deadlines and to the extent?⁹ • Are all support processes provided at a sufficient level to achieve the required result of work?	Describe how well the results achieved contribute to the achievement of the strategic objectives of the justice system. Questions to be answered: • Is the achievement of goals (results) cost-effective? • Were the intended strategic objectives and macroeconomic or socio-political impact achieved? • What are the contextual factors to consider when considering positive or negative consequences?

¹ Angļu-Latviešu vārdnīca. Autoru kolektīvs Valentīnas Skujiņas vadībā: Hermanis Kadiķis, Ruta Grēviņa, Inese Vaidere, Jānis Kalniņš, Regīna Kvašīte. Latvijas Zinātņu akadēmijas Latviešu valodas institūts. 1997. © Tilde. 2009. Pieejams: <https://www.letonika.lv/groups/default.aspx?r=10331062&q=2&cid=243187&q=efficiency>.

² *efektivitāte; rezultativitāte, ietekmīgums* Angļu-Latviešu vārdnīca. Autoru kolektīvs Valentīnas Skujiņas vadībā: Hermanis Kadiķis, Ruta Grēviņa, Inese Vaidere, Jānis Kalniņš, Regīna Kvašīte. Latvijas Zinātņu akadēmijas Latviešu valodas institūts. 1997. © Tilde. 2009. Pieejams: <https://www.letonika.lv/groups/default.aspx?cid=339388&r=10331062&lid=339388&q=2&q=effectivity&h=348>.

³ Turpat.

⁴ Ministru kabineta 17.11.2009. instrukcijas Nr.16. "Ministriju un citu centrālo valsts iestāžu rezultātu un to rezultatīvo rādītāju izstrādes un novērtēšanas metodika" 42.1. apakšpunkts.

⁵ Turpat, 43. apakšpunkts.

⁶ Turpat, 42.2. apakšpunkts.

⁷ ISSAI 100 Publiskā sektora revīzijas veikšanas pamatprincipi. 8. lpp. Pieejami:

https://www.lrvk.gov.lv/uploads/files/Dokumenti/Par%20mums/Norma%C4%ABvie%20akti/Standarti/2.1.ISSAI_100_LV_final_2020.pdf.

⁸ Uz šiem jautājumiem tiek atbildēts, izmantojot tiesu sistēmas uzkrātos uzraudzības datus un pierādījumus, kas savākti intervijās ar profesionāļiem (Tieslietu padomes locekļi, Tieslietu padomes sekretariāta, Tieslietu ministrijas un Tiesu administrācijas personāls un citas ieinteresētās personas). Uz šiem tiek atbildēts, izmantojot arī procesa novērtējuma rezultātus.

⁹ Produktivitātes vērtēšana izriet arī no Tiesu laika menedžmenta Saturna vadlīnijās minētā, ka, lai izprastu lietu iztiesāšanas termiņus ir jāanalizē lietu izskatīšanas ilgums un citi faktori, piemēram, lietu caurlaidība, lietu dispozīcijas laiks un lietu apgrozījums. Tiek izmantots arī ekonomiskās efektivitātes rādītājs: saistība starp tiesā izmantotā personāla skaitu gadā un iztiesāto (pabeigto) lietu skaitu vienā un tajā pašā tiesā gada beigās.

Summary of the report

Strengths, weaknesses, opportunities and threats of the justice system

Strengths	Weaknesses
Budget - The Constitutional Court has formulated the doctrine of budgetary independence of the judiciary, which is observed by the Cabinet of Ministers. - The President of the Council for the Judiciary is committed to ensuring the independent management of the judiciary's budget. - A sufficient budget has been provided for the remuneration of judges. Digitization and data - Opportunities for electronic litigation have been developed and a high level of digitalisation has been achieved. - Virtual litigation is provided via videoconferencing. - A large amount of data has been accumulated on all stages of the proceedings. - Performance indicators are widely used. - The model for weighing cases is well designed for courts of first instance. Centralised Court Administration Services - Professional budget management, selection and distribution of staff posts in courts, maintenance of the IT system, personnel management and accounting services are ensured.	Governance and leadership - A fragmented governance structure with multiple organisational centres and uncoordinated strategic objectives hampers the performance of individual courts and judges. - Unbalanced distribution of judicial resources: some courts have a surplus of workforce, while in others there is a lack of funding for IT systems and legal aid. - The number and composition of the members of the Council for the Judiciary shall not correspond to the tasks assigned to it. - The lack of data on the time spent on the work of judges in certain categories of cases raises questions about the accuracy of the case weighing model data. Efficiency of the work of judges - The workload of judges varies sharply across different geographical regions and areas of specialisation. - Due to the high turnover of legally non-specialised assistant judges, a significant part of the work must be carried out by the judges themselves. - The lack of professional supervision or support in the management of the flow of cases leads to an extension of the time limits for litigation. - The courts are overwhelmed with small claims for damages and debt collection (40% of the total number of all cases). - Measures to modernise IT systems were suspended due to budgetary constraints. 35% of cases are heard in person, which extends the time of the proceedings.
Options	Threats
Strategy and budget - A common development strategy and measurable performance indicators. - Linking budget management to performance. - A system of steps for judges (including salary levels) has been introduced to promote career growth and specialisation. Administration of the Court - Transfer of powers to the president of the court with the aim of increasing the efficiency of the work of the court. Case management - Professional supervision of case management decisions to improve work efficiency. - A data-based approach to tracking extensions of time limits for litigation. 'S staff - Opportunities to reduce the number of employees.	Independence - The involvement of the executive in the administration of the courts potentially undermines the independence of the judiciary. Budget - Inefficient budget requests for vacancies pose a risk that the budget may be reduced to vacancies in the future. - The overload of the courts with small claims of simple complexity and land register cases reduces the importance of the role of the judge and hinders the increase of remuneration to the level of the Baltic States. 'S staff - Judges and experienced court staff leave the judicial system due to ageing or other reasons, thereby weakening the capacity of the courts. - The proposed solutions to increase the remuneration of assistant judges are unlikely to be in line with the supply of the labour market, so

Summary

The report summarises the conclusions and recommendations resulting from the strategic development of the judiciary, the organisation of administrative administration and work processes, as well as the evaluation of budget, human resource management policies and technologies. The current situation has been analysed according to the criteria set out in the terms of reference and listed in the Council of Europe's Commission for the Efficiency of the Judicial Work (CEPEJ) in the judicial system's time management tools and in the practices of comparable countries.

The main conclusions of the report can be divided into three parts: aligning strategic objectives with public expectations and among all stakeholders, improving the governance of the judiciary and improving the efficiency of the justice system.

Aligning strategic objectives with public expectations and among all stakeholders

1. In order to fairly and fully represent the special place that the courts occupy in the legal and political system, it is important to establish a model of governance of the judicial system that is clearly structured, separate from political processes and raises the authority of the judiciary. In socio-political proceedings, courts do not gain the support of citizens such as hospitals and schools. A big challenge in Latvia is the low public trust in the courts, therefore the judiciary needs to demonstrate that its activities and services meet the needs of society as a whole and individual people. One of the policy performance indicators for the state budget framework for 2025-2027 is how much the public trusts the judicial system in whole or in part. In a survey conducted in 2024,¹⁰ only 38% of respondents said they trust the judiciary, although the goal is to reach 55% support by 2026. OECD data also show that in 2023 alone, 48% of the population in Latvia expressed high or moderately high trust in courts and the judicial system, while in OECD member states it was on average more than half (54%) of the population.
2. In the executive-led model of judicial administration, there are significant organisational obstacles to the strategic long-term planning of judicial activities, as there is a "mismatch" between the needs of the policy of the executive and the functioning of the court in the areas of judicial budget, human resources, judicial management and case management. This is also evidenced by the fact that the strategic documents currently in force contain close but not fully coherent strategic objectives for the development of the judiciary, creating confusion about the further development of the judicial system. The Ministry of Justice and the Council for the Judiciary should agree on the strategic development objectives and priorities of the judiciary, as well as on the conceptual solution for ensuring the independence of the judiciary from the executive.
3. The Judicial Council's operational strategy for 2021-2025 does not contain indicators of the degree of achievement of the set goals. We call on the judiciary to assess the progress towards the achievement of the targets in the period from 2026 to 2030 with concrete, measurable and achievable results and their indicators.
4. The professional level of judicial staff affects the court's ability to fulfil its role. Consequently, the professionalisation of judicial support staff and remuneration commensurate with the level of responsibility of judges are essential priorities, alongside the fiscal independence of the judiciary. These are long-term goals, the implementation of which is possible according to the economic conditions of the country, however, priority should be reached on a strategy for the

¹⁰ "Attieksme pret tiesām un uzskati par tiesvedības procesiem Latvijas iedzīvotāju vidū"

development of human resources, which is thoughtfully linked to the objectives of the services provided by the courts.

5. To sum up, we recommend planning further development in the following three strategic directions: (1) An efficient, convenient, timely, publicly understandable judicial system, whose services meet the needs of society and people; (2) The staff of the judicial system shall be competent, determined and have the necessary resources for their work; (3) The fiscal independence of the judiciary from the executive power shall be ensured by receiving guarantees of development independence.

Opportunities for improving the governance of the judiciary, in particular in the area of strengthening the fiscal independence of the courts

6. In general, the management of the judicial system in Latvia is fragmented and has several organizational centers: many issues of work organization are provided either by the Judicial Council or by the executive in the person of the Ministry of Justice, the Minister of Justice or the Court Administration. Thus, the organisation and resources of the proceedings are the responsibility of those who are not responsible for ensuring procedural fairness in the courts and the final result of the judicial proceedings – the judges themselves. The separation of the management of internal processes between the court and the court administration in the management literature is considered suboptimal¹¹, and is also a potential cause of organizational delays, since it is necessary to take too many procedural steps to make internal decisions of the court. In order to improve the efficiency of work and to provide meaningful professional support to judges in legal work, it is necessary to simplify the model for the management of the judiciary. The preferred solution would be to integrate the organisational units of the judiciary and other stakeholders into a single hierarchical framework, which would be fully managed solely by the Council for the Judiciary. This would ensure, on the one hand, consultation and cooperation with other key partners, including the decision-making and executive branches. On the other hand, it would allow the judiciary, with the support of the Judicial Administration and the Council for the Judiciary, to function as a single entity with common objectives. The principles of sound management require that those responsible for creating the final product have the right to decide how to carry out the tasks assigned to them. In order to be able to take responsibility for providing the judicial service in the most efficient way, courts should be empowered to manage their staff and budget. Currently, courts do not have a budget or sufficient discretion to manage or hire court staff. The quality of staff and the conditions of their employment affect the court's ability to fulfil its role both as a judicial authority and as a service provider. At the same time, it should be borne in mind that improving the quality of operation can excessively increase costs, and therefore the Council for the Judiciary must ensure monitoring of the balancing of costs with efficiency by carrying out a systematic analysis of the performance of the courts and setting thresholds for the resources optimally needed.
7. Reducing the involvement of the executive should be recommended in judicial governance issues such as (1) planning and strategy development of the judiciary, as the most important strategic directions of action can only be determined and implemented by the judiciary itself; (2) Organisation of court work by issuing internal regulatory enactments regarding issues of organisational management of courts and transfer of a vacant position of judge within the scope of the territory of operation of the court. The Council for the Judiciary should also, autonomously from the Minister of Justice, raise the issue of the Saeima for consideration of the removal of a judge from office, for example, in cases where a judge wants to change his career. The involvement of the Minister of Justice in dealing with an internal administrative issue of the judicial system, such as determining the number of judges in each district (city)

¹¹ Pieejams: <https://iacajournal.org/articles/68/files/submission/proof/68-1-152-1-10-20131023.pdf>; <https://aija.org.au/wp-content/uploads/2017/11/Williams.pdf>; https://cjc-ccm.ca/cmslib/general/news_pub_other_Alternative_en.pdf.

court and district court, is a seemingly unnecessary participation of the executive in matters of judicial administration.

8. In order to manage the efficiency of the courts on the merits, the budgetary management of the judicial system must be consolidated with a system of judicial outcome management. Currently, these processes are separated into two different bodies: the Ministry of Justice, which manages the budget and other resources, and the Judicial Council, which is tasked with approving standards for the time limits for hearing cases.
9. The Council for the Judiciary does not have the capacity to manage the administrative processes of the judiciary and must therefore have the statutory powers to fully supervise and direct the work of the Judicial Administration. The Council for the Judiciary shall be responsible for all matters relating to the selection of the Head of the Court Administration, the assignment of terms of reference and the evaluation. The Council for the Judiciary must approve the strategy and budget of the Judicial Administration, monitor the implementation of plans.
10. The establishment of the most appropriate governance mechanism is influenced by the uncertainty of the decision on the scope and composition of the Judicial Council's mandate when it comes to budgeting and financial management. The existing problems in the operational nature of the work of the Council for the Judiciary and the fact that the Council is composed of a large number of high-level officials who are not employed in district (city) courts and district courts, whose budget and financial management is planned to be supervised, make it urgent to review the composition and areas of responsibility of the Council for the Judiciary. There may be several scenarios for action: (1) Changing the responsibilities of the Council for the Judiciary, including reducing the workload of the Council for the Judiciary in dealing with issues of administrative management of the courts; (2) To distinguish between different levels of decision-making or the composition of the members of the Council with voting rights in the Council for the Judiciary; (3) To change the composition of the Council for the Judiciary, excluding political officials from its composition as a matter of priority.
11. By changing the powers of the Ministry of Justice with regard to the administration of the courts, and possibly also the composition of the Council for the Judiciary, and excluding political officials from its composition, it is necessary to maintain a close cooperative relationship between the Ministry of Justice and the Council for the Judiciary in the further shaping of justice policy. Since the Minister of Justice participates in the adoption of the decision of the Cabinet of Ministers on the draft law on the state budget, it is recommended that the reasoned justification for significant changes in the budget request for district courts and district (city) courts has been discussed in advance with the Ministry of Justice. Taking into account the competence of the Ministry of Justice in assessing the effectiveness of the implementation of the policy, cooperation of all parties involved in monitoring the results of the activities of the judiciary is also important.
12. In Latvia, the president of the court has narrower powers than in comparable countries. In the management of the judiciary, there are signs of organisational subordination to the Council of the Judiciary or the Minister of Justice, including the Court Administration. Part of the responsibility of the judicial authority lies within the competence of other institutions. Court presidents are tasked with directing the work of the judicial authority, but have limited powers to independently determine the type and number of support staff; decide on the leave of judges or participate in the evaluation of the judge. The independence of the judge is also affected by the autonomy of the judicial authority, including reasonable self-determination in administrative matters. While preserving the Court Administration as a single service centre, it is advisable to clearly define the powers of the president of the court to set the objectives of the judicial authority and to define performance that would cover not only the deadlines for hearing cases in court, but also, for example, aspects of case flow management and human resource planning. In larger judicial authorities, there is a need to develop a more targeted case flow management process, which is monitored by supervisors and data analysts responsible for the flow of cases.

Opportunities to improve the efficiency of the justice system

13. 75% of the funding of the judicial system is used to ensure the functioning of the court of first instance and the court of appeal, two-thirds of this amount is directly for remuneration. Consequently, the most significant positive fiscal impact would be due to measures to make the justice system more efficient that relate to judicial staffing policies.
14. The remuneration of a judge of first instance is as much as 30% lower compared to the monthly salary of judges in other Baltic states, such as Estonia, and is currently no longer compatible with the amount of responsibility entrusted to the judge and the level of risks associated with the position. The Latvian authorities point out that the amount of the monthly salary is influenced by the fact that in Latvia judges are provided with post-employment benefits – a retirement pension¹², whereas, for example, in Estonia, since 2013, judges have been subject only to the general state pension in accordance with the National Pension Insurance Law. The issue of remuneration for judges is relevant in the context of the development of the Institute of Assistant Judges. . Good practice is to set the remuneration of assistant judges at around 50% of a judge's salary, but in Latvia such a salary is not competitive to attract qualified lawyers. In addition, assistant judges are not included in the retirement pension scheme relying on post-employment benefits. Consequently, without increasing the remuneration of judges, it is not possible to create a composition of judicial assistants qualified in legal matters that would provide full legal support to judges and reduce the workload of judges. In view of the budget savings that would result from the reduction in the number of judges, we believe that it is necessary to increase the judge's remuneration by around 20% of the current amount.
15. Analysis of the data shows that there is no other more efficient method of calculating the number of cases pending per judge in determining the number of judges. The case weighing model would help to determine the weighted number of cases per judge, which would undoubtedly be an even more objective indicator, provided that the "case scales" already provided an accurate estimate of the time spent. The permissibility rate of the courts and the duration of the hearing are indicators that provide only context on the capacity of the court in question.
16. Measuring the performance (performance) of courts allows courts to collect and provide evidence of the success of meeting the needs and expectations of clients in court. Tracking the performance indicators of the courts is a necessary component of the accountability of the judiciary and a testament to the effective management of the judiciary as an industry. In order to demonstrate the quality of the provision of the court service and to allow to convey a message about its effectiveness to the Saeima, it is necessary not only to demonstrate the degree of achievement of performance indicators, but also to regularly obtain data on the actual working time consumed in the categories of the most frequently viewed cases, periodically performing measurements of the time consumed.
17. In the budget requests of the Ministry of Justice for the period from 2018. - For 2024, several dozen performance indicators of the judicial system have been accumulated (see photo). **Annex 9**, which covers various aspects of the activities and proceedings of district (city) courts and district courts. The analysis of the achievement of the performance indicators accumulated in the budget explanations shows that, as a rule, not all planned indicator values are achieved. It is possible that the achievement of the set result indicators is not as successful as planned, since the target values to be achieved are set and monitored separately from the performers of the duty to litigate. There are also no reports that achieving the goals would be cascaded to the judge. As a result, the goals set have not become a stimulus for the efficiency of the judge's own work, but seemingly serve as a control tool. In order for the results to be an indicator of how effective the efforts of judges are, it is recommended that judges themselves agree on a narrower range of performance indicators, either at judicial or judicial level. The

¹² Saskaņā ar Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likuma 3. panta pirmo daļu izdienas pensija nav atlīdzība.

achievement of a certain result should become an objective for which judges take responsibility, independently monitor, discuss the causes of its non-compliance and look for solutions to increase efficiency.

18. Each continuation of the substantive hearing increases the workload on all parties involved by 12 to 24%.¹³ In order to be able to measure the proportion of cases that are closed on the merits at the first hearing, it is necessary to record separately data on the first and subsequent hearings in order to improve the efficiency of the courts. Another efficiency target that should be pursued is that, for example, in at least 90% of cases, the interval between the first hearing of the case on the merits and subsequent hearings or other essential procedural action should not exceed 45 calendar days or other days fixed by the courts. The collection of such information would make it possible to obtain data to be used for planning purposes in order to identify unjustified delays, speed up the flow of cases and improve the efficiency of the judicial process.
19. Fair division of labor involves aligning remuneration with the value of the position – the level of responsibility and the complexity of the work. Similar monthly salaries are set for positions of similar responsibility and complexity, higher remuneration for positions of higher responsibility and complexity than for positions of lower responsibility and complexity. At present, the complexity of cases before the courts of first instance and the levels of responsibility vary sharply between judges dealing with land registers and non-contentious cases and other cases before courts of general jurisdiction. The number of cases to be heard by a single judge in the Economic Court and the Administrative District Court is significantly lower than for a judge in a court of general jurisdiction, which may indicate that there are more complex categories of cases than in other courts. In the absence of a clear and understandable division of monthly salary groups between, for example, junior and senior judges or judges of the Land Register, general jurisdiction and specialised courts, a remuneration system has emerged that is unbalanced in terms of the level of responsibility and complexity of the work. The Judicial Council would be advised to push through an amendment to the law with a proposal to separate at least two levels of judges of first instance, using the current monthly salary group of judges as a base level.
20. The centralisation of decision-making and the forced unification of labour organisation in the judicial system undermine the autonomy of the judiciary. The absence of administrative management¹⁴ to support the president of the court in Latvian courts, combined with centralised resource management, has led to a situation where judicial authorities are not responsible either for planning and using the budget efficiently, or for finding solutions that increase efficiency within the framework of existing resources. As a result, centralized plans are too robust, resource users demand backup resources for security, which can lead to resource downtime. Therefore, the only way out is to entrust decisions on resource management as much as possible to the administrative management of the court independently, reducing centralization and top-down solutions. A similar approach should also be applied to the development of models for the assembly and cooperation of judges and judicial assistants and court clerks. Such issues need to be addressed at court level, by assembling cooperation groups in a targeted manner in order to make the process of handling different categories of cases as efficient as possible.

¹³ Some Costs of Continuances. A Multi-Jurisdictional Study. Pieejams: <https://www.ojp.gov/pdffiles1/Digitization/103304NCJRS.pdf>.

¹⁴ Visu salīdzināmo valstu tiesās ir tiesas izpilddirektors, administratīvais vadītājs vai tiesas valde, kas rūpējas par konkrētas tiesas vadību, bet Latvijā pat vislielākajās tiesās (Rīgas apgabaltiesa 187 nodarbinātie, t.sk. 57 tiesneši, Rīgas pilsētas tiesa – 461 nodarbinātie, t.sk. 106 tiesneši, Rīgas rajona tiesa – 175 nodarbinātie, t.sk. 40 tiesneši) nav direktora vai valdes.

Potential opportunities to improve the governance model of the justice system:

Opportunities for better governance (2)		
The 1st option • Better functional division between institutions • Budget management and performance management by courts: • Judicial Council (JC) – supervisory function, if current JC composition maintained* • Courts (court presidents) – independent court management, incl. management of own budget based on performance indicators • Court administration (CA) – a single service center that provides services in accordance with a specific service contract agreement, incl. accounting (supervision by Judicial Council optional)	The 2nd option • Clear functional division between institutions • Budget oversight by JC, management by the CA combined with the judicial performance management: • JC – supervisory function, harmonization of budgetary decisions, if current composition is changed to judges and executives* • CA – budget and performance management, court staff allocation, as well as a single service center that provides services in accordance with a specific service contract agreement, supervised by Judicial Council • Courts (court presidents) – partially independent court management, incl. court development plan and performance indicators 	The 3rd option • Partial functional overlap between JC and board of the CA • Budget management combined with the judicial performance management: • JC – if current composition maintained, mainly no change in functions, except election of the board of Court Administration • Courts (court presidents) – 3 – 5 delegated as members to the board of Court administration • CA – management of court budgets based on court performance indicators, as well as a single service center that provides services in accordance with a specific service contract agreement, supervised by Judicial Council 
On all options: Parliament – approval of judges in office, but canceling determination of the total number of judges by the parliament.		

*Change the areas of responsibility of the Judicial Council, including reducing the workload of the Judicial Council in resolving issues of administrative management of courts.

1. Objective of the project and expected results

1.1. The aim of the project and the result to be achieved

General purpose of the service contract



Promote institutional, administrative and growth-enhancing structural reforms in Latvia in accordance with Article 3 of Regulation (EU) 2021/240 establishing a Technical Support Instrument (TDI Regulation).

Specific purpose of the service contract



To help national authorities improve their ability to plan, amend, implement and review reforms in accordance with Article 4 of the TDI Regulation.

Project results¹⁵



Result 1: Development of a roadmap for the institutional reforms necessary to increase the efficiency of the functioning of the justice system.

Result No.2: Development and adaptation of a model (methodology) for evaluating the effectiveness of the work of the judicial system based on statistical data.

The achievement of results and the promotion of the long-term impact of this Agreement largely depend on the specific further measures taken by Latvia and the implementation and further implementation of the results to be achieved, as well as on broader policy conditions that are not within the competence of the European Commission and the contracting entity. Such supervision and implementation is exclusively within the competence of Latvia.

1.2. Objectives of delivery and tasks to be performed

The objective of the third deliverable and the tasks to be carried out within the framework of the report derive from the technical specifications of the procurement stipulated in the European Commission's contract between SG REFORM and PwC:

Purpose of the report



To provide an accurate and in-depth analysis of the current regulatory, governance and institutional framework of the Latvian judicial system, including gaps in the analysis of judicial workload data.

Tasks to be carried out in the preparation of the report

- Analyze the current situation, including (1) gaps in the existing analysis of court workload data; (2) the model for weighing existing cases in the courts; (3) the institutional structures of the courts (number, competence and staff); (4) a change in the status of the proposed assistant judges; (5) the functionality of existing information technology (IT) working systems for judges and assistant judges.
- Highlight a high-level description of the future situation.
- Conduct research on international good practice (at least three countries).

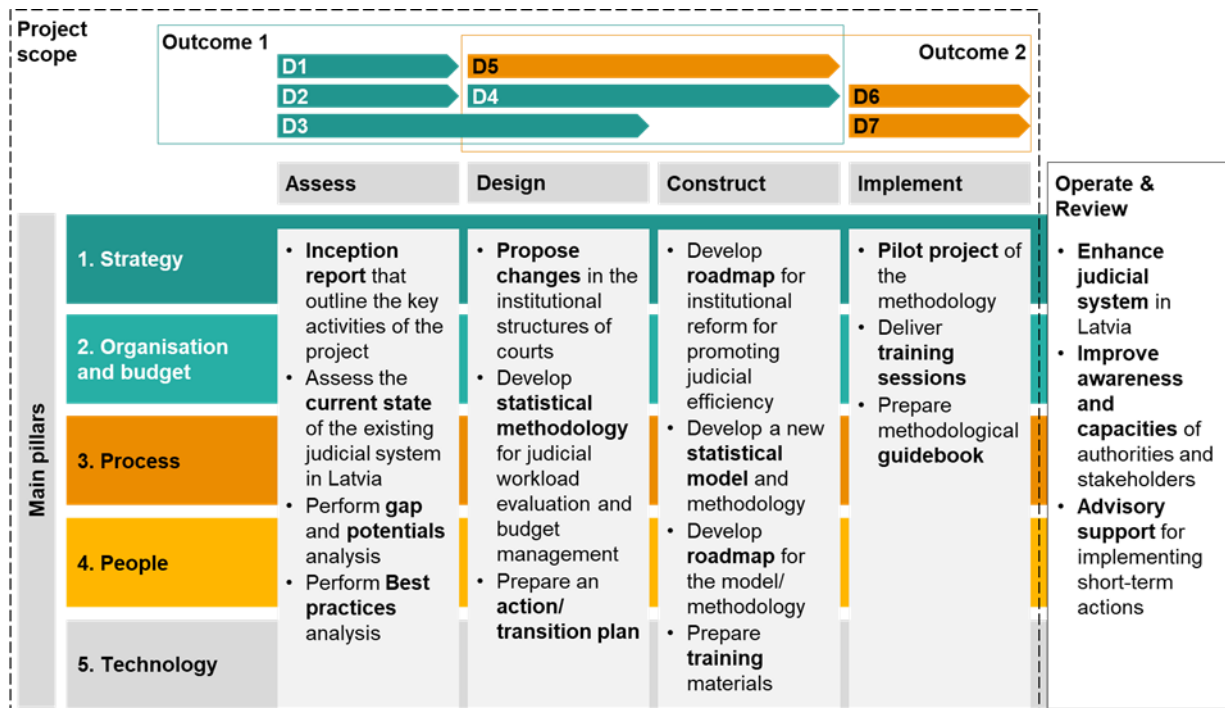
¹⁵ Mērķa sasniegšana nav tikai līgumslēdzēja atbildība un būs daļēji atkarīga no Latvijas rīcības. Paredzams, ka Latvija, cieši iesaistījusies līguma īstenošanā un konsultējusies ar līgumslēdzēju iestādi par visiem nodevumu projektiem, ar savu iekšējo mehānismu palīdzību apstiprinās nodevumus un īstenošanos nodevumos ietvertu darbu.

- Prepare a comparative analysis of the effectiveness, costs and benefits of various case weighing systems and models developed/used in other European countries (at least three).
- Prepare an action/transition plan to achieve the desired future situation.
- Summarise the analysis (analysis of the current situation, objectives to be achieved, desired future situation and transition plan) in the report, taking into account the number of parties involved (for the matrix of parties involved, see the matrix of the parties involved). **Annex 3**) comments.

1.3. Our approach

The PwC **Transform methodology** adapted to the project was used in the preparation of the report.

1. picture. Project scope.



A detailed analysis has been carried out by assessing the current situation in accordance with the criteria set out in the terms of reference and listed in the Judicial Efficiency of the Commission of the Council of Europe (CEPEJ) in the time management tools of the judicial system¹⁶, in particular in the updated Saturn Guidelines for Judicial Time Management¹⁷. Within the framework of the analysis, the practice of Latvia was compared with the identified best practices of other countries, the reasons for deviations from the relevant criteria were evaluated, and other problems were assessed. The following research methods have been used to conduct the research and prepare the Report:

¹⁶ CEPEJ. CEPEJ tools on judicial time management. Pieejams: <https://www.coe.int/en/web/cepej/saturn-tools>.

¹⁷ European Commission for the Efficiency of Justice (CEPEJ). Revised SATURN Guidelines for Judicial Time Management. Pieejams: <https://rm.coe.int/cepej-2021-13-en-revised-saturn-guidelines-4th-revision/1680a4cf81>.

2. table. An overview of the methods used in the preparation of the report.

Method	Description
Literature study	Compilation and systematic analysis of documents (analysis of secondary data, t.sk. publicly available documents and data, regulatory framework, PwC knowledge database) by performing analysis of Latvian and foreign practice.
Interviews	Interviews with individual stakeholders have been organised as an integral part of the information gathering process in order to identify the current system and the necessary improvements. The method has been used to obtain additional information for the assessment of foreign and Latvian practice and to prepare an in-depth assessment of the situation. For a list of interviewees, see: Annex 1 :
Analysis of statistical data	The analysis of descriptive statistics covered the acquisition, compilation, grouping and graphical representation of data, focusing on the calculation of basic statistical indicators and the identification of the internal structure and characteristics of the data set. The analysis uses data from the official statistical databases of the European Union (EU) and Latvia, as well as data provided by the Council of Justice and the Court Administration.
Discussions (workshops)	Discussions with a wider group of stakeholders in order to prepare, in cooperation with stakeholders, the planning of transitions from the current to the desired future situation, based on the study of the current situation on the budgetary and human resource planning of the judiciary.
Case study	Case studies have been used to gain the best possible understanding of foreign good practices by looking for answers to the questions "how?", "how?", "why?". According to the task, 3 countries were selected according to certain criteria: Estonia, the Netherlands and Finland, preparing a brief description and identifying good practices.

1.3.1. Criteria for assessing the effectiveness of courts

Taking into account the fact that the task of the Project is the development of a roadmap for institutional reforms necessary **to increase the efficiency of the functioning of the judicial system**, it is first necessary to find out what efficiency problems exist in the judicial system and whether institutional reforms are necessary to eliminate them.

By analyzing the regulatory framework, recommendations of international organizations and foreign good practices, the criteria for assessing the effectiveness of courts have been identified:

Criterion for assessing the effectiveness of courts
1. The strategy for the development of the judiciary, the system of judicial authority and the management procedure contribute to the improvement of the efficiency of the work of the judge
2. Adequate resources allocated on the basis of objective criteria: 2.1. Sufficient number of judges and sufficient appropriately qualified support staff 2.2. Remuneration corresponding to the level of liability 2.3. Material and technical support that allows you to perform duties effectively
3. Cost-effective organization of work: 3.1. Effective case management, 3.2. observance of a reasonable time limit,
4. Human resource management model for the judiciary 4.1. Judge's self-orientation to efficiency:
5. Effective information communication technologies and digitalisation of the judicial process.
6. Access to effective alternative dispute resolution methods.
7. Awareness of the public's expectations of the functioning of the justice system.

1.3.2. Sources and explanation of the criteria for assessing the effectiveness of courts

1. Self-orientation of the judge to efficiency

The Committee of Ministers of the Council of Europe explains that the effectiveness of courts is the adoption of quality decisions within a reasonable time after a fair examination of matters.¹⁸ As set out in paragraph 30 of the recommendations of the Committee of Ministers of the Council of Europe¹⁹, the effectiveness of the judiciary and the judicial system is a necessary condition for the protection of the rights of every person, compliance with the requirements of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms²⁰, legal certainty and public confidence in the rule of law.

It is the duty of individual judges to ensure the effective management of the cases for which they are responsible, including the enforcement of decisions within their jurisdiction.²¹ At the same time, the search for greater economic efficiency must never compromise the independence of the judge. Independence protects the judge as a member of the state power. Economic efficiency refers to the role of the judge in the justice system, from which people expect clarity, speed, cost-effective organization of work, courtesy and sensitivity, especially with regard to victims, and efficiency in determining their rights and their obligations.²²

2. Impact of the working conditions and overall organisation of the work of judges ensured by the judicial authorities on the effectiveness of the work of judges

The authorities responsible for the organisation and functioning of the justice system have a duty to provide judges with conditions enabling them to carry out their task and must achieve efficiency while protecting and respecting the independence and impartiality of judges.²³

The European Advisory Council for the Judiciary (CCJE) recommends on the development of Councils for the Judiciary and their role in an independent and impartial justice system²⁴ that Councils for the Judiciary should be actively involved in assessing the quality of justice and implementing techniques to ensure the effectiveness of the work of judges, but should not replace the relevant judicial authority entrusted with the individual evaluation of judges.

The Organisation for Economic Co-operation and Development (OECD) stresses that access to a truly effective judiciary is increasingly seen as a key condition for creating a positive business and investment climate, as well as a valid means of tackling inequalities.²⁵ In order to prevent and reduce excessive workload in the courts, measures in line with the principle of judicial independence should be taken to entrust non-judicial tasks to appropriately qualified persons.²⁶

In order to assist the budgetary authorities in carrying out a reasoned assessment of the needs of the courts, the Councils of the Judiciary or other independent bodies responsible for the administration of the courts may advise and involve the preparation of judicial budgets. In some countries, this applies not only to the state, but also to decentralised judicial authorities where they have competence in these matters.²⁷

¹⁸ Ieteikumu CM/Rec(2010)12, ko Eiropas Padomes Ministru komiteja pieņēma 17.11.2010. pēc Eiropas Juridiskās sadarbības komitejas (CDCJ) priekšlikuma, 31. punkts. Pieejams: <https://search.coe.int/cm?i=09000016805afb78>.

¹⁹ Turpat, 30. punkts.

²⁰ Ikvienam ir tiesības uz taisnīgu un atklātu lietas izskatīšanu saprātīgā termiņā neatkarīgā un objektīvā, ar likumu izveidotā tiesā.

²¹ Ieteikumu CM/Rec(2010)12, ko Eiropas Padomes Ministru komiteja pieņēma 17.11.2010. pēc Eiropas Juridiskās sadarbības komitejas (CDCJ) priekšlikuma, 31. punkts. Pieejams: <https://search.coe.int/cm?i=09000016805afb78>.

²² Turpat, 37. punkts.

²³ Turpat, 32. punkts

²⁴ Eiropas tiesnešu konsultatīvā padomes (CCJE) 05.11.2021. viedokļa Nr. 24. D daļas c apakšpunkts. Pieejams: <https://rm.coe.int/opinion-no-24-2021-of-the-ccje/1680a47604>.

²⁵ ESAO. (2018). Justīcijas pieejamība uzņēmumiem un integrējoša izaugsme Latvijā. 3.lpp. Pieejams: <https://www.ta.gov.lv/lv/media/91/download?attachment>.

²⁶ Ieteikumu CM/Rec(2010)12, ko Eiropas Padomes Ministru komiteja pieņēma 17.11.2010. pēc Eiropas Juridiskās sadarbības komitejas (CDCJ) priekšlikuma, 36. punkts. Pieejams: <https://search.coe.int/cm?i=09000016805afb78>.

²⁷ Turpat, 45. punkts

The administration of courts should help to improve the economic efficiency of the courts and safeguard the independence and impartiality of judges. Independence refers to the decision-making of the court and the conduct of court hearings. It does not preclude the approval of common working methods necessary for the effective performance of the duties of judges. Protocols, manuals or methodological guidelines designed to achieve this objective should be approved by court judges or by the judicial sector or by the judicial representatives to whom they are addressed, in order to guarantee the effectiveness of the working rules and their respect for the independence of judges. Management accountability systems should apply only to management activities and never to judicial activities.²⁸

Examples to improve efficiency: leadership and cooperation in the judicial system, strategic management of the judiciary, efficient allocation of resources, management of case flow (t.sk standards for case handling time), data-driven performance management, continuation of case policies, limitation of postponement of hearings, and other management actions that contribute to the efficiency of litigation.

3. Adequate resources allocated on the basis of objective criteria

The needs of the courts must be assessed and assessed on the basis of objective criteria.²⁹ This means that a clear algorithm is needed to estimate what resources the judiciary needs to deal with the volume of cases brought before the court.

3.1. Adequate number of judges and sufficient suitably qualified support staff

The courts should be allocated a sufficient number of judges and appropriately qualified support staff.³⁰ Judges work more efficiently and deliver judgments more quickly if they are provided with appropriate support staff selected on the basis of objective criteria and provided with the necessary equipment.³¹ A balance must be struck between the right of judges to adequate working conditions and their responsibility to make effective use of the resources allocated to them.

The remuneration of judges must be proportionate to their profession and duties, sufficient to protect judges from inducements aimed at influencing their decisions.³²

Each State should be provided with adequate resources, premises and equipment for courts to enable them to operate in accordance with the standards set out in Article 6 of the Convention³³ and to enable judges to work effectively.³⁴

3.2. Effective information communication technologies and digitalisation of the judicial process

Institutions and judges should promote the use of electronic case management systems and information communication technologies, and their general use in courts should likewise be encouraged. The Council of Europe recommendation stresses that courts should be allocated a sufficient number of judges and appropriately qualified support staff. The judge's decision-making powers in a particular case should not be limited to the requirement to use resources as efficiently as possible.³⁵

4. Specialized types of court proceedings

The establishment of a specialised court, which has exclusive jurisdiction to hear certain categories of cases, can significantly shorten the average duration of the cases in question and

²⁸ Turpat, 46. punkts.

²⁹ Ieteikumu CM/Rec(2010)12, ko Eiropas Padomes Ministru komiteja pieņēma 17.11.2010. pēc Eiropas Juridiskās sadarbības komitejas (CDCJ) priekšlikuma, Paskaidrojumu 42. punkts. Pieejams: <https://search.coe.int/cm?i=09000016805afb78>.

³⁰ Turpat, 35. punkts.

³¹ Turpat, 42. punkts.

³² Turpat, 41. un 53. punkts.

³³ Cilvēka tiesību un pamatbrīvību aizsardzības konvencija.

³⁴ Ieteikumu CM/Rec(2010)12, ko Eiropas Padomes Ministru komiteja pieņēma 17.11.2010. pēc Eiropas Juridiskās sadarbības komitejas (CDCJ) priekšlikuma, 33. punkts. Pieejams: <https://search.coe.int/cm?i=09000016805afb78>.

³⁵ Turpat, 34., 35., 37. punkts.

ensure a higher quality of rulings, as the specialisation of judges is an effective tool for increasing the efficiency of judicial proceedings.

Some specialised ways of handling cases may be introduced in the countries. Although specialisation has potential drawbacks (e.g. developing the competence of judges only in a certain direction and a more tolerant attitude towards regular litigants), the cost considerations and possible advantages of specialisation include efficiency and upskilling in dealing with legal issues, improved uniformity and predictability, and improved quality of judicial decision-making. At the same time, judges who will specialize in dealing with very narrow categories of cases, without prejudice to other categories of cases, run the risk of losing their qualifications to some extent.³⁶

As the example of the Court of Economic Affairs shows, in conditions of narrow specialisation, especially with an inadequate allocation of resources and an unbalanced structure of cases, there is a risk that the court will become a point of delay rather than an acceleration of the proceedings. In the Latvian context, a more sustainable approach would be to develop the specialisation of judges and within the existing courts, strengthening cooperation platforms and methodological support in specific areas.³⁷

5. Access to effective alternative dispute resolution methods

The availability of effective alternative dispute resolution mechanisms to the court should be promoted³⁸, as they can be just as important as access to justice.

The task of the legislators is to develop a justice system that supports the referral of the settlement of disputes between the parties to the correct authority, depending on its nature and seriousness. Although there is considerable interest in alternative dispute resolution mechanisms in Latvia, they are not used properly in practice. Dispute participants do not really take into account the full range of dispute resolution mechanisms and there are shortcomings in the out-of-court dispute resolution services offered. It seems that companies only very rarely consider resolving disputes through arbitration, mediation, conciliation, ombudsman schemes or online. Like many other countries, Latvia faces the low practical relevance of mediation, despite its attractive characteristics. The supply and demand for arbitration services is currently unbalanced. The conciliation and ombudsman schemes are much less consolidated than in other OECD countries.³⁹

There is still a cautious attitude of the public and a low level of awareness of the possibilities and advantages of alternative dispute resolution. These mechanisms are often seen as less effective than traditional litigation, and judicial authorities do not make sufficient use of opportunities to inform the public about these solutions. Confidence in these mechanisms is also undermined by concerns about objectivity, conflicts of interest and low enforceability.⁴⁰

6. Awareness of public expectations about the functioning of the justice system

Judges who are part of the society they serve cannot effectively enforce the rule of law without public trust. Judges must be aware of what the public expects from the judicial system and what complaints about its functioning are. This would be facilitated by permanent mechanisms set up by judicial councils or other independent bodies to obtain such feedback.⁴¹

³⁶ Juris Siliņš: Tiesnešu specializācija ir objektīvi nepieciešama. Pieejams: <https://lvportals.lv/tiesas/306239-juris-silins-tiesnesu-specializacija-ir-objektivi-nepieciešama-2019>.

³⁷ Tieslietu padomes Tiesnešu specializācijas darba grupas ziņojums "Tiesnešu specializācijas pamatprincipi". Pieejams: <https://www.tieslietupadome.lv/lv/media/9016/download?attachment>.

³⁸ Ieteikumu CM/Rec(2010)12, ko Eiropas Padomes Ministru komiteja pieņēma 17.11.2010. pēc Eiropas Juridiskās sadarbības komitejas (CDCJ) priekšlikuma, 39. punkts. Pieejams: <https://search.coe.int/cm?i=09000016805afb78>.

³⁹ ESAO. (2018). Justīcijas pieejamība uzņēmumiem un integrējoša izaugsme Latvijā. 14.lpp. Pieejams: <https://www.ta.gov.lv/lv/media/91/download?attachment>.

⁴⁰ OECD. Efektīvas strīdu izšķiršanas tiešsaistē attīstība Latvijā. Pieejams: https://www.oecd.org/lv/publications/efektivas-stridu-izskirsanas-tiessaiste-attistiba-latvija_03bf2cc4-lv.html?utm_source=chatgpt.com.

⁴¹ Ieteikumu CM/Rec(2010)12, ko Eiropas Padomes Ministru komiteja pieņēma 17.11.2010. pēc Eiropas Juridiskās sadarbības komitejas (CDCJ) priekšlikuma, 20. punkts. Pieejams: <https://search.coe.int/cm?i=09000016805afb78>.

The Court of Justice and the Council for the Judiciary shall, within the limits of available resources, seek public opinion on the functioning of the judicial system. According to the results of the surveys conducted by the Public Policy Centre PROVIDUS, "Compendium of Court Visitor Questionnaires 2022-2023", court visitors generally rate the work of the court very well, with the highest regard for the attitude of employees. Lower satisfaction, on the other hand, for the convenience of how one can get acquainted with the court materials and the exact time of the start of the hearing. In addition, 70% of respondents indicated that they would use the opportunity to communicate electronically with the court.⁴²

According to the SKDS survey data "Attitudes towards courts and views on judicial proceedings in the Latvian population survey (2024)", 38% of respondents trust the judiciary, while 44% trust the judiciary is low. It should be noted that the 2023 survey also shows similar results. In addition, the most critical attitude towards the courts has been found by respondents who have personally or by people close to them have encountered the work of the courts. Almost the majority of respondents are equipped with technology for remote hearings or other activities. However, only 35% support a remote court hearing. Although the majority of respondents indicate that the courts are competent, at the same time it is noted that the deadlines for hearing cases are not proportionate.⁴³

For example, in the Netherlands, highlighting the changing processes in society, the judiciary is looking for new solutions through innovative projects that help to solve the problem of debt obligations or complex divorces out of court. As in Latvia, where around 42% of legal proceedings are claims for loss and debt recovery, such proceedings account for a large proportion in the Netherlands. Therefore, in 2023, seconded court officials – debt advisors – were launched, which help the judicial system to alleviate the problem of indebtedness, if, for example, the same person is a debtor to several creditors. The debt consultant is trained, engages in direct conversation with the person in question. If possible and if there is a desire, the debtor can be so directed to the municipal assistance service for persons who cannot solve the problem of indebtedness.⁴⁴ In Latvia, similar solutions are extensively described in a project led by the Ministry of Justice.

2. Strategy

 At present, the strategic priorities of the institutions governing the judiciary are not fully aligned, thus creating uncertainty as to the direction of further development of the judicial system. The Council for the Judiciary and the Ministry of Justice should agree on the objectives and priorities for the strategic development of the judiciary, as well as the conceptual solution for ensuring the independence of the judiciary from the executive. ...		
	Strategy of the Ministry of Justice and National Development Plan for 2021-2027	Strategy for the Functioning of the Council for the Judiciary 2021-2025
	Priorities are focused on meeting the needs of society and the business environment, highlighting the accessibility, efficiency and reliability of the justice system as key factors.	The main priority is the development of the institution itself and the strengthening of the internal institutional capacity of the judiciary.
Objectives	- Fair trial within a reasonable timeframe. - A judicial system that is trusted by the public.	The independence of the judiciary from the executive has been promoted and guarantees of

⁴² Sabiedriskās politikas centrs PROVIDUS. Tiesu apmeklētāju anketu apkopojums 2022-2023.gads. Pieejams: <https://providus.lv/wp-content/uploads/2023/09/Apkopojums.pdf>.

⁴³ SKDS. (2024). Attieksme pret tiesām un uzskati par tiesvedības procesiem Latvijas iedzīvotāju aptauja. Pieejams: https://ppdb.mk.gov.lv/wp-content/uploads/2024/09/SKDS_2024.pdf.

⁴⁴ Nīderlandes Tiesu vara. Parādu vadība. Pieejams: <https://www-rechtspraak-nl.translate.goog/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Kwaliteit-van-de-rechtspraak/innovatie-binnen-de-rechtspraak/Paginas/schuldenaanpak.aspx? x tr sl=auto& x tr tl=lv& x tr hl=en& x tr pto=wapp>.

	Strategy of the Ministry of Justice and National Development Plan for 2021-2027	Strategy for the Functioning of the Council for the Judiciary 2021-2025
		independence have been developed. • The Judicial Council is a respected representative of the interests of the judicial system, including in the policy planning process. • An efficient, convenient, timely, publicly understandable and accessible judicial system. • Public awareness of the judiciary has been ensured and public trust in it has been increased.
Results	• Reliable judicial system. • Effective organization of judicial work. • High-quality and affordable judicial system. • Digitized judicial system.	• Strengthening the independence of the judiciary. • Strengthening the functionality and role of the Judicial Council. • Effective and high-quality judiciary. • Promoting public trust in the judiciary. •
Policy and performance indicators	• A part of society that trusts the judicial system in whole or in part. • The part of entrepreneurs who believe that the independence of courts and judges is very large or quite large. • Total duration of the entire proceedings (from the initiation of legal proceedings to the final decision in the case) (months): 1) in administrative matters; 2) in cases of administrative offenses; 3) Civil; 4) Criminal. • Court Administration e-Government Index.	Contains neither policy (degree of achievement of the goal) results nor performance results and their indicators.

2.1. Strategic priorities of the Council for the Judiciary



The overarching objective of the Council for the Judiciary is to ensure equal representation of the judicial system in the dialogue between the branches of state power in order to ensure the independence, quality, development and accountability of the judiciary. In order to achieve the overarching objective, the Council for the Judiciary has set four strategic priorities for the period 2021-2025 (see Annex III). Figure 2).⁴⁵

⁴⁵ Tieslietu padome. (2021). Tieslietu padomes darbības stratēģija 2021.–2025. gadam. Pieejams: https://www.at.gov.lv/files/uploads/files/9_Tieslietu_padome/Dokumenti/Pielik_Nr_16_Tieslietu_Padomes_Strategija_2021_2025.docx.

2. picture. Priorities of the Council for the Judiciary.

 Strengthening Judicial Independence	 Strengthening the Functionality and Role of the Judicial Council	 Effective and Quality Judiciary	 Promoting Public Trust in the Judiciary
Promoted judicial independence from the executive branch and developed guarantees of independence	The Judicial Council is a respected representative of the interests of the judicial system, including in the policy planning process	An effective, convenient, timely, understandable, and accessible judicial system	Ensured public understanding of the judiciary and increased public trust in it

In each priority direction, 6-9 tasks to be performed are set. Following the adoption of the strategy, a Task Force on Strengthening the Efficiency of the Judiciary was established⁴⁶, which implements the tasks of Action Axis 3 of the Strategy 2021-2015 "Effective and High-Quality Judiciary". In 2025, an analysis of how the strategy has progressed has been carried out.

Courts by law submit to the Council for the Judiciary a plan of time limits for hearing cases each year.

The Strategy for the Functioning of the Council for the Judiciary for 2021-2025 contains neither policy (degree of achievement) nor performance and their indicators. Such result indicators should be geared towards achieving concrete, measurable and achievable results over a given period of time.

2.2. Priorities of the judicial system set out in the National Development Plan and the Strategy of the Ministry of Justice

The strategy of the Ministry of⁴⁷ Justice sets out the objectives of the Justice System policy – "Fair trial within a reasonable timeframe" and "A judicial system trusted by the public" and the main tasks for the period from 2022 to 2026.

Referring to the strategy of the Ministry of Justice and the National Development Plan (hereinafter - the NDP) for 2021-2027⁴⁸, the budget explanatory notes of the Department of Justice of the Ministry of Justice⁴⁹ provide information on the most important policy and operational objectives, policy and performance results, as well as their indicators, which can be achieved with state budget funds in the budget programme "Development of the Justice System" (see Table 3).

⁴⁶ Tiesu efektivitātes stiprināšanas darba grupa. Pieejams: <https://www.tieslietupadome.lv/lv/tiesu-efektivitates-stiprinanas-darba-grupa>

⁴⁷ Tieslietu ministrijas darbības stratēģija 2022.- 2026. gadam. Pieejams: <https://www.tm.gov.lv/lv/media/10187/download?attachment>.

⁴⁸ Nacionālais attīstības plāns 2021. - 2027. gadam.

⁴⁹ Likums "Par valsts budžetu 2025. gadam un budžeta ietvaru 2025., 2026. un 2027. gadam."

3. table. Report on the objectives of the Justice System policy for the State budget framework from 2025 to 2027.

Policy objective: fair trial within a reasonable time; a judicial system trusted by the public		
Policy performance indicators:	Actual value in 2023	Planned value in 2026
Share of society that trusts the justice system in whole or in part (%) ⁴¹	36.0	55
The proportion of businesses who believe that the independence of courts and judges is very high or quite high (%)	43	65
Total duration of the entire proceedings (from the initiation of legal proceedings to the final decision in the case) (months):		
1) in administrative matters	28.8	20
2) in cases of administrative violations	7	4.6
3) in civil matters	17	16
4) in criminal matters	19.3	11.7
Court Administration eGovernment Index	56.7 (2022)	75

A further 42 indicators describing the statistics of court work and judicial efficiency have been accumulated in the budget explanations of the Ministry of Justice and included in the policy and resource management map "1. Development of the judicial system" and provides data on the results of the implementation of the budget sub-programme "03.02.00 District and district (city) courts".⁵⁰ Some important indicators of judicial activity in Latvia are not yet accumulated (see photo). section "Productivity and efficiency of the use of human resources") and it would be useful to identify them so that they can be used to measure changes in the efficiency and quality of the courts.

2.3. Recommendations for measuring progress towards the strategic objectives of the judiciary



We propose, by consolidating the objectives already formulated, for the period from 2026 to 2030 for the judiciary to assess progress towards achieving the objectives with measurable result indicators and to plan development in the following three strategic directions:

1. An efficient, convenient, timely, publicly understandable judicial system, whose services meet the needs of society and people.
2. The staff of the judicial system are competent, determined and have the necessary resources for their work.
3. The fiscal independence of the judiciary from the executive has been ensured, with guarantees of development independence.

The strategic documents currently in force contain strategic objectives for the development of the judiciary that are close to, but not fully coherent. For example, the National Development Plan and the strategy of the Ministry of Justice place greater emphasis on increasing public trust in the judiciary. In addition, the Ministry of Justice uses as result indicators measures the confidence of merchants in the independence of the judiciary and the improvement of the speed of case handling and other indicators for measuring the efficiency of CEPEJ courts. The Council for the

⁵⁰ Finanšu ministrija. (2025). 03.02.00 Apgabaltiesas un rajonu (pilsētu) tiesas / TM-2025.gads. Pieejams: <https://www.fm.gov.lv/lv/030200-apgabaltiesas-un-rajonu-pilsetu-tiesas-tm-2025gads>.

Judiciary, on the other hand, focuses on a narrower circle of persons – the user of the court service, the convenience, timeliness and accessibility of the services available to him. The priority axes of the Council for the Judiciary also relate to the development of the institutional governance of the justice system.

Strategic planning is the process of identifying issues that are essential for the long-term development of district (city) courts and district courts. The strategic planning process must identify the interests of all key judicial partners and, based on stakeholder input, agree on a consensus by scope, objectives and priorities to help the justice system address the challenges it might face.

Taking into account the progress made so far and best practices abroad, we recommend that you consider strategic planning in the areas of activity mentioned in Table 23 and measure progress towards achieving the objectives using the following results and their performance indicators:

4. table. Recommended indicators of progress towards the objectives.

Purpose and result	Performance indicator	Target value ⁵¹	Justification
1. An efficient, convenient, timely, publicly understandable judicial system whose services meet the needs of society and people			A major challenge for the judicial system is the trust of the Latvian public, therefore the judiciary needs to demonstrate that the functioning and services of the judicial system meet the needs of society as a whole and individual people.
The number of cases accumulated in court decreases at the end of the year	- The number of items in stock is lower than at the end of the previous year - The number of cases not dealt with for more than 12 months has decreased by 10% compared to the previous period	5% less backlog - Decreased by 10%	Increasing the efficiency of work processes and management would contribute to equalising the workload on judges, shortening the deadlines for hearing cases, and the result would also be a reduction in the number of cases accumulated in the country.
The average length of proceedings is decreasing	- The average length of proceedings by category of cases corresponds to the Judicial Council's standard of time limits for the year in question - Higher certainty of the date of the hearing - Reduced proportion of continuing hearings on the merits	90% of cases dealt with according to the standard - The number of missed meetings decreases by 10% per annum - The proportion of cases heard in a single hearing is increasing	
The protection of the court has been implemented equally throughout the country	The average duration of proceedings before specialised courts shall not exceed the average duration of proceedings before the court of the relevant	Not exceeding an average duration of more than 3 months	

⁵¹ Mērķa vērtības ir precizējamas pēc bāzes vērtības noteikšanas un saskaņojamas ar tiesu priekšsēdētājiem.

Purpose and result	Performance indicator	Target value ⁵¹	Justification
	instance by more than 3 months		
The quality of the court's work is improving	- The number of unchanged lower court rulings has increased by 5% compared to the previous period - The number of unchanged appellate rulings has increased by 5% compared to the previous period	Up 5 %	The achievement of the quantitative objectives of the courts must be seen in the context of the achievement of qualitative objectives.
Courts provide a high-quality and consistent customer experience - customer satisfaction with the court system increases	- A customer survey is regularly conducted in all courts - Customer satisfaction rate improves by 5% per annum	- Survey conducted - Base value + 5%	Orientation towards the recipient of judicial services, adapting the service to public expectations and ensuring communication with the public is an essential prerequisite for increasing trust in the judiciary.
System users are satisfied with electronic services	- Fully implemented TIS2 system in all courts - The classification system for the categories of cases has been clarified, according to the case weighing model and the case weighing model has been applied	TIS2 introduced	
The role and functioning of the judicial system in society is well known and trusted – the courts inform the public of their decisions	Trust in the judiciary improves by at least 10% in the medium term	Base value + 10%	
2. The staff of the judicial system shall be competent, determined and provided with the necessary resources for their work.			Human resources are the main asset of the judicial system, therefore personnel development issues and the stability of the material and technical condition are an essential direction of strategic development.
The operating procedures shall be effective and in line with best practice, methods and processes are consistent	The guidelines of the Council for the Judiciary on certain issues have been implemented in case law	By 2027, 90%	Increasing the efficiency of work organisation by eliminating redundant, duplicative or transferable activities to employees of other competences should be one of the strategic objectives.
The development of competence is continuous and effective The competence of judges and court staff is being developed	Developed individual competence development plans	- In 2027 – 30% - In 2030 – 70%	The development of competence is an essential aspect of the strategic development of judges and other court staff.

Purpose and result	Performance indicator	Target value ⁵¹	Justification
3. The fiscal independence of the judiciary from the executive is ensured by receiving guarantees of development independence.			
Fiscal independence of the judiciary and clear performance management ensured	- A memorandum on medium-term financing of the judiciary has been drawn up and signed bilaterally between the Council for the Judiciary and the Legislature - Basic funding is provided in accordance with the judiciary to the extent optimally necessary - Part or default of the appropriation carried over to the following year shall not exceed 8% of the planned budget - Established work performance management system	- Signed memorandum - Basic funding provided according to the workload - Default does not exceed 8% of the planned budget	When planning changes in the budget management of the courts, it is necessary not only to create a new model of budget management, but also, taking responsibility for the efficient and efficient use of the judiciary's budget, to introduce a performance management system.
The remuneration of the staff of the judicial system shall be competitive and commensurate with the responsibilities entrusted	The remuneration of judges and assistant judges corresponds to the average level in the Baltic States	By 2030	
Efficient use of material and technical resources	- Revised and optimised plan for the use of court premises - The number of court rooms for a judge does not exceed 0.75	- By 2027 - Not more than 0.75	

3. Organisation and budget

3.1. Basic facts about the judicial system, total number of employees and budget

The judicial system in the Republic of Latvia is determined by the Constitution⁵², the Law on the Judiciary and other laws regulating the structure and operation of the judiciary⁵³. The Law "On the Judiciary" entered into force already on 15.12.1992 and by the end of 2024 it has been amended about 40 times.

The judiciary in the Republic of Latvia belongs to eight district (city) courts, six district courts, the Supreme Court and the Constitutional Court, but also to military courts during a state of emergency or war.⁵⁴ There are a total of 15 judicial authorities (see Annex III). Figure 3). There is a three-tier court system in Latvia. District courts are appellate bodies for civil, criminal and

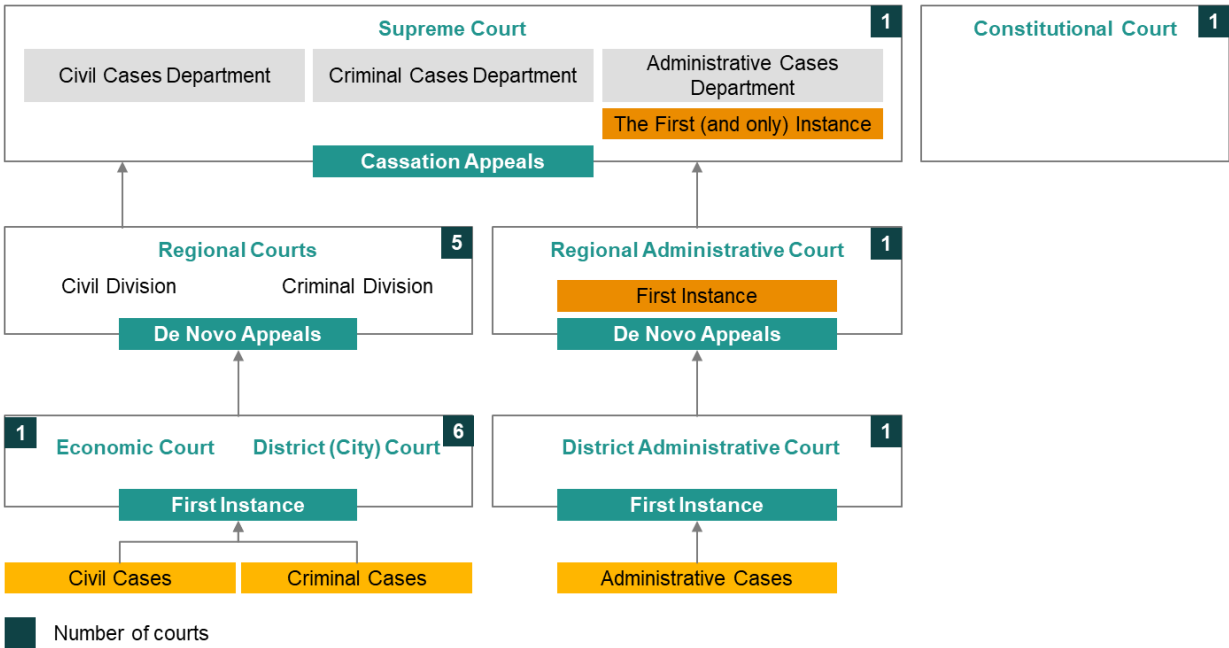
⁵² Latvijas Republikas Satversmes VI nodaļa.

⁵³ Likuma "Par tiesu varu" 2. panta pirmā daļa.

⁵⁴ Likuma "Par tiesu varu" 1. panta trešā daļa un Latvijas Republikas Satversmes 82. pants.

administrative matters⁵⁵. Each district court must also have at least one district (city) court in the area ⁵⁶of operation. They are courts of first instance for civil, criminal and administrative matters, as well as dealing with land register cases⁵⁷. Latvia has two specialised courts – the Administrative Court and the Economic Court.

3.picture. Latvian judicial system.⁵⁸

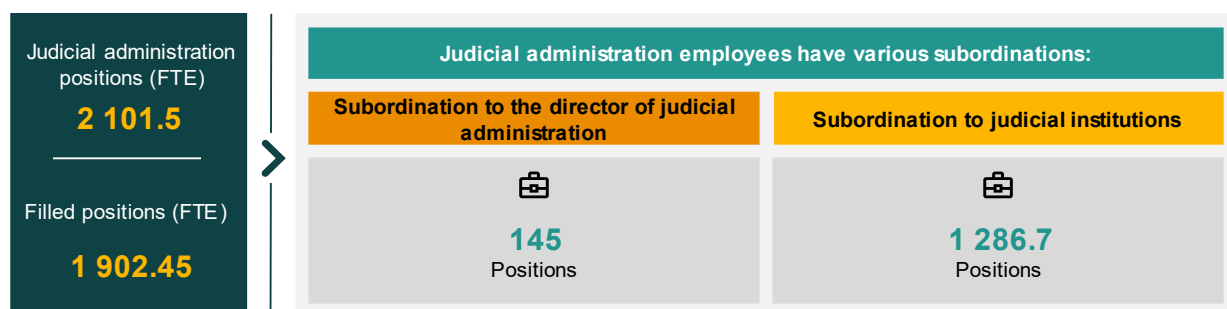


There is a Constitutional Court in Latvia, which, within the scope of the competence specified in the law, examines cases regarding the conformity of laws with the Constitution, as well as other cases transferred by law within its competence.⁵⁹ The activities of the Constitutional Court are regulated by the Constitutional Court Law.⁶⁰The operation of military courts is regulated by the Military Courts Law.⁶¹

For court staff, the direct highest official is usually the head of the judicial authority where the employee performs his or her duties. However, all personnel management processes are provided by the Court Administration. As of 30.06.2024, court employees had the following number of full-time equivalents of posts, as well as the following distribution of posts by subordinate structure:

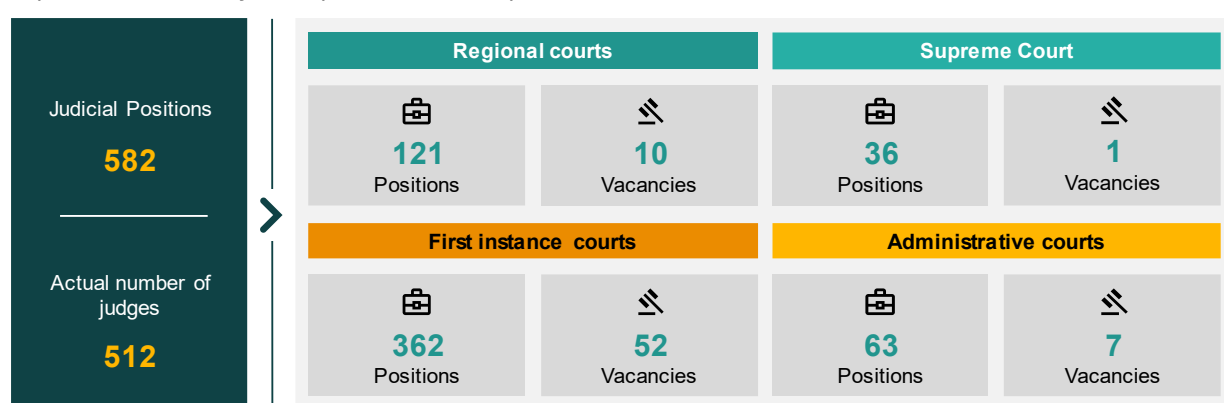
⁵⁵ Likuma "Par tiesu varu" 36.pants.
⁵⁶ Likuma "Par tiesu varu" 29.panta pirmā daļa.
⁵⁷ Likuma "Par tiesu varu" 30.panta pirmā daļa.
⁵⁸ Latvijas Republikas Augstākā tiesa. Tiesas process Senātā. Pieejams: <https://www.at.gov.lv/lv/tiesvediba/tiesas-process-senata>.
⁵⁹ Latvijas Republikas Satversmes 85. pants.
⁶⁰ Likuma "Par tiesu varu" 2. panta ceturtdaļa.
⁶¹ Likuma "Par tiesu varu" 2. panta piektā daļa.

4. picture. Subordination of positions and employees of the court administration.⁶²



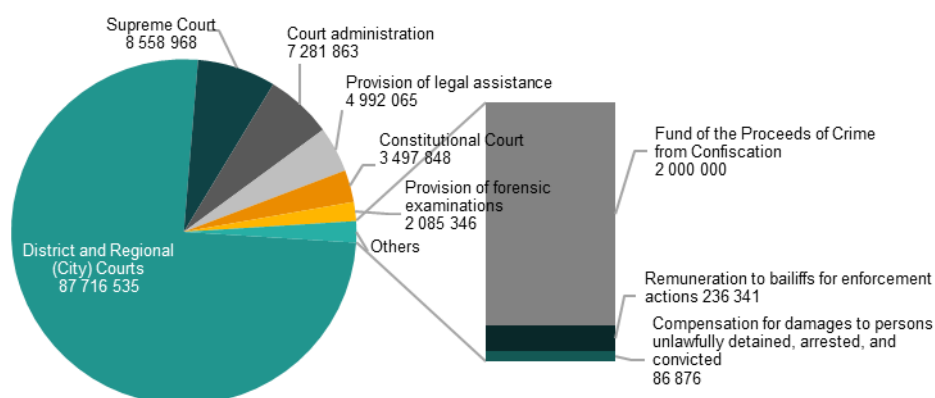
The total number of judges in courts of first instance and appellate instance, as well as in the Supreme Court, shall be determined by the Saeima on the basis of a proposal from the Council for the Judiciary. As of 21.12.2024, the Latvian judicial system had the following total number of judicial posts and the proportion of unfilled posts:

5. picture. Number of judicial posts and vacant posts.⁶³



According to the Treasury, **the budget of the judicial system in 2023 was €116,455,843**, of which 75% was directed to ensuring the functioning of the courts of first instance and appeal.

6. picture. State budget funding for programs according to the COFOG classification "Functioning of the justice system" (in euros).⁶⁴



⁶² Latvijas Atvērto datu portāls. Amati un nodarbinātie uz 30.06.2024. Pieejams: <https://data.gov.lv/dati/dataset/valsts-parvaldes-iestazu-amatu-un-nodarbinato-statistika/resource/8f089065-0baa-4087-a070-f90b5d541a47>.

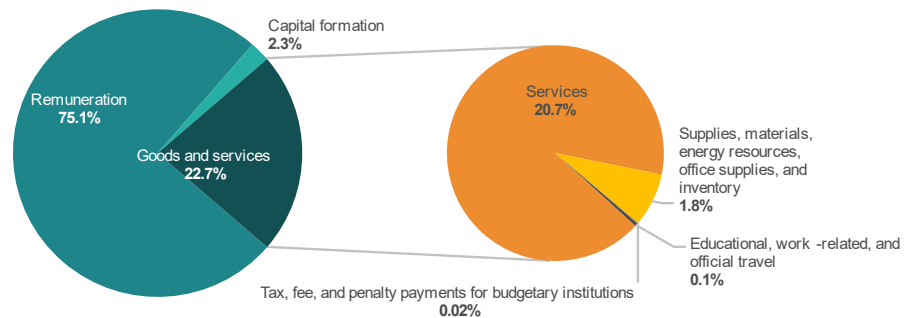
⁶³ Tieslietu padomes sekretariāta apkopojums. "Tiesu darbības rādītāji no 2019. līdz 2024. gadam". Pieejams: <https://www.tieslietupadome.lv/lv/petijumi-un-prezentacijas>.

Tieslietu padome. (2018). Lēmums par tiesnešu skaita noteikšanu katrā rajona (pilsētas) tiesā un to sastāvā esošajās zemesgrāmatu nodaļās. Pieejams: https://www.at.gov.lv/files/uploads/files/9_Tieslietu_padome/Lemumi/2018/TP_lemums_nr_2_2018.pdf.

⁶⁴ Valsts kase. "Valsts budžeta izpilde pa iestādēm, budžeta programmām/apakšprogrammām un klasifikācijas kodiem". Pieejams: <https://data.gov.lv/dati/lv/dataset/valsts-budzeta-izpilde-pa-iestadem-budzeta-programmam-apakšprogrammām-un-klasifikācijas-kodiem>.

Funding for remuneration accounts for the absolute majority of the budget – 75%, which amounted to EUR 63.5 million in 2023. Human resource planning is closely linked to budgeting and over the past three years it has been in the remuneration section that has seen the sharpest increase in expenditure.

7. picture. Distribution of budget implementation of district courts and district (city) courts, 2023.⁶⁵



3.2. Mechanism for institutional governance of the justice system



In order to improve the efficiency of work and to provide meaningful professional support to judges in legal work, it is necessary to simplify the model for the management of the judiciary. The preferred solution would be to integrate the organisational units of the judiciary and other stakeholders into a single, clear hierarchical framework led by an independent Council for the Judiciary. This would ensure, on the one hand, consultation and cooperation with other key partners, including the decision-making and executive branches. On the other hand, it would allow the judiciary, with the support of the Judicial Administration and the Council for the Judiciary, to function as a single entity with common objectives.

The principles of sound management require that those responsible for creating the final product have the right to decide how to carry out the tasks assigned to them. In order to be able to take responsibility for providing the judicial service in the most efficient way, courts should be empowered to manage their staff and manage their budget.

In general, the management of the judicial system in Latvia is fragmented, there is also a functional overlap in certain issues, because many participants operate in one sector – the Council of the Judiciary, the Minister of Justice, the Court Administration, the president of a separate court and other institutions. In addition, those who are not responsible for the final outcome of the legal process are responsible for the organization and resources of the proceedings. The separation of the management of internal processes between the court and the court administration in the management literature⁶⁶ is considered suboptimal, and is also a potential cause of organizational delays, since it is necessary to take too many procedural steps to make internal decisions of the court. As a result, the responsibility of each specific party in achieving the goals is indeterminate. It is also difficult for someone to take full responsibility, as fragmentation and duplication of responsibilities also negatively affect cooperation between stakeholders. In principle, neither judges nor court administrators have the necessary powers to be fully responsible for the results.

⁶⁵ Valsts kase. "Valsts budžeta izpilde pa iestādēm, budžeta programmām/apakšprogrammām un klasifikācijas kodiem". Pieejams: <https://data.gov.lv/dati/lv/dataset/valsts-budzeta-izpilde-pa-iestadem-budzeta-programmam-apakspogrammam-un-klasifikacijas-kodiem>.

⁶⁶ Pieejams: <https://iacajournal.org/articles/68/files/submission/proof/68-1-152-1-10-20131023.pdf>; <https://aija.org.au/wp-content/uploads/2017/11/Williams.pdf>; https://cjc-ccm.ca/cmslib/general/news_pub_other_Alternative_en.pdf.

Similar problems have been identified in the practice of other countries. The executive-led model of judicial resource management distinguishes between the management of administrative functions and the management of the judicial function, which has a far-reaching impact on the efficiency of courts and the ability to better integrate internal work processes. The management of the judicial process is relatively isolated from the judicial administration, which is controlled by the executive. One consequence of this segregated arrangement is that judges are not sufficiently involved in the planning of the judicial administration due to the lack of access to the analytical and business infrastructure that would allow for the data collection, research, analysis and planning necessary to participate meaningfully in such activities.

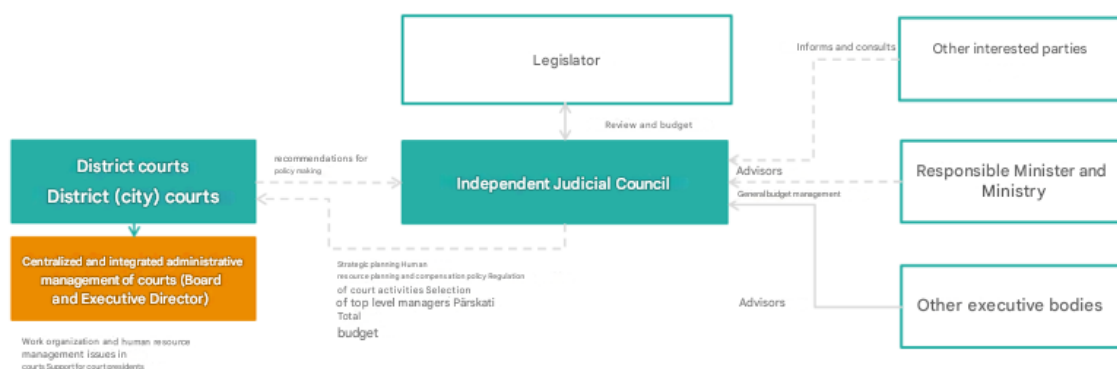
In addition, the courts do not have a budget or sufficient discretion to manage or hire court staff. The quality of staff and the conditions of their employment affect the court's ability to fulfil its role both as a judicial authority and as a service provider. As a result, there is a "mismatch" between the needs of the policy of the executive and the functioning of the court in the areas of judicial administration, budget, human resources, judicial management and case management.

Judges are not able to strategically plan the activities of the organizations in which they control the most important "performance results". It also makes it difficult for judges to assess whether the existing administrative structures, procedures and actions of the courts are the most effective and appropriate for the court as a whole. To sum up, the executive-led model of judicial administration exists with significant organisational obstacles to the strategic long-term planning of judicial activities and thus cannot ensure optimal independence, efficiency and quality of the courts.⁶⁷

At the same time, it should be borne in mind that improving the quality of performance can excessively increase costs, so the Judicial Council must ensure the monitoring of balancing costs with efficiency by carrying out a systematic analysis of performance and setting thresholds for the resources optimally needed.

Therefore, in order to ensure the unity of strategic objectives and purposefully organised work, the central management body of the judiciary should be limited to the Council for the Judiciary, as illustrated in the conceptual scheme for simplifying the management of the judiciary, excluding the powers of the Minister of Justice in matters of judicial administration (see Annex III). Figure 8).

8. picture. Conceptual scheme for the management of the judiciary-controlled judiciary⁶⁸.

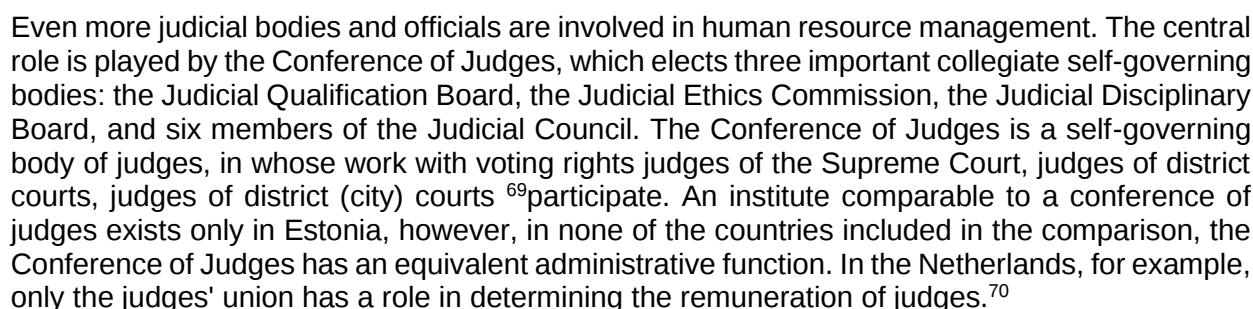


Currently, there are several organisational centres in the management of processes in the Latvian judicial system (see photo). Figure 9). Many issues of the organisation of the work of district (city) courts and district courts are provided by the Council for the Judiciary – for example, setting standards for hearing cases, determining or transferring the position of a judge. In parallel,

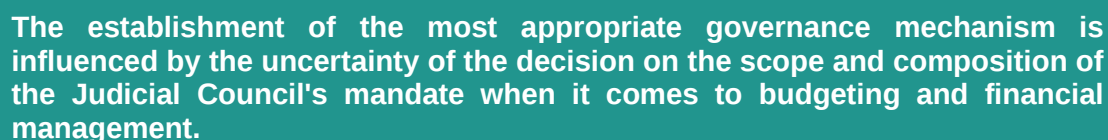
⁶⁷ T.Bunjevacs. Court Governance In Context: BEYOND INDEPENDENCE Pieejams: <https://iacajournal.org/articles/68/files/submission/proof/68-1-152-1-10-20131023.pdf>

⁶⁸ Shēma balstīta uz Tim Bunjevacs. Judicial Self-Governance in the New Millenium. An Institutional and Policy Framework. Springer, 2020.

9. picture. The current model of institutional management of the Latvian judiciary, t.sk. in the development of the budget request and financial management.



3.2.1. Council for the Judiciary



70 Piemēram, Nīderlandē ir tiesnešu asociācijas arodbiedrība, kas risina jautājumus saistībā ar tiesu iestāžu darba kopīgumu. Līgums primāri aptver algu attīstību, gan sekundāri nodarbinātības nosacījumus. Sarunas vada paši tiesu sistēmas locekļi, jo īpaši kolektīvā darba līguma komanda, kas saņem mandātu no asociācijas biedru padomes. Jaunākais darba kopīgums un saistītās algu tabulas. (2022). Pieejamas: <https://www.nvvr.org/wp-content/uploads/Salaristabellen-Arbeidsvoorwaardenovereenkomst-RM-2022-2024.pdf>. Līgums par nodarbinātības nosacījumiem tiesu sektorā 2022.–2024. (2023). Pieejams: <https://www.nvvr.org/wp-content/uploads/Arbeidsvoorwaardenovereenkomst-RM-2022-2024-def.pdf>. Lielākā daļa profesiju valdības ietvaros periodiski slēdz kopīgumus primārās un sekundārās nodarbinātības apstākļu uzlabošanai un modernizācijai. Tiesnešiem un prokuroriem vai maģistrātiem tas tiek darīts gandrīz tādā pašā veidā, lai gan formāli tos nesauc par kolektīvajiem darba līgumiem, bet gan par darba nosacījumu līgumiem. Tas ir tāpēc, ka maģistrātu tiesiskais stāvoklis, ņemot vērā viņu neatkarīgo stāvokli Nīderlandes karalistes Konstitūcijā ir reklamētājs atsevišķi.

The existing problems in the operational nature of the work of the Council for the Judiciary and the fact that the Council is composed of a large number of high-level officials who are not employed in district (city) courts and district courts, whose budget and financial management is planned to be supervised, make it urgent to review the composition and areas of responsibility of the Council for the Judiciary. There may be several scenarios of action:

Scenario 1: Change the responsibilities of the Council for the Judiciary, including by reducing the workload of the Council for the Judiciary in dealing with administrative issues

Scenario 2: Distinguish between different levels of decision-making or the composition of the voting board members in the Judicial Council

Scenario 3: Change the composition of the Judicial Council by excluding political officials from its composition as a matter of priority.

The Council for the Judiciary was established in 2010⁷¹ with the aim of promoting the independence of the judiciary and the self-organisation of the work of the judiciary, as well as ensuring the uniform representation of the judiciary.⁷² The Council for the Judiciary is a collegial body that participates in the development of the policy and strategy of the judicial system, as well as in the improvement of the organization of the work of the judicial system.⁷³ Matters relating to the organisation of the work of the Council for the Judiciary shall be governed by the rules of procedure of the Council for⁷⁴ the Judiciary.

The number of members of the Council for the Judiciary and the composition of the Council for the Judiciary vary considerably from one country to another. According to a comparative analysis of the Council of Europe's Judicial Councils⁷⁵, as in 17 other countries, voting is predominantly determined by the votes of judges and court presidents. The Council is composed of 8 permanent *ex-officio* members⁷⁶ and 7 elected⁷⁷ members. Although a total of 9 out of 15 members of the Judicial Council are judges, the district (city) and district courts are represented by only six judges, including two from the district court⁷⁸.

The Judicial Council of Latvia has a relatively large number of members. For example, in the Netherlands, the Judicial Council consists of 3 to 5 members, for whom the work of the Council is the main job for the duration of the holding of office and for which the members of the Council also receive appropriate remuneration. Judges who have become members of the Netherlands Council for the Judiciary shall not perform the functions of judges for the period of time of office of the Council for the Judiciary. In turn, the heads of the courts form a Council of Delegates, which advises the Council for the Judiciary and supervises its work. The members of the Council of Delegates shall perform these duties in addition to their direct duties. Consequently, the Latvian Council for the Judiciary is comparable only in name to the Dutch Council for the Judiciary, but the organisation of the work of these institutions and the areas of responsibility are very different.

In the event that a decision is taken not to change the composition of the Council for the Judiciary, in order to reduce the scope of the sole power of the Director of the Court Administration, a collegial supervisory body – a council or a board – should be established to supervise the activities of the Court Administration. However, such a scenario of action was rejected in

⁷¹ Likuma "Par tiesu varu" 13.¹ nodaļa likuma redakcijā, kas stājas spēkā 01.08.2010.

⁷² Tieslietu padome. (2024). Par Tieslietu padomi. Pieejams: <https://www.tieslietupadome.lv/lv/par-tieslietu-padomi#:~:text=Tieslietu%20padomes%20izveido%C5%A1anas%20m%C4%93r%C4%B7is%20ir,Tieslietu%20padome%20dibin%C4%81ta%202010.>

⁷⁵ Council of Europe. (2022). Comparative Overview on Judicial Councils in Europe. 2. lpp. Pieejams: <https://rm.coe.int/comparative-overview-on-judicial-councils-in-europe-en/1680a923bc>.

⁷⁶ Pastāvīgie locekļi ir Augstākās tiesas priekšsēdētājs; Satversmes tiesas priekšsēdētājs; tieslietu ministrs; Saeimas Juridiskās komisijas priekšsēdētājs; ģenerālprokurors; Latvijas Zvērinātu advokātu padomes priekšsēdētājs; Latvijas Zvērinātu notāru padomes priekšsēdētājs; Latvijas Zvērinātu tiesu izpildītāju padomes priekšsēdētājs.

⁷⁷ Vēlētie locekļi ir Augstākās tiesas plēnuma ievēlēts tiesnesis; seši Tiesnešu konferences ievēlēti tiesneši.

⁷⁸ Likuma "Par tiesu varu" 89.² panta trešā daļa.

consultations with members of the Council for the Judiciary, the Ministry of Justice and the Court Administration, which were held on 19.01.2025 and 21.01.2025.

Scenario 1: Changes in the responsibilities of the Council for the Judiciary, including reducing the workload of the Council for the Judiciary in dealing with administrative issues

Recommendations for changes in the responsibilities of the Council for the Judiciary



In order to strengthen the independence of the judiciary in Latvia, it is necessary to reduce the formal participation of the executive in such issues of judicial management as planning and development of a strategy for the development of the judicial system, dismissal or removal from office of a judge, procedures for the organisational management of courts, transfer of a vacant position of a judge within the territory of the court's operation.

The current model of administration of the Latvian court of first instance and appellate instance is similar to the practice of several other European countries, where the Ministry of Justice plays an important role. In recent decades, there has been a marked tendency to strengthen the right of self-government of the judiciary, as a result of which fewer and fewer countries entrust the administration of courts to the Ministry of Justice. One of the main objectives has been to increase the accountability of courts and judges for the results of the justice system, as well as to ensure the independence of the courts in the event of possible undesirable political influences.⁷⁹

By reducing the formal involvement of the executive, it would be advisable to entrust the Judicial Council with responsibility for the following issues of judicial governance:

- 1) **Planning and strategy development of the judicial system:** the judiciary is separated from the executive branch, therefore the Ministry of Justice is a cooperation partner in the implementation of the strategy and policy of the judicial system, however, the most important strategic directions of action can be determined and implemented only by the judiciary itself.
- 2) **Dismissal or removal from office of a judge:** in cases where a judge requests his or her removal from office of the judge's own volition or due to appointment to a new position, or if there is a conviction in a criminal case and the judge has to be removed from office⁸⁰, then the proposal is currently submitted to the Saeima by the Minister for Justice, but this could be done by the Council for the Judiciary.
- 3) **Procedure for the organisational management of courts:** the Ministry of Justice is currently responsible for issuing internal regulatory enactments on issues of organisational management of courts⁸¹, however, in the future this should be carried out by the Council for the Judiciary.
- 4) **Transfer of a vacant judge's position within the court's area of operation:** The Judicial Council, on a proposal from the Minister for Justice, decides on the transfer of a vacant judge's position within the court's area of operation.⁸²

In addition to these, there are other issues of personnel management and work organisation for which the responsibility lies with the Minister of Justice or the Ministry of Justice. This situation is an exception to the existing system of governance of the judiciary and may be due to historical heritage or to the fact that the Minister of Justice's actions could in many cases be more

⁷⁹ Kohtute aastaraamat. 15 years later: another attempt to change the administration of courts. Pieejams: <https://aastaraamat.rigikohus.ee/en/15-years-later-another-attempt-to-change-the-administration-of-courts/>. U. Lõhmus. Kohtuhaldus kohtute seaduse eelnõu järgi. – Juridica 2010/2, pp. 75-77; I. Pilving. – P. Pikamäe (editor-in-chief). Kohtute seadus. Kommenteeritud väljaanne. Tallinn 2018, pp. 184-187.

⁸⁰ Likuma "Par tiesu varu" 81. panta pirmā daļa, 83. pants.

⁸¹ Likuma "Par tiesu varu" 107.panta otrās daļas 1. punkts.

⁸² Likuma "Par tiesu varu" 89.¹¹ panta 11. punkts.

operational than the decision-making of the Council for the Judiciary as a collegial body (see Annex III). Table 5 and **Annexes 10 to 12**).

CCJE Opinion No 10 (2007) and the *Magna Carta of Judges* recommend that the Councils for the Judiciary be given broad competence in all matters relating to their status and the organisation, functioning and image of the judiciary. The greater the responsibilities and powers that are given to the Council, the more important it is that its independence is respected by the powers of another state, that it has sufficient resources and that it is accountable for its activities and decisions. While a strong council can defend the judicial system and individual judges, broad accountability makes it vulnerable to politicization from or outside the judicial system.

If the Council has competence in matters of judicial administration, it should also commit to increasing the efficiency of the judicial system. Where competences or tasks relating to the administration of justice do not fall within the competence of the Council for the Judiciary, such matters should be dealt with by judicial authorities or by an independent body.⁸³

The Latvian Council for the Judiciary is a collegial institution that participates in the organisation of the activities of the judiciary and the career of judges. For a detailed overview of the responsibilities of the Council for the Judiciary, see: **Annex 5**. The **comparative analysis of the Councils of the Judiciary of the Council of Europe identifies**⁸⁴ several areas for which the Council for the Judiciary in Latvia is responsible and which are also characteristic of councils of other countries (see Annex III). Table 5).

5. table. Comparison of the areas of responsibility of the Judicial Councils in Latvia and other countries⁸⁵.

Areas of responsibility of the Judicial Councils, which coincide in Latvia and abroad	
Description of the field and comparison with other countries	Number of countries
Obligation to protect judicial independence	33
Impact on the career development of judges:	
• Selection of new judges	27
• Career development of judges	28
• Development of criteria for evaluating the performance of judges and determining the workload	19
Competence for the management of the judicial system. It is true that, as a rule, judicial management issues are decided by the Councils of the Judiciary together with the presidents of the courts, but this is not typical for Latvia	21
Plays a role in the selection of court presidents	In almost all
Prepares proposals on the number of judges	4 ⁸⁶
Involved in the preparation of budget requests for the judiciary and judicial authorities	6 ⁸⁷
Decides on issues of dissolution, establishment and reorganisation of courts	4
A number of legal and political means can be used if its position has been violated, for example, if the legal standards of the judicial system have been violated, formal	2 ⁸⁸

⁸³ Eiropas tiesnešu konsultatīvā padomes (CCJE) 05.11.2021. viedokļa Nr. 24. D daļas c apakšpunkts. Pieejams: <https://rm.coe.int/opinion-no-24-2021-of-the-ccje/1680a47604>.

⁸⁴ Council of Europe. (2022). Comparative Overview on Judicial Councils in Europe. 2. lpp. Pieejams: <https://rm.coe.int/comparative-overview-on-judicial-councils-in-europe-en/1680a923bc>.

⁸⁵ Albānija, Andora, Armēnija, Austrija, Azerbaidžāna, Beļģija, Bosnija un Hercegovina, Bulgārija, Horvātija, Kipra, Čehija, Dānija, Igaunija, Somija, Francija, Gruzija, Vācija, Grieķija, Ungārija, Īrija, Itālija, Latvija, Lietuva, Luksemburga, Monako, Melnkalne, Nīderlande, Ziemeļmaķedonija, Norvēģija, Polija, Portugāle, Rumānija, Krievijas Federācija, Sanmarīno, Slovākija, Slovēnija, Spānija, Zviedrija, Šveice, Turcija, Ukraina, Lielbritānija.

⁸⁶ Albānija, Bosnija un Hercegovina, Latvija, Slovēnija.

⁸⁷ Albānija, Bosnija un Hercegovina, Latvija, Melnkalne, Nīderlande, Slovēnija.

⁸⁸ Tikai Latvijā un Slovēnijā, atšķirībā no citām valstīm, kur vairumā gadījumu vienīgais veids ir starpinstitucionālais dialogs, piemēram, caur apelācijām parlamentam, kā arī ar publiskiem ziņojumiem, viedokļu vai sūdzību iesniegšanu citām valdības nozarēm.

procedures are available, such as a complaint to the Constitutional Court, the Supreme Court or an administrative court

Areas of responsibility entrusted to the Judicial Councils abroad, but in Latvia they are entrusted to other institutions or officials:

- The Latvian Council for the Judiciary does not have jurisdiction over the process of assessing the professional performance of judges, which is a typical competence of the Council for the Judiciary in 19 other countries. In Latvia, the assessment of the professional activities of judges is currently carried out by the Judicial Qualification Board, which is a self-governing body of judges
- In 25 countries, it is the Council for the Judiciary that develops and implements codes of ethics. In France and Slovenia, the Council for the Judiciary also answers questions about the ethics of judges, but this is not within the competence of the Latvian Council for the Judiciary.
- In 16 countries, with the exception of Latvia, Councils for the Judiciary participate in the evaluation of judicial activities and the allocation of financial resources to the judicial system, including individual courts.⁸⁹ In Latvia, the evaluation of the functioning of courts and the allocation of financial resources to the judicial system are currently carried out by the Court Administration.
- In two countries, Ukraine and Turkey, the Councils for the Judiciary also decide on the granting of leave and the transfer of judges (this is the responsibility of the Latvian Council for the Judiciary). In Latvia, the Court Administration currently prepares and issues orders on vacation, business trips and training of judges.
- Judicial councils of 24 countries other than Latvia also participate in disciplinary proceedings. In Belgium and Montenegro, councils receive and deal with complaints from the public. Currently, in Latvia, cases of disciplinary violations of district (city) courts, district courts and Supreme Court judges are examined by the Disciplinary Board of Judges, whose members are elected by the Conference of Judges for a four-year term.
- In four countries – Belgium, Malta, Montenegro and Slovenia – Councils for the Judiciary also control and improve the functioning of the courts.

Potential to reduce the burden on the Judicial Council in dealing with administrative issues



In order to ensure that the capacity of council members is not used to address issues of administrative management of the judiciary, but is focused on decision-making that is binding on the judiciary as a whole, it is advisable to distinguish between different levels of decision-making of the Council for the Judiciary.

Currently, the regulatory framework provides (see Annex III). Table 5), that high officials of the Council for the Judiciary are involved in solving issues of the day-to-day administrative management of the courts. The permanent members of the Council shall be the heads of other institutions – the highest officials of the judicial system, the Minister for Justice, the Chairperson of the Legal Commission of the Saeima. **Latvia is the only one of the countries compared in the Council of Europe study⁹⁰**, where full members of the Judicial Council are heads of professions belonging to the judiciary – lawyers, notaries, bailiffs, associations.

Given that many issues of responsibility of the Council for the Judiciary relate to internal organisational issues of the judiciary (e.g. transfer of posts, determination of the place of performance of the office of judge or transfer, which could be equated with individual legislation,

⁸⁹ Albānija, Andora (parlaments lemj par budžetu, bet padome sadala līdzekļus tiesām un prokuroriem), Armēnija, Bosnija un Hercegovina, Bulgārija, Dānija, Somija, Gruzija, Ungārija, Lietuva, Melnkalne, Nīderlande, Ziemeļmakedonija, Polija, Norvēģija, Turcija.

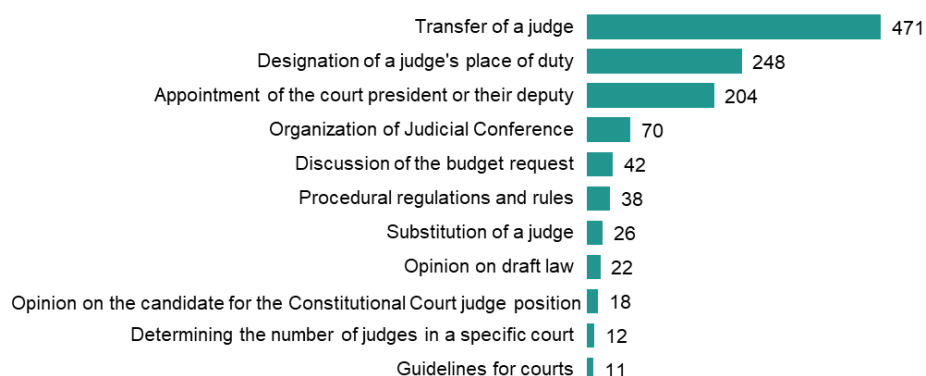
⁹⁰ Council of Europe. (2022). Comparative Overview on Judicial Councils in Europe. 11. lpp. Pieejams: <https://rm.coe.int/comparative-overview-on-judicial-councils-in-europe-en/1680a923bc>.

see Annex III). Figure 10), then **collegial decision-making and the involvement of a large number of high-level officials, the permanent members of the Council, in the administrative management of the courts are prima facie inappropriate for the following reasons:**

3.2.2.High-level officials are employed full-time in the performance of their primary duties, so they have both limited time and the capacity to delve into specific issues of judicial administrative management. This is also indicated by the need to provide in the rules of procedure of the Council for the Judiciary that a permanent member of the Council may authorise another person to participate in a meeting by submitting a written authorisation.⁹¹

3.2.3.The move taken by the Council for the Judiciary towards a more complete model for managing the resources of the judiciary, both in budgetary matters and in the development of the careers of judges, will require that **decision-making will have to proceed even faster and should not be limited by the availability of decision-makers.** A substantive analysis of the number of decisions of the Council for the Judiciary in Figure 11 shows that 81% of the decisions taken by the Council for the Judiciary in the period 2010-2024 were on matters of judicial personnel management. Only a small part are strategic issues – opinion on the draft law (2%), on the candidate for the position of judge of the Constitutional Court (1%), on the courts, their territories and locations (1%), on the directions of activity of the Judicial Council and the assessment of the budget request (3%). The Council for the Judiciary has a low administrative capacity: its work is currently provided by the secretariat of the Council for the Judiciary, which consists of only six staff members and is a body of the Supreme Court.⁹²

10. picture. The main content topics of the decisions of the Council for the period 2010-2024.



The Judicial Council is also responsible for very important strategic and organizational issues, such as the nomination of the highest heads of judicial institutions and candidates for judges of the Constitutional Court, the adoption of decisions binding on the judiciary as a whole, the drafting or evaluation of draft laws, the organization and procedure of the work of the courts, where the current composition of the council is necessary for a comprehensive decision on the issue, but which are considered only a few times a year.

Since 2013, at the initiative of the Council for the Judiciary, a number of measures have been implemented to improve the efficiency of the work of courts and judges, such as the adoption in 2023 of a new standard for trial deadlines and the approval of guidelines for the writing of court judgments in civil and administrative matters for courts of first instance and appellate instance. As a result of these measures, the deadlines for handling cases have stabilised in recent years.

⁹¹ Tieslietu padomes reglamenta 5. punkts. Pieejams: https://www.at.gov.lv/files/uploads/files/9_Tieslietu_padome/Dokumenti/TPreglaments-2017.pdf.

⁹² Likuma "Par tiesu varu" 89.¹⁰ pants.

6. table. The issues and tasks that are essential to the efficiency of the justice system identified by the Council for the Judiciary.⁹³

Problems	Priority tasks
Lack of adequate mechanisms for monitoring and monitoring effectiveness in the judicial system	- Strengthen the efficiency of the functioning of the courts by optimizing the internal resources of the judicial system. - Self-initiative of judges and the participation of judges in the development of the judicial system – both by participating in the self-government themselves and responsibly, by voting for members of the self-government in the public interest, by coming up with proposals and communicating with the president of the court and colleagues in their court team.
Significant differences in the workload of judges between courts	On the basis of the planning, statistical analysis and method established in the previous period, to carry out an assessment of the judicial reforms carried out in previous periods, assessing their impact on workload levelling and access to the court to the public, and ending with the reform of land register judges. To improve and clarify the planning and analysis methods established in the previous period.

Scenario 2: Formation of different levels of decision-making or voting rights

separation of the composition of the members of the Council for the Judiciary



In circumstances where the existing composition of the members of the Council for the Judiciary is maintained, a legal framework should be established to delegate decision-making in matters of internal administrative management of the judiciary to a certain circle of members of the Council for the Judiciary – committees. For example, only the president of the Judicial Council and two of his deputies, or the elected members of the Judicial Council. Such a body would operate in accordance with procedures approved by the Council for the Judiciary, would be obliged to report periodically to the Council for the Judiciary, its powers and areas of responsibility should be able to be reviewed and amended by the Council for the Judiciary.

Delegating the decision-making of certain issues to a special body of the Judicial Council (e.g. a committee) would ensure that officials with detailed knowledge of them would be responsible for deciding matters, would make the decision-making of these issues more operational and would prevent the use of the capacity of high-level officials in decision-making of an administrative nature in an organisation where these officials are not employed.

Scenario 3: Change the composition of the Judicial Council by excluding political officials from its composition as a matter of priority.



Taking over the functions of drafting the budget request of the district (city) and district courts and overseeing the use of funds, as well as maintaining decision-making on judicial career matters, reduces the composition of the Judicial Council to a maximum of 11 members with the status of public official, and establishes that the position of chairman of the Judicial Council is remunerated.

⁹³ Tieslietu padomes gada pārskats. (2023). 3.lpp. Pieejams: https://www.at.gov.lv/files/uploads/files/9_Tieslietu_padome/TP_GadaParskats_2023.pdf.

By composition, the Council for the Judiciary currently plays the role of an advisory body for the judiciary and representatives of persons belonging to the justice system and political officials. By contrast, according to the areas of responsibility, the functions of the Judicial Council are mostly related to determining the place of performance of the office of district (city) and district court judges, determining the number of judges, career organization, issues of organization of district (city) and district court work. Therefore, the composition of the Council for the Judiciary should be reviewed when determining that the Council for the Judiciary is responsible for the preparation of the budget request for the district (city) and the district courts and for overseeing the use of funds.

The multi-profile composition of the members of the Council for the Judiciary does not provide opportunities for district (city) and district courts to deal with internal administrative issues of the courts at least partially autonomous from the recipients of the judicial service – lawyers, bailiffs and prosecutors, on the one hand, and political officials on the other.

The responsibilities entrusted to the members of the Judicial Council are currently unbalanced. For example, the Prosecutor General, as a member of the Council for the Judiciary, has the power to decide on career matters for judges, but the Council for the Judiciary does not have the power to decide on career matters of prosecutors or the organisation of the work of the prosecutor's office or the budget request. The sole duty of the Council for the Judiciary, which applies to the Prosecutor's Office, is to evaluate the candidates for the position of Prosecutor General, to select the most suitable one and to direct it to the Saeima for appointment to the position of Prosecutor General.⁹⁴

The Council for the Judiciary also does not have the power to decide on the place of performance of the duties of lawyers, notaries, bailiffs, career issues or the organisation of the work of the bar, notary, bailiffs, however, representatives of these organisations, as members of the Council for the Judiciary, decide on career issues for judges.

The participation of political officials in the supervision of the functioning of the judiciary should be reduced as a matter of priority, since it is precisely the prevention of political influence on the functioning of the judiciary that is the primary objective of the establishment of the Council for the Judiciary. Therefore, the Judicial Council should not include members of the Saeima or ministers with voting rights. This practice exists in Estonia. In other comparable countries, the Council for the Administration of Courts does not have political officials, but in order to prevent the self-isolation of the judiciary and isolation from society or democratic processes, the composition of the councils shall include either officials of the executive branch or authoritative experts.

The Council, which consists of 15 senior officials, lacks administrative operational capacity and therefore recommends reducing the number of voting members of the Judicial Council to 11. The usual practice, in order to ensure the expediency and efficiency of the work of the Council, is to create a monitoring model where the Council is composed of three to five members, and in sectors where stricter supervision is required or there is a higher amount of funding for the supervised object - in the composition of five to seven members. Such positions are usually remunerated.

Taking over the functions of drafting the budget request of the district (city) and district courts and overseeing the use of funds will increase the amount of work for the Council for the Judiciary, but in particular for the President of the Council for the Judiciary, therefore it is necessary that the position in question is a full-time job and that remuneration is provided for its performance.

When forming the composition of the Council for the Judiciary, it should be taken into account that when performing the functions of drafting the budget request of the district (city) and district courts and supervising the use of funds, all members of the Council for the Judiciary must have the status of a public official in accordance with the law "On Prevention of Conflict of Interest in the Activities of Public Officials" after the reform.

⁹⁴ Likums "Par tiesu varu" 89.¹¹ panta ceturtdā *prim* daļa.

3.2.2. Ministry of Justice: an important role in the governance of the justice system



By changing the powers of the Ministry of Justice with regard to the administration of the courts, and possibly also the composition of the Council for the Judiciary, and excluding political officials from its composition, it is necessary to maintain a close cooperative relationship between the Ministry of Justice and the Council for the Judiciary in the further shaping of justice policy.

Since the Minister of Justice participates in the adoption of the decision of the Cabinet of Ministers on the draft law on the state budget, it is recommended that the reasoned justification for significant changes in the budget request for district courts and district (city) courts has been previously discussed with the Ministry of Justice. Given the competence of the Ministry of Justice in assessing the effectiveness of policy implementation, cooperation between all parties involved in monitoring the performance of the judiciary is also important.

The Ministry of Justice is the leading state administration body in the administration of courts, performing the functions specified by law.⁹⁵ The Ministry of Justice performs organizational management of district (city) courts, district courts and issues internal regulatory enactments on issues of organizational management of district (city) courts, district courts.

The Ministry of Justice and the Minister of Justice also have the right to carry out supervision. The Ministry of Justice requests from district (city) courts, district courts the information it needs for the performance of the functions specified in regulatory enactments; conducts inspection in district (city) courts, district courts. The Minister of Justice, on the other hand⁹⁶, requests explanations from judges; instructs the Court Administration to conduct an inspection in district (city) courts, district courts, if necessary, involving judges of the Supreme Court or district courts, after coordination with the president of the relevant court; initiates disciplinary proceedings against judges; supervises the performance of the duties of the presidents and deputies of district courts and district (city) courts, as well as the presidents of district courts and district (city) courthouses, may require an explanation of issues related to the management of the work of the courthouse, courthouse.

The Ministry of Justice emphasizes that "The effectiveness of justice policy and the judicial system plays an important role in the development of the country's economy. An efficient and high-quality judicial system is an essential aspect that affects the business environment and, consequently, the level of well-being of the Latvian population. In the context of business, it is undeniably important how quickly one can obtain protection of one's rights in court, but it is equally important to ensure a high quality of decisions and the restoration of justice. Perseverance and investment in the development of the justice system is also a matter of Latvia's international reputation."⁹⁷

Under the leadership of the Ministry of Justice, the performance indicators of the judicial system have been accumulated for the period from 2018 to 2024 (see photo). **Annex 9**, which covers various aspects of the activities and litigation of district (city) courts and district courts, and it is possible to measure progress with specific performance indicators.

Sub-paragraphs 7.9, 7.10 and 7.11 of the Declaration of the Government Action Plan for the implementation of the planned activities of the Cabinet of Ministers led by Evik Siliņa⁹⁸ express

⁹⁵ Likuma "Par tiesu varu" 107. Pants.

⁹⁶ Likuma "Par tiesu varu" 108. Pants.

⁹⁷ Ministru kabineta 22.08.2019. rīkojums Nr. 407 "Par konceptuālo ziņojumu "Par ekonomisko lietu tiesas izveidi". Pieejams:

<https://likumi.lv/ta/id/308908-par-konceptualo-zinojumu-par-ekonomisko-lietu-tiesas-izveidi>.

⁹⁸ Ministru kabineta 20.01.2024. rīkojums Nr. 55 "Par Valdības rīcības plānu Deklarācijas par Evikas Siliņas vadītā Ministru kabineta iecerēto darbību īstenošanai".

a commitment to strengthen the independence of the judiciary and the ability to adjudicate judicially and fairly according to the spirit of the law, not just the letter, in order to promote justice in the whole society.

According to the Government's Action Plan, amendments to the Law on the Judiciary and amendments to the Law on Budget and Financial Management will be made in order to strengthen the self-determination of the courts with regard to judicial career issues and the budget of the courts, thereby strengthening the independence of the courts and increasing public confidence in the judiciary. By 30.06.2025, an assessment of the Court Administration on the reallocation of functions in matters of judicial work organisation and infrastructure should also be carried out, t.sk. identifying the functions that may be delegated to the judiciary with the aim of strengthening the independence of the judiciary.

As a result of the task included in the government's action plan, it is planned to strengthen the self-determination of the judiciary on issues related to the judicial budget and the career of judges.

Information on the promotion of relevant amendments to the law for approval until the moment of drawing up the report is not available.

The role of the Minister of Justice in the process of drafting the draft budget

When transferring the issues of budget management of district courts and district (city) courts to the judiciary, it should be borne in mind that the Minister of Justice has a much more important involvement in the budgetary process than independent bodies. For example, the timetable for the preparation of the 2025 budget⁹⁹ shows that only ministers start negotiations on the medium-term priority axes of the next period already in March of the relevant year, while independent institutions submit information to the Ministry of Finance for the preparation of the draft base of the state basic budget only in mid-May. The heads of independent institutions are only invited persons to examine the package of budget bills in the Cabinet and are not subjects who approve the draft budget plan of the general government in the Cabinet.

Such procedural peculiarities are significant for the budgetary request of district courts and district (city) courts, since its size usually has a significant impact on the state budget.

3.2.3. Court administration: dual subordination and responsibilities beyond support for the justice system



The judicial administration must be obliged by law to monitor the achievement of the typical efficiency indicators of the courts, identifying deviations from the planned and the right to analyze in depth the causes of deviations, including by questioning the judge. The court administration should publish periodic reports on the results of the analysis of the work of the courts.

Not only the objective of fiscal independence of the judiciary, but also the functional duplication that arises from the performance of the same activities by the Judicial Administration, both in providing a service to the Council for the Judiciary, the judicial authorities and the Ministry of Justice, is a reason to rationalise the model of governance of the judicial system and to change the subordination of this institution from the executive to the judiciary, as described above.

International evaluations make extensive use of data on the budget of the justice system, therefore, in order not to create a misconception about the level of funding for the justice system, it **would be desirable to separate the part of the budget of**

⁹⁹ Budžeta sagatavošanas grafiks. Pieejams: <https://www.fm.gov.lv/lv/jaunums/izskatsanai-valdiba-sagatavots-budzets2025-sagatavosanas-grafiks>.

The Court Administration is an institution of direct administration subordinate to the Minister for Justice.¹⁰⁰ The work of the court administration is managed by the Director of Court Administration.¹⁰¹ The Director of Court Administration shall be appointed and removed from office by the Minister for Justice. The basic functions of the court administration are laid down in the Law on the Judiciary and the By-laws of the Court Administration.

The Court Administration provides administrative support to the courts of first instance and the courts of appeal, as well as information systems support for the needs of all the authorities of the judicial system. The institution has a duty to organise and ensure the administrative work of courts, as well as to organise and ensure administrative work in institutions subordinate to the Ministry of Justice in accordance with the procedures and to the extent specified in internal regulatory enactments in the field of administrative activity of institutions. The Court Administration maintains and improves the court information system, the State Unified Computerised Land Register, the Register of Enforcement Cases, the Electronic Insolvency Accounting System, the Register of State-Provided Legal Aid and the State Compensation Register¹⁰².

The entire budget of the Court Administration is statistically accounted for as the budget of the Court System in the State Budget Law for the current year. However, a number of tasks entrusted to the Court Administration do not fall within the scope of the functioning of the judicial system. For example, the Court Administration shall ensure auctions for the sale, lease or rental of the property of a public person (including such property transferred in the possession or holding of an institution or capital company), as well as auctions for the sale, lease or rental of property of legal persons governed by private law in accordance with the laws and regulations governing the activities to be performed on the website of electronic auctions. The Court Administration is developing various information and communication technology (ICT) projects, such as the e-case platform, which is used by a wide range of enforcement and judicial authorities. The list of posts in the judicial administration includes all court staff.

The law stipulates that the Council for the Judiciary hears the annual report of the Judicial Administration on the results of its work¹⁰³. However, the Court Administration is subordinate to the Ministry of Justice, which means that in cooperation with the Ministry of Justice it ensures the analysis and planning of court activities, prepares and submits to the Ministry of Justice reports, proposals and recommendations on the situation in courts, as well as on the financing from the State budget necessary for the implementation of the measures provided for in regulatory enactments and policy planning documents and for the performance of the tasks of the institution¹⁰⁴. Both the Council for the Judiciary and the Ministry of Justice request from the Court Administration judicial statistical reports and other information that creates functional duplication. Duplication occurs when two or more institutions are engaged in the same activities or provide the same services to the same beneficiaries.

The Court Administration also performs a function specific to the immediate supervisor in relation to judges – it issues or prepares (if the replacement of a judge is to be determined in the case referred to in Section 74 of the Law) orders on vacation, missions and training of judges.¹⁰⁵ It is advisable to balance the duties laid down by law of the president of the court to manage the judicial authority and organize the work of the court with all the relevant powers. The planning of leave and the granting of leave is an essential issue in the organisation of the work of the institution, for which the president of the court (or a court employee delegated by him) must be

¹⁰⁰ Ministru kabineta 20.09.2022. noteikumu Nr. 585 "Tiesu administrācijas nolikums" 1. punkts.

¹⁰¹ Ministru kabineta 20.09.2022. noteikumu Nr. 585 "Tiesu administrācijas nolikums" 6. punkts.

¹⁰² Ministru kabineta 20.09.2022. noteikumu Nr. 585 "Tiesu administrācijas nolikums" 4.2. apakšpunkts.

¹⁰³ Likuma "Par tiesu varu" 89.¹¹ panta septītā daļa.

¹⁰⁴ Ministru kabineta 20.09.2022. noteikumu Nr. 585 "Tiesu administrācijas nolikums" 4.11.-4.12. apakšpunkts.

¹⁰⁵ Likuma "Par tiesu varu" 107.¹ panta otrās daļas 5¹. punkts.

responsible, while the Court Administration must ensure only the record-keeping of staff. Otherwise, the president of the court does not have the tools to organize the work of the court during periods when there is a high demand from employees to go on vacation.

The interviews point to the problem of the Court Administration (t.sk. the subordination of the Courthouse Agency) and the limited capacity of the Council for the Judiciary. Interviewees stressed that planning for the long-term needs of the functioning of the justice system does not correspond to what is actually needed. An example is the wear and tear of court buildings – repairs are promised, but they are regularly postponed. Court presidents do not know what the plan for allocating resources is, as well as how repair priorities are determined. Consequently, internal long-term planning in the courts is also difficult and unclear.

As in Latvia, in Germany, the judicial administration is subordinate to the Ministry of Justice, i.e. the executive¹⁰⁶. In Finland, the judicial administration belongs to the administrative branch of the Ministry of Justice, but the administration itself is an independent institution – it belongs to the judiciary¹⁰⁷. In Lithuania and the Netherlands, the administration is owned by the judiciary^{108,109}. Although in Estonia the Minister of Justice is also involved in the administration of the courts of first instance and appeal, the most important decisions are taken by the Council of the Court Administration – so the administration is subordinate to the judiciary.

3.2.4. Academy of Justice

The Academy of Justice started its work on 01.01.2025 to provide a systematic and unified training center for human resources involved in the judicial system.¹¹⁰

The Law provides ¹¹¹ that the functional supervision of the Academy of Justice over the implementation of tasks and competences shall be carried out by the Council of the Judiciary, but institutional supervision or administrative capacity to operate shall be carried out by the Cabinet through the Minister of Justice.

The implementer of the project "Academy of Justice" is the Court Administration and its implementation time is from 01.01.2023 to 30.06.2026. It is financed by the European Union Recovery Fund and has a total funding of EUR 7.5 million. After the completion of the investment project on 30.06.2026, the development of training programmes and the provision of activities will be financed from the state budget funds allocated to the Academy of Justice.¹¹² Priority measure No 19_12_P_N 'Establishment of the Academy of Justice', approved in 2023, allocates €289,276 for remuneration and goods and services for 2025, €1,040,859 for 2026 and €1,898,083 for 2027 and subsequent years. Within the framework of the project¹¹³:

- a new public institution – the Academy of Justice – has been created;
- ten competence development curricula have been developed, which include a set of training topics required for a particular position and indications for the presentation of their content, including the frequency of teaching of the training topics;
- launched the implementation of programmes through the organisation of training, the provision of experience exchange activities and the development of training materials;
- purchased learning resources – books and access to legal literature databases;
- The premises have been rebuilt and adapted to the needs of the academy so that training for the target group can take place in one training centre.

¹⁰⁶ National justice systems. (2021) Pieejams: https://e-justice.europa.eu/16/EN/national_justice_systems?GERMANY&member=1.

¹⁰⁷ National courts administration. (2020). Pieejams: <https://tuomioistuinvirasto.fi/en/index/nbortgcbe.html>.

¹⁰⁸ The Council for the Judiciary. Pieejams: <https://www.rechtspraak.nl/English/The-Council-for-the-Judiciary>.

¹⁰⁹ Lithuanian Courts. About Administration. Pieejams: <https://www.teismai.lt/en/national-courts-administration/about-administration/679>.

¹¹⁰ Tiesu administrācijas 2023. gada publiskais pārskats. Pieejams: <https://www.ta.gov.lv/lv/media/4113/download?attachment>.

¹¹¹ Tieslietu akadēmijas likums. Pieejams: <https://likumi.lv/ta/id/356029>.

¹¹² Tiesību akta projekta "Tieslietu akadēmijas likums" sākotnējās ietekmes (ex-ante) novērtējuma ziņojums (anotācija). Pieejams: <https://tapportals.mk.gov.lv/annotation/f85eed06-b008-4730-9cd0-264ed65b28bc>.

¹¹³ Tieslietu padome. (2024). Tieslietu akadēmija. Pieejams: <https://www.tieslietupadome.lv/lv/tieslietu-akademija>.

The Academy of Justice also oversees all the training needs necessary for the advancement of the position. Regular and wide-ranging development of justice professionals improves the functioning of the justice system and prevents the risk of the development of certain skills being neglected.

The interviews highlight the importance of the Academy of Justice project in the context of the development and improvement of the judicial system. Although such a project requires additional expenditure and an appropriate budget, it will make a significant contribution to improving the competence, knowledge and efficiency of all parties involved.

3.2.5. The President of the Court of Justice has narrower powers than in comparable countries



In Latvia, the president of the court has narrower powers than in comparable countries, because there are signs of organisational subordination in the management of judicial institutions and part of the issues of judicial responsibility are within the competence of other institutions. Court presidents are tasked with directing the work of the judicial authority, but have limited powers to independently determine the type and number of support staff; coordinate the leave of¹¹⁴ judges or participate in the evaluation of the judge.

The independence of the judge, in our opinion, is also affected by the autonomy of the judicial authority, including reasonable self-determination in administrative matters.

While preserving the Court Administration as a single service centre, it is advisable to clearly define the powers of the president of the court to set the objectives of the judicial authority and to define performance that would cover not only the deadlines for hearing cases in court, but also, for example, aspects of case flow management and human resource planning. In larger courts, there is a need to develop a more targeted case flow management process in the management of case flows, which is monitored by supervisors and data analysts responsible for the flow of cases.

According to the law¹¹⁵, the president of the court is responsible for organizing the work of the court, determining the duties of judges related to the effective functioning of the judicial institution and dividing cases and other duties among judges. Compared to the practice in other countries (Estonia, Finland and the Netherlands), **in Latvia court presidents do not have the authority to ensure the personnel management of judges of the managed court**, as most of these processes are carried out centrally, for example, selection of judges, evaluation of the performance of judges, planning of training content.

The president of the court plans and sets the objectives of the court's work with regard to the average time limits for hearing cases in court (standard time limits for hearing cases¹¹⁶). However, the assessment of a judge's professional activity, where the achievement of such objectives could be assessed, is carried out every five years by another body, the judicial qualification board, composed of nine judges¹¹⁷. The content of the assessment includes both an assessment of the organisation of work for ensuring the hearing of court cases and compliance with the rules of the work organisation and the orders of the presiding judge in the work of the judge, which would

¹¹⁴ Citu valstu prakse ir, ka tiesneša atvaļinājumu katrs tiesnesis izmanto pēc saviem ieskatiem, ievērojot attiecīgās tiesas politiku vai tiesu sistēmas kārtību. Vairumā gadījumu tiesneši tomēr saskaņo savu prombūtni ar tiesas priekšsēdētāju un/vai ar citiem tiesnešiem, kuru lietas varētu ietekmēt viņu prombūtni. Piemēram, Nīderlandē Tieslietu padome nosaka kārtību jautājumiem, kas attiecas arī uz tiesnešiem par darba stundām un darba laikiem, kā arī par brīvdienām un atvaļinājumiem. Judicial Officers (Legal Status) Act Applicable from 01-01-2020 to the present, 52. pants. Pieejams: <https://www.rechtspraak.nl/SiteCollectionDocuments/judicial-officers-legal-status.pdf>

¹¹⁵ Likuma "Par tiesu varu" 33. panta trešā daļa.

¹¹⁶ Likuma "Par tiesu varu" 27.¹ panta trešā daļa.

¹¹⁷ Likuma "Par tiesu varu" 94.² panta pirmās daļas 3. un 4. punkts.

most likely also cover the assessment of the achievement of the objectives of the court's work in relation to the average time limits for hearing cases in court.

The president of the court shall ensure the management of time limits for the hearing of cases in court and the allocation of cases¹¹⁸. If the judge fails to comply with the procedural time limits, the president of the court may initiate disciplinary proceedings or request an extraordinary assessment of the judge. Such control also exists for other entities, such as the Minister of Justice.

The President of the Court of Justice is appointed by the Council for the Judiciary for a term of five years on the basis of a recommendation from the Judicial Qualification Board. His main responsibilities include personnel management, supervision of the distribution of cases, administrative work of the court and promotion of the court's prestige in society. The Vice-President of the Court shall act as a support to the President, assuming partial responsibility for the functioning of the Court and its coordination, especially in the absence of the President. This procedure for holding office is similar to the appointment of the President and is established by law. The Vice-President of the Court may also be the President of the Courthouse at the same time.¹¹⁹

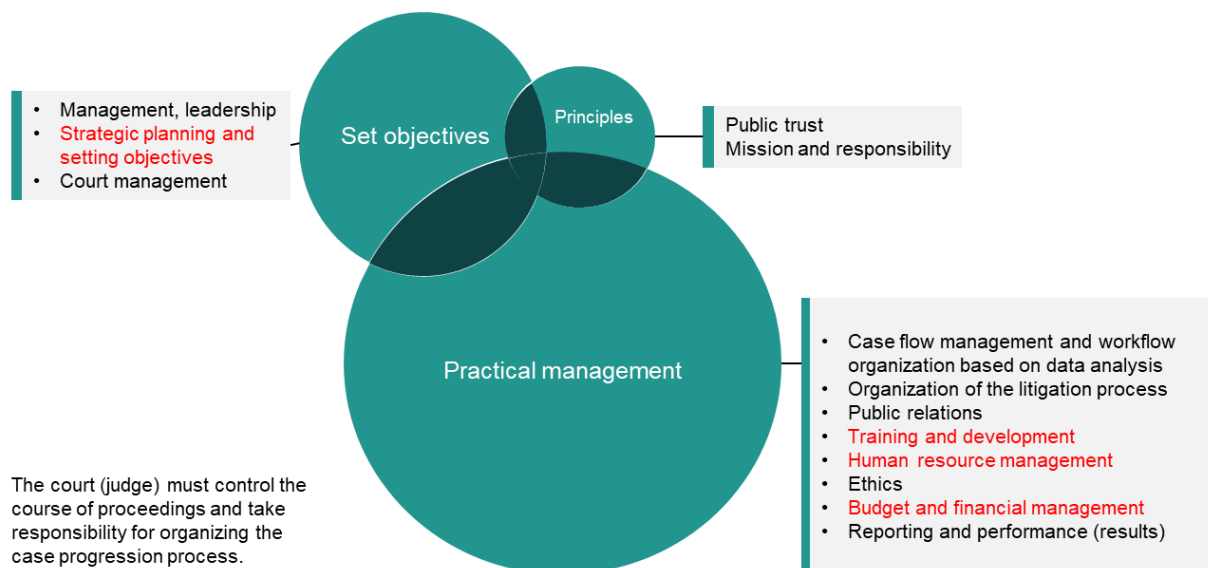
Comparing the powers of the president of the court in Latvia with the scope of the powers of the president of the court described in the CEPEJ guidelines (see Annex III). Figure 11), it can be seen that the responsibility of court presidents in Latvia is not as extensive as that described in the recommendations. There is no clear definition of the power of the president of the court to set objectives for the judiciary at the level of individual courts, in addition to the highest standards (national, regional), which would cover not only the deadlines for hearing cases in court, but, for example, aspects of human resource planning.

The CEPEJ recommends that court leaders need the appropriate authorities and autonomy to actively promote or participate in the pursuit of these objectives. These objectives must clearly define the objectives and be achievable. They should be published and periodically reassessed. The objectives can be used in the evaluation of the functioning of the court. If they are not achieved, concrete measures and actions should be taken to improve the situation.

The CEPEJ guidelines state that the budgetary and financial management of the judicial authority is also the responsibility of the head of the court. However, the heads of courts interviewed expressed the opinion that the management of the budget centrally in the Court Administration is good practice in Latvia.

¹¹⁸ Likuma "Par tiesu varu" 27.¹ pants un 28.¹ pants.

¹¹⁹ Likuma "Par tiesu varu" 33. panta trešā daļa.



Judges must be independent and impartial in their decisions and be able to act without any restrictions, undue influence, pressure, threats or direct or indirect interference from any authority, including the internal authorities of the judicial system. The hierarchical organisation of the judiciary should not undermine individual independence. Supreme courts should not address guidance to judges on how they should decide individual cases, except in preliminary rulings or when deciding on remedies under the law.¹²¹

Comparison of the powers of the court presidents or the court board (hereinafter - the management of the court) in Latvia and abroad (see Annex III). **Annex 16** also demonstrates that **in Latvia the President of the Court has narrower powers than in comparable countries:**

1. In all three countries, the president of the court performs his duties in cooperation with the administrative manager or executive director (Estonia and Finland) or the judicial board (Netherlands) composed of the administrative manager. In Estonia, the Netherlands and Finland, the court's management sets the objectives of the court's activities and ensures that they are achieved not only in terms of the average time limits for hearing cases in court, as is the case in Latvia, but also, for example, in terms of the number of cases pending per year and other performance results. It is closely related to the responsibility for the preparation, adoption and execution of the budget of the judicial authority, which is entrusted to the management of the court in the mentioned countries, but in Latvia the courts are the executor of only a small part of the budget. Abroad, the draft budget of the court is drawn up in court and agreed with the Council, using the court administration as an outsourced service provider, and not as an independent decision-making body.
2. In all three foreign countries, the administration of the court is responsible for promoting the legal quality of the court by monitoring the uniformity of the application of legal principles and the interpretation of law in court decisions. In Latvia, at present, such an obligation has not been directly and fully assigned to any institution, neither in terms of promoting legal quality and uniform application of legal norms in courts, nor in terms of monitoring the application of legal principles and consistency of interpretation of law in court decisions. However, the president of the court is obliged to promote uniform judicial practice within the court.

¹²⁰ Eiropas Tiesiskuma efektivitātes izvērtēšanas komisija (CEPEJ). (2018). Pārskatītas Saturn vadlīnijas lietu izskatīšanas laika pārvaldībai (3. Pārskatīšana). Pieejams: <https://rm.coe.int/cepej-revised-saturn-guidelines-for-judicial-time-management-3rd-revis/1680a11da8>.

¹²¹ Ieteikumu CM/Rec(2010)12, ko Eiropas Padomes Ministru komiteja pieņēma 17.11.2010. pēc Eiropas Juridiskās sadarbības komitejas (CDCJ) priekšlikuma, 22. un 23. punkts. Pieejams: <https://search.coe.int/cm/?i=09000016805afb78>.

3. The management of the court also has greater autonomy in matters of work organization, which contributes to the efficiency of the work of the court. For example, in Finland, the board of the court (president) has the power to order the court registry to decide on costs if the defendant has accepted the claim and to decide on other administrative matters.

3.3. Financial resources and budget of the judicial system

75% of the funding of the judicial system¹²² is used to ensure the functioning of the court of first instance and the court of appeal, of which two-thirds of this amount is directly for remuneration. Consequently, the most significant positive fiscal impact would be on measures to make the judiciary more efficient that relate to the staffing policies of district courts and district (city) courts.

Significantly less – 8% of the total funding is used to finance the activities of the Supreme Court, 6% for court administration, 4% for the provision of legal aid, 3% for ensuring the functioning of the Constitutional Court. Funding for remuneration accounts for 75% of the total budget of the justice system, which indicates that it is the effectiveness of human resources policy that has the most significant impact on the budget of the justice system.

The Council for the Judiciary has initiated the decoupling of courts of first and second instance from the executive, taking over the functions related to the finances and administration of the judiciary from the Court Administration and the Ministry of Justice. In 2023, a conceptual agreement has been reached with the Ministry of Justice on the need for such a reform and a discussion on possible scenarios for institutional reforms has been launched. In turn, in 2024, work took place on the development and implementation of a detailed concept.¹²³ Already, 85% of the total funding of the judicial system is the so-called funding of independent institutions, which is not amendable, and the funding that is subject to government regulations is 14%.

7. table. The problems of the efficiency of the judicial system identified by the Council for the Judiciary and the tasks set to solve them.¹²⁴

Problems	Priority tasks
Fiscal and organisational dependence on the executive is one of the reasons why issues critical to the efficiency of the judiciary have not been addressed for a long time.	- Achieving the fiscal independence of the courts as a constitutional body - Start a discussion on the status and functions of the Council for the Judiciary, take over the necessary functions from the executive branch, developing the administrative capacity of the Council for the Judiciary accordingly
- The issue of remuneration for the office of a judge has been partially resolved only by two judgments of the Constitutional Court - Inadequately low remuneration of court staff compared to the requirements to be imposed on them.	- Continue to participate in the development of a competitive remuneration model for judges and court staff - To promote the establishment of a common methodology for the evaluation of judicial staff and a uniform remuneration system attached to it Development of a solution to the issue of inadequately low remuneration of judicial support staff through the development of a modern judicial support service, a redefinition of the profession and role of a judicial assistant, and the development of a standard and selection procedure for the position, which, in general, would form an objective basis for increasing salaries.

¹²² Valsts budžeta finansējums programmām saskaņā ar COFOG klasifikāciju "Tiesu sistēmas darbība" 2023. gadā.

¹²³ Tieslietu padomes gada pārskats 2023. 2.lpp. Pieejams: https://www.at.gov.lv/files/uploads/files/9_Tieslietu_padome/TP_GadaParskats_2023.pdf.

¹²⁴ Tieslietu padomes gada pārskats 2023. 2. un 3.lpp. Pieejams: https://www.at.gov.lv/files/uploads/files/9_Tieslietu_padome/TP_GadaParskats_2023.pdf.

Problems	Priority tasks
	Development of a specific, detailed conceptual solution and initiation of its implementation.

3.3.1. Budgetary and financial management policy of the judiciary

By the judgment of the Constitutional Court in case No. 2010-06-01 on the budget of constitutional institutions, the court formulated the doctrine of budgetary independence. The Constitutional Court has pointed out that in a democratic and legal state, ensuring the financial independence of independent institutions is considered to be an essential state and public interest (see paragraph 15.2 of the judgment in Case No. 2010-06-01).

The Constitutional Court drew attention to the fact that an effective procedure for ensuring the financial independence of independent institutions exists if these institutions, among other things, have the right to justify their budget request to the Cabinet of Ministers and the Saeima (see paragraphs 15 and 15.1 of the judgment in case No. 2010-06-01).¹²⁵

True financial independence, as indicated by the Constitutional Court, is only if the legislator grants independent institutions the procedural right to be heard and to obtain justification in cases where the budget request is amended:

- The Cabinet of Ministers has an obligation to:
 - to hear the views of the independent institutions on matters relating to their budgetary procedure,
 - provide detailed justification in the event that the views of independent bodies are not taken into account,
 - to ensure notification of the opinions of independent institutions and the justification for their decision to the Saeima.
- The Saeima is obliged to:
 - to ensure the participation of independent institutions in the discussion of the draft budget in the Saeima on issues affecting their financial independence.
 - justify its action if it does not take into account or partially takes into account the opinion of independent bodies¹²⁶.

The Constitutional Court of Lithuania, like the Constitutional Court in Latvia, has also indicated that the material basis for the organisational independence of courts is their financial independence from any decisions of the executive power. It should be noted that the financial independence of the courts is ensured by such a legal framework that for the judicial system and each court, finances are allocated to the state budget, approved by law. Guaranteeing the organisational independence of the courts is one of the essential conditions for ensuring human rights.¹²⁷

¹²⁵ Satversmes tiesas 08.06.2012. lēmums "Par tiesvedības izbeigšanu lietā Nr.2011-18-01". Pieejams: <https://likumi.lv/ta/id/248963-par-tiesvedibas-izbeigšanu-lieta-nr-2011-18-01>.

¹²⁶ Skatīt Satversmes tiesas 18.01.2010. sprieduma lietā Nr. 2009-11-01 11.5. punktu.

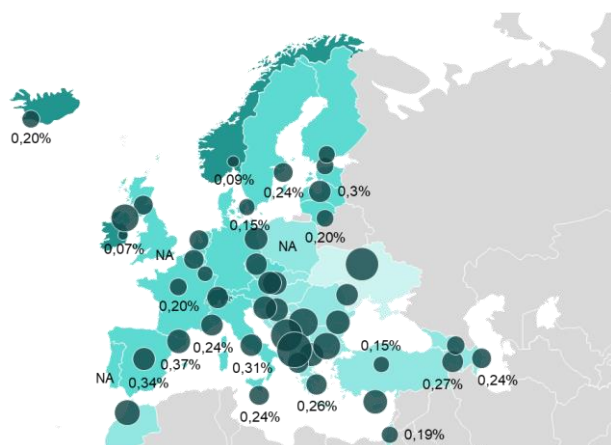
¹²⁷ Lietuvas konstitucionālās tiesas atziņu apkopojums. 9.1. sadaļa "Tiesas", 9.lpp. Pieejams: https://lrkt.lt/data/public/uploads/2021/05/selected-doctrine-2021_9.pdf.

In Latvia, the procedures for the development, approval and execution of State budget and local government budgets and responsibility in the budget process shall be determined by a single regulatory enactment - the Law on Budget and Financial Management, which applies both to the executive power and to other constitutional organs - the Saeima, the judiciary and other independent institutions. As a result, issues related to the budget of the judiciary are regulated by two regulatory enactments – both the Law on the Judiciary and the Law on Budget and Financial Management. This situation is different from analogous legislation, for example in the Netherlands, where budgetary and financial management issues of the judicial system are defined in a specific framework applicable only to the judiciary.

3.3.2. Amount of state budget expenditure for the judicial system in Latvia

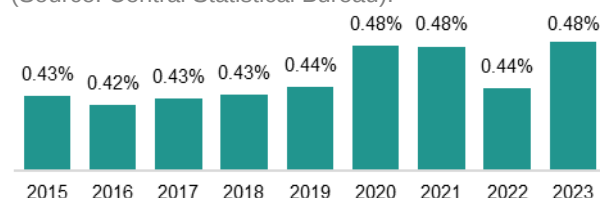
According to Eurostat's comparative assessment¹²⁸, **Latvia's state budget expenditure in proportion to gross domestic product (GDP) is the third highest in the EU and amounted to approximately 0.4% of GDP in 2022**. This is slightly less than in Bulgaria and Poland, where in 2022 there were around 0.5% and 0.7% of GDP. The size of the budget of the Latvian judicial system is no exception, as a similar proportion of GDP as in Latvia is used to finance the justice system in five more countries – Croatia, Malta, Romania, Spain and Germany. However, it must be acknowledged that Latvia belongs to the group of countries where spending on the judicial system is proportional to GDP of the highest in the EU (on average the EU is 0.3% of GDP). It also corresponds to the EU average in the countries covered by the report, the Netherlands and Estonia, while in Finland it is 0.2% of GDP. International comparison (see Annex III). Figure 12)¹²⁹ shows that the financing of the Latvian state budget for remuneration of persons employed in the judicial system in 2022 amounted to 0.3% of GDP¹³⁰.

12. picture. Comparison of the budget of the judicial system with the GDP of the Council of Europe countries (Source: CEPEJ data analysis).¹³¹



Also the Central Statistical Bureau (see Annex III). Figure 13) shows that the share of the judiciary's budget as a percentage of GDP is quite volatile, reaching almost 0.5% in recent years.

13. picture. Share of the judiciary budget as % of GDP (Source: Central Statistical Bureau).¹³²



The assessment of the amount of funding in terms of the proportion of GDP is influenced by the fact that Latvia's GDP per capita is the third lowest in the EU after Bulgaria and Romania.¹³³ Consequently, a proportional comparison with countries where GDP per capita is significantly higher than in Latvia (e.g. Finland, the Netherlands) does not allow conclusions to be drawn as to whether the available funding satisfies the basic needs of the justice system at all in order to ensure efficient judicial proceedings. However, the use of the judicial budget's share

¹²⁸ Eurostat. (2024). Government expenditure on public order and safety. Pieejams: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Government_expenditure_on_public_order_and_safety.

¹²⁹ CEPEJ datu analīze. Pieejams: <https://public.tableau.com/app/profile/cepej/viz/BudgetFR/GDPBudget>.

¹³⁰ Centrālās statistikas pārvaldes aprēķini ir atšķirīgi un uzrāda 0.48% no IKP (skat. 13. attēlu).

¹³¹ CEPEJ datu analīze. Pieejams: <https://public.tableau.com/app/profile/cepej/viz/BudgetFR/GDPBudget>.

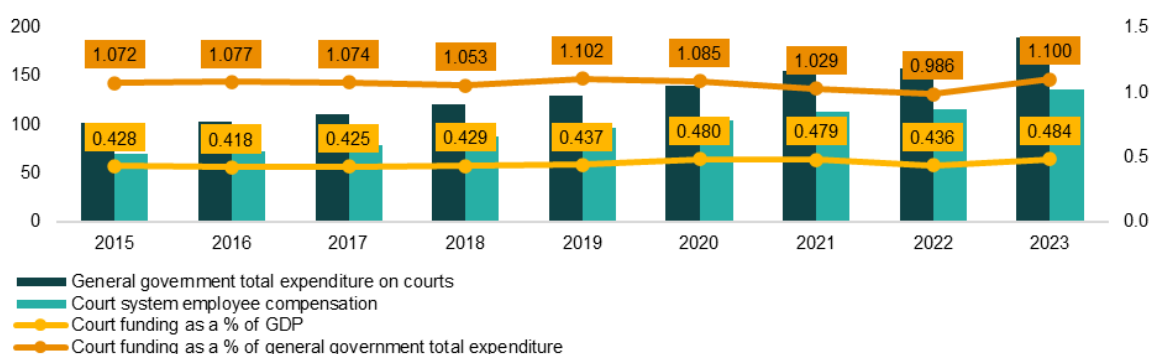
¹³² CSP. Vispārējās valdības sektora izdevumi pēc valdības funkcijām sadalījumā pa apakšsektoriem (milj. eiro) 2001 – 2023. Pieejams https://data.stat.gov.lv/pxweb/lv/OSP_PUB/START_VEK_VF_VFV/VFV040/table/tableViewLayout1/.

¹³³ Eurostat. (2025). Real GDP per capita. Pieejams: https://ec.europa.eu/eurostat/databrowser/view/sdg_08_10/default/bar?lang=en.

as a percentage of GDP is critical, as the data also show that the share of judicial funding in GDP is usually higher in countries with lower income levels.

The expenditure item that makes up the largest difference with other EU countries is the remuneration of employees¹³⁴, which accounts for three quarters of all expenditure (see Annex III). Figure 14).

14. picture. General government sector expenditure on the judiciary (EUR million) 2015-2023 (Source: Central Statistical Bureau).¹³⁵



At the same time, there is no verifiable mechanism in Latvia to find out how many judges, how many court employees and court employees of what specialties are needed to examine the volume of cases received in courts and accumulated in courts. This is also pointed out by the State Audit Office¹³⁶, concluding that (1) planning the number of judges is currently ineffective; (2) there is a critical situation in the provision of human resources for judges specialising in land register cases, (3) the standard and career model of the position of assistant judge (t.sk., competitive remuneration) have not yet been revised, (4) a uniform procedure for the selection of court staff has not been established, (5) improvements are needed in the system of professional development of judges, for example, there is no definition of compulsory training programmes (topics and minimum scope).

3.4. Judicial system budget management process



Determining that the Council for the Judiciary is responsible for the exercise of the function of drafting the request for the budget of the district (city) and the district courts and of overseeing the use of funds, **the composition or voting arrangements of the Council for the Judiciary should be reviewed.** The multi-profile composition of the members of the Council for the Judiciary does not provide opportunities for district (city) and district courts to deal with internal administrative issues of the courts at least partially autonomous from the recipients of the judicial service – lawyers, bailiffs and prosecutors, on the one hand, and political officials on the other.

- In order to be able to perform the functions of drawing up the budget request for the district (city) and district courts and monitoring the use of funds, it is necessary to extend the competence of the Council for the Judiciary. It must be placed under its full responsibility by the annual and medium-term budget request of the district and district (city) courts, t.sk. approval of financing for priority measures, co-ordination of budget implementation plans (investment and procurement plans), supervision of efficient and rational use of State budget resources in accordance with the intended objectives and results to be achieved.

¹³⁴ General government expenditure by function (COFOG). Classification of the functions of government (COFOG 1999): Law courts. Pieejams https://ec.europa.eu/eurostat/databrowser/view/gov_10a_exp_custom_14032881/default/table?lang=en.

¹³⁵ CSP. Vispārējās valdības sektora izdevumi pēc valdības funkcijām sadalījumā pa apakšsektoriem (milj. eiro) 2001 – 2023. Pieejams: https://data.stat.gov.lv/pxweb/lv/OSP_PUB/START_VEK_VF_VFV/VFV040/table/tableViewLayout1/.

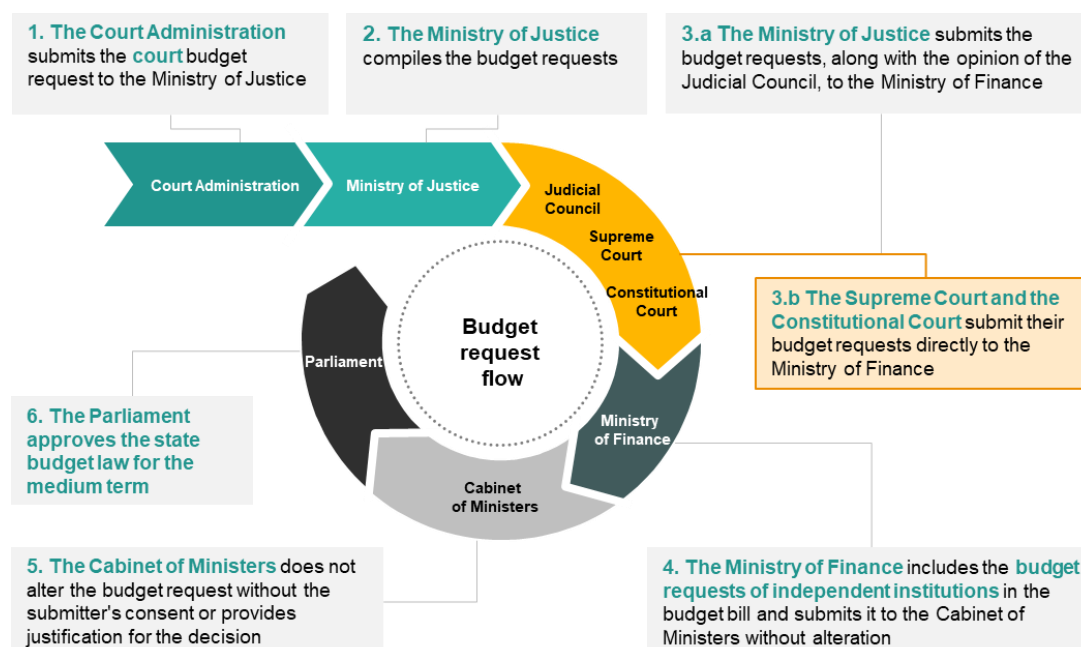
¹³⁶ Latvijas Republikas Valsts kontrole. (2024). Cilvēkresursu pieejamība un attīstība Latvijas tiesās. Pieejams: https://lrvk.gov.lv/lv/getrevisionfile/29740-YyB8Pd_bKqizFid2Q1YedWrpblraPIED.pdf.

- As the Judicial Council takes over the functions of overseeing the budgeting and expenditure of district (city) and district courts, there should also be a change in the organisation of the management of budgetary resources. The Council for the Judiciary should be granted, like the councils of other organisations or the Minister, with a function of close oversight over the use of the budget of all large judicial systems, in relation to the management of subordinate institutions. The Judicial Council must also take over other resource management issues – staff, ICT and, possibly, judicial real estate management policies.

The procedure for drawing up the budget request has been duplicated in two laws

Two laws and regulations¹³⁷ – the Law on the Judiciary and the Law on Budget and Financial Management – stipulate the procedures for drawing up a request for a court budget. Budget requests submitted by district (city) courts and district courts are compiled and transmitted to the Ministry of Finance by the Ministry of Justice.¹³⁸ The Supreme Court and the Constitutional Court submit the budget request to the Ministry of Finance independently.

15. picture. The process of drafting and submitting budget requests.



The Minister for Finance shall ensure the development of the State budget draft law on the basis of budget requests submitted in accordance with the provisions of the Law. The Cabinet shall include the budget request in the draft State budget law. Neither the budget requests of the Supreme Court and the Constitutional Court, nor the budget requests of district (city) courts and district courts¹³⁹ until the submission of the draft budget law to the Cabinet **without the consent of the applicant may be amended**. Neither the budget component nor other expenditure shall be amendable. This is also confirmed by the information provided by the Ministry of Finance.¹⁴⁰

If, however, there is such a situation when the Cabinet amends the budget request without the consent of the applicant, the justification for the decision shall indicate how the reduction of the financing will affect ensuring the operation of the relevant institutions specified in laws and regulations.¹⁴¹

¹³⁷ Satversmes tiesas budžeta pārvaldība nav projekta tvērumā, tādēļ tālāk netiek analizēta.

¹³⁸ Likuma par budžetu un finanšu vadību 19. panta sestās daļas trešais teikums.

¹³⁹ Likuma par budžetu un finanšu vadību 19. panta piektā, sestā un desmitā daļa.

¹⁴⁰ Sarakste ar Finanšu ministriju.

¹⁴¹ Likuma par budžetu un finanšu vadību 19. panta piektā un sestā daļa.

The explanations of the State Budget Draft Law¹⁴² shall include information regarding the opinions submitted in writing by the Supreme Court, the Constitutional Court, the Council of the Judiciary regarding the draft budgets of the relevant institutions, the minutes of the Cabinet meeting, as well as the opinion of the Judicial Council provided in accordance with the procedures laid down in the Law On the Judiciary, if such has been submitted to the Cabinet.¹⁴³

In the comparable countries, there is no analogous unchanged budgetary demand from independent institutions. The only similar example identified by researchers is the U.S., where, as an equal branch of government, the judiciary submits its budget request to the president, who includes it unchanged in his annual budget request to Congress¹⁴⁴. Appropriations for the judiciary are usually included in the Financial Services and General Government Appropriations Bill.

There are also certain peculiarities in the use of the judicial budget, which are associated with two separate programs for the financing of the judiciary. For example, the law stipulates that if a district court judge replaces a judge of the Supreme Court in the cases specified in regulatory enactments, then the remuneration for the replacement of a judge is to be paid from the state budget funds allocated to the Supreme Court.¹⁴⁵

The Cabinet shall determine the types of paid services provided by courts, the amount and procedures for payment. The Cabinet shall, ¹⁴⁶ not less than once every four years, evaluate the remuneration system for officials and employees of State and local government institutions, as well as judges and prosecutors and, if necessary, submit proposals to the Saeima for its improvement.¹⁴⁷

Two parallel ways in which the preparation and adoption of the judicial budget is ensured – through and without the Ministry of Justice

The procedure for developing and advancing a request for a judicial budget differs depending on which judicial institution's budget is directed for approval by the Saeima. In Latvia, the budget management of the judicial system is divided into several parallel streams – firstly, the budget of the judicial system administered by the executive (Ministry of Justice), secondly, the part of the budget of the judiciary independently managed by the Supreme Court and, thirdly, the Constitutional Court.

The Law on the Medium-Term Budget Framework and the Annual State Budget includes three budget programmes from which the remuneration of judges is financed – the "District Courts and District (City) Courts" programme, the "Court" programme in the "Supreme Court" department and the "Constitutional Court" department

In total, nine budget programmes and sub-programmes correspond to the lower levels of COFOG "Operation of the Judicial System" and "Operation of the Courts". In addition to the three above-mentioned budget programmes, the group "Operation of the Judicial System" and "Judicial Activities" also includes the following sub-programmes financed from the state budget: "Court Administration", "Provision of Legal Aid", "Conduct of Forensic Examinations", "Fund for Confiscation of Proceeds of Crime", "Remuneration of Bailiffs for Enforcement Activities", "Compensation for Damages to Persons Unjustly Detained, Arrested and Convicted".

¹⁴² Attiecas arī uz grozījumu valsts budžeta likumā iesniegšanu (skat: Likuma par budžetu un finanšu vadību 21. pantu).

¹⁴³ Likuma par budžetu un finanšu vadību 18.¹ panta astotās daļas 10. punkts.

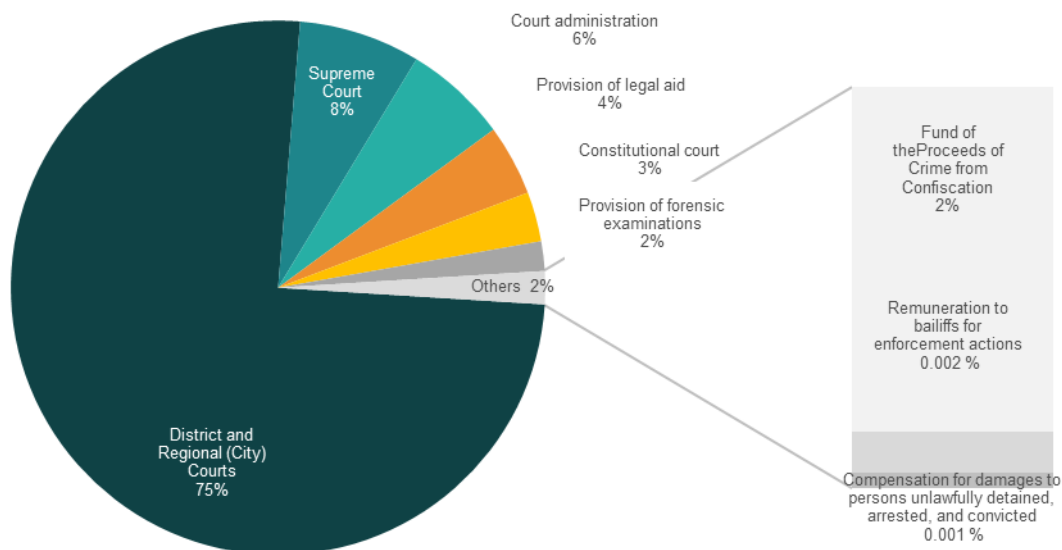
¹⁴⁴ Congressional Research Service. (2024). Judiciary Budget Request. FY2025. Pieejams: <https://sgp.fas.org/crs/misc/IF12625.pdf>.

¹⁴⁵ Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likuma 6.¹ panta ceturrtā daļa.

¹⁴⁶ Likuma par budžetu un finanšu vadību 5. panta vienpadsmitā daļa.

¹⁴⁷ Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likuma 3. panta septītā prim daļa.

16.picture. Overview of programmes and sub-programmes financed from the state budget in 2023 according to the COFOG classification "Functioning of the justice system" and "Functioning of the court".



The State fees to be paid into the State basic budget determined by the judicial system and other payments for the services provided by the institutions of the judicial system also form a part of the revenue of the State budget. According to the Treasury,¹⁴⁸ in 2023, it charged for carrying out activities in judicial authorities, charging for the submission of enforcement documents and charging for carrying out activities in the administrative court amounted to a total of EUR 10.844 million. In addition, the clerical fee for the activities carried out by the Land Register in relation to inheritance and gift, the clerical fee collected from natural persons and from legal entities amounted to 3.420 million euros.

In the current year's budget, the "District Courts and District (City) Courts" programme also plans small revenues from paid services and other own revenues, for example, in 2025 in the amount of approximately EUR 759 924.

The fact that all independent bodies are not on an equal footing in matters of budgetary management is evidenced by the fact that the Public Prosecutor's Office has a higher level of self-determination in matters of budgetary management than the courts of first instance and appellate instance.

The Committee of Ministers of the Council of Europe recommends that, during the preparation of the budget of the judicial system, the Councils of the Judiciary, if any, or other independent bodies responsible for the administration of the courts, the courts themselves and/or professional organisations of judges may be consulted. Judges should be encouraged to get involved in the administration of justice.¹⁴⁹

The Law on Budget and Financial Management determines the coordination of the draft budget of district (city) courts and district courts with the Council of the Judiciary analogous to the procedures for drawing up the budget of other independent institutions, such as the Saeima, the Chancellery of the President, the Supreme Court and the Constitutional Court, prosecutor's offices and other independent institutions. The only difference is that the district (city) courts and

¹⁴⁸ Valsts pamatbudžetā iemaksājamās valsts nodevas un citi maksājumi no valsts institūciju sniegtajiem pakalpojumiem un veiktās darbības.

¹⁴⁹ Ieteikumu CM/Rec(2010)12, ko Eiropas Padomes Ministru komiteja pieņēma 17.11.2010. pēc Eiropas Juridiskās sadarbības komitejas (CDCJ) priekšlikuma, 40. un 41. punkts. Pieejams: <https://search.coe.int/cm/?i=09000016805afb78>.

district court authorities or on their behalf the Judicial Council does not form a budget department, for which the State Budget Law provides for budget funds directly in the order of appropriations.¹⁵⁰

Its state budget law¹⁵¹ contains, for example, a separate budget department "32. The Prosecutor's Office" with the relevant budget program, but the budget of the District Court and the District (City) Court is the "19. Ministry of Justice Budget" sub-programme no. 03.02.00. Consequently, the prosecutor's office has a higher level of self-determination in matters of budget management than the courts.

The Law stipulates¹⁵² that the Court Administration is an institution that handles the funds of the judicial budget, plans the revenue and expenditure resources of the court budget, as well as analyzes economic indicators; prepares a draft budget request for ensuring the work of the courts and ensures targeted and efficient use of state budget funds. Consequently, the Court Administration has been granted analogous powers as head of the direct administration with regard to the budget of the district courts and the district (city) courts.



Ensuring the availability of information on the budget and the fact that all the main reports on the budget are published in a way that is easy for the public to understand, the law should stipulate that a single annual report of district (city) courts and district courts must be provided, informing about the use of the budget and the results achieved with it. Report on the results of the work of the Council for the Judiciary.

Incomplete reporting on the use of the budget in the courts of first instance and the courts of appeal

Article 10 of the Finnish Law on the Judiciary requires courts to provide an annual report on their activities either to each court separately or to several courts together. A similar requirement is laid down by law for all the courts of first instance and appeal in the Netherlands, which are required to provide a single joint annual report. The report must include an audited (in Latvia such function is performed by the State Audit Office) financial statement with the attached budget, amendments made thereto, annual report and other financial data. The report must report on the financial management of the courts in the previous budget year. The financial statement requires the approval of the Council for the Judiciary. The annual report should describe how the work is carried out, for which the budget was allocated from the budget of the central government. It must indicate how this work is consistent with the plan adopted for the year in question and how it complies with the financing rules. The Judicial Council may give general guidance on the structure and content of the plan.

In Latvia, State administration has established a tradition that public access to state budget information is ensured both in a high degree of detail, as well as in the form of annual reports and summaries of annual reports. So, for example, the Law on Budget and Financial Management stipulates that information on the state budget is regularly published in a full, comprehensive and easily understandable form for the public. All major reports on the state budget are available to the public.¹⁵³

In order to inform the public regarding the objectives and results of the operation of the institution, as well as regarding the utilisation of the allocated State budget resources in the previous year, ministries and other central State institutions, all institutions financed by the budget subordinate thereto, institutions not financed from the budget and local governments shall prepare and publish the annual public reports on their website by 1 July of the year following the reporting

¹⁵⁰ Likumā par budžetu un finanšu vadību lietotie termini: Budžeta resors — ministrija, cita centrālā valsts iestāde vai atsevišķi no ministriju vai citu centrālo valsts iestāžu budžetiem nodalīts resursu un izdevumu kopums, kam valsts budžeta likumā budžeta līdzekļus paredz tieši apropriācijas kārtībā.

¹⁵¹ Likuma "Par valsts budžetu 2025. gadam un budžeta ietvaru 2025., 2026. un 2027. gadam" 4.pielikums. Pieejams: <https://likumi.lv/ta/id/357450-par-valsts-budzetu-2025-gadam-un-budzeta-ietvaru-2025-2026-un-2027-gadam>.

¹⁵² Likuma "Par tiesu varu" 107.¹ panta otrās daļas 15., 16., 17. un 19. punkts.

¹⁵³ Likuma par budžetu un finanšu vadību 14. panta pirmā daļa.

year.¹⁵⁴ This provision does not apply to the courts, however, the Supreme Court reports in detail on the progress made in the previous year, while the results of the activities of district (city) courts and district courts are included only in the form of separate tables in the public report of the Court Administration.

Ministries and other central State institutions shall, within a month after promulgation of the State budget law, publish in the State basic budget the resources approved for them for covering expenditures and expenses, as well as explanations thereof on their website.¹⁵⁵

The State Administration Structure Law even includes a special section "Liability of an official, property of a public person, audit of the work of an institution and public report", ¹⁵⁶which defines the liability of officials, the obligation to reasonably use the property transferred into the possession of the institution, to ensure the availability of information regarding the state of the property and accounts of the institution, the procedures for the publication of the public report and the performance of an internal audit.

The Law on the Judiciary stipulates only in relation to the Court Administration that it ensures the targeted and efficient use of state budget funds¹⁵⁷ and provides the Judicial Council with a report on its work once a year¹⁵⁸. These requirements do not create any new obligations for the Court Administration, since the Court Administration, as a public administration, must already ensure the transparency of information on the budget and provide an annual report and a public report.

Unlike all other countries comparable in¹⁵⁹ **the study in Latvia, the Law On the Judiciary does not impose an obligation on the judiciary to provide a single annual report or to report to each budget executor on the use of the State budget separately.** There are also no other obligations analogous to the executive branch or a defined generalized principle of responsible handling of the entrusted funding. The Court Administration shall include in its public report separate reports on the statistics of the work of the district (city) and district courts and a summary of the implementation of the budget of the sub-programme "03.02.00 "District courts and district (city) courts", however, neither public reports of other judicial authorities covering the expenditure aspect nor describing the performance achieved by the district (city) and district courts are publicly available. The exception is the Supreme Court, which annually issues a report¹⁶⁰ on the work of the Supreme Court, detailing the results of its activities.

3.5. Increasing the efficiency of the use of premises



It is desirable, as far as possible, to dispose of premises (courtrooms, other premises) that are not necessary for the performance of the judicial function. This could save up to EUR 486 thousand per year, which is currently used both to cover the rent of the premises and to cover the management of the premises and other costs related to the maintenance of the premises.

An additional argument for reviewing the required space is that the proportion of oral proceedings is decreasing, part of the hearings are held remotely, for example, using videoconferencing capabilities.

¹⁵⁴ Likuma par budžetu un finanšu vadību 14. panta otrā daļa.

¹⁵⁵ Likuma par budžetu un finanšu vadību 14. panta trešā daļa.

¹⁵⁶ Valsts pārvaldes iekārtas likuma XII nodaļa.

¹⁵⁷ Likuma "Par tiesu varu" 107.³panta otrās daļas 19. punkts.

¹⁵⁸ Likuma "Par tiesu varu" 107.1panta otrās daļas 22. punkts.

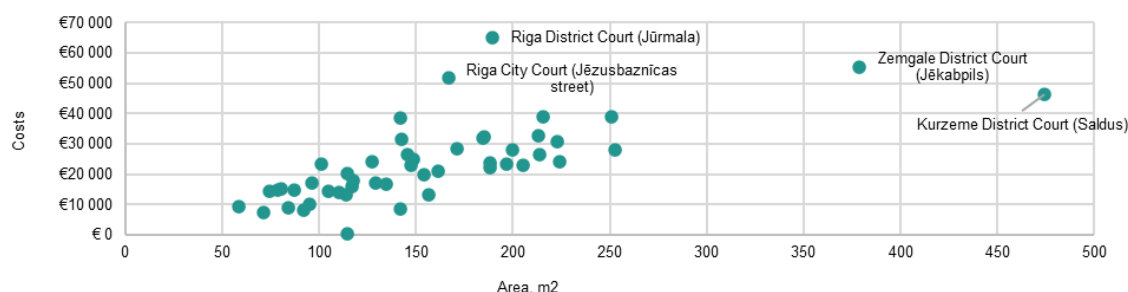
¹⁵⁹ Nīderlandes tiesu varas gada plāni un gada pārskati. Pieejams: <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Jaardocumenten/Paginas/default.aspx>. Igaunijas tiesu gada pārskati. Pieejams: <https://aastaraamat.nigikohus.ee/en/year-2023/>. Somijas tiesu varas gada plāni un pārskati. Pieejams: <https://tuomioistuinvirasto.fi/fi/index/tuomioistuinvirasto/suunnittelujaseuranta.html>.

¹⁶⁰ Pārskats par Augstākās tiesas darbu 2024. gadā. Pieejams: https://www.at.gov.lv/files/uploads/files/2_Par_Augstako_tiesu/Darbiba/AT_GADA_PARSKATS2024.pdf.

An important position affecting the budget of the judicial system is court buildings and utility bills. Not all court buildings are fully used, especially in regions where court hearings are relatively rare.

The breakdown of courtrooms by judicial district and the cost of maintaining courthouses shows that in 2023, a total of EUR 11 264 060 was spent on the maintenance of courthouses. According to the economic categories, 59% was spent on renting and renting work premises, 17% was spent on utilities, 18% on real estate maintenance, 5% on remuneration (for cleaners), 1% was spent on materials and goods for the maintenance of institutions¹⁶¹. The highest maintenance costs per judge (position) were in the Jūrmala courthouse of the Riga District Court (about 65,000 euros per year), which is justified taking into account the cadastral value of the real estate. High costs are also high in the Jēkabpils courthouse of the Zemgale District Court – approximately EUR 55,000, in the courthouse of the Riga City Court on Jēzusbaznīcas Street – approximately EUR 51,000, in the Saldus courthouse of the Kurzeme District Court – approximately EUR 46,000 per judge. In certain cases, the increased costs could be attributed to the location of the courthouse, for example, in Jūrmala. In contrast, in the Saldus and Jēkabpils courthouses, this could be attributed to the large area of the courthouses (see Annex III). Figure 17).

17. picture. Courthouse maintenance costs per judge and area per judge in 2023.¹⁶²



In courthouses located in the Riga judicial district, the number of medicines per judge is lower than elsewhere – 0.44. In the judicial districts of Kurzeme, Latgale, Vidzeme and Zemgale, the number of court rooms per judge is almost the same (0.68-0.69). It indicates that the number of judges is taken into account when planning the number of court rooms in judicial districts. At the same time, there are big differences between courthouses.

For example, in the Kurzeme judicial district in the Kurzeme District Court in Saldus, there are 1.33 courtrooms per judge (judge's position). The courthouse of the Courland Regional Court has 0.46 courtrooms per judge. There are also big differences in the Latgale judicial district, where four out of nine courthouses have at least one courtroom per judge. The Preiļi courthouse of the Latgale District Court has 1.33 courtrooms per judge, whereas in the Latgale Regional Court it is 0.38. Also in the Vidzeme District Court, four out of nine courthouses have one courtroom per judge. In contrast, in the Riga judicial district, where the workload is highest, each judge does not have his or her own courtroom in any of the courthouses.

There are also big differences in the area of courthouses. The Saldus courthouse in the Kurzeme district has 474.2 m² of rooms per judge, which is the most spacious compared to other Latvian courts. Meanwhile, in the Talsi courthouse in the Kurzeme district, the area per judge is six times less than in Saldus (78.32 m²). A large area of premises per judge is also in the Zemgale judicial district – 378.7 m². Meanwhile, in the Zemgale District Court in Bauska, the area per judge is only 71.5 m². Other judicial districts don't see such drastic differences¹⁶³.

¹⁶¹ Balstoties uz Tiesu administrācijas datiem par ēku uzturēšanas izdevumiem 2023. gadā.

¹⁶² Balstoties uz Tiesu administrācijas datiem par ēku uzturēšanas izdevumiem 2023. gadā.

¹⁶³ Balstoties uz Tiesu administrācijas datiem par tās nomātajiem īpašumiem un Tieslietu padomes sekretariāta apkopoto informāciju par tiesneša amata vietu skaitu tiesu namos.

Such a comparison indicates the desired directions for the optimization of court resources (courtroom, area of premises), as far as possible, taking into account the specifics of the real estate in which the courts are located.

3.6. Areas of judicial activity, specialised courts and specialised types of cases

The areas of judicial activity are determined by a decision of the Council for the Judiciary.¹⁶⁴ In total, there are 14 district (city) courts and district courts in the territory of Latvia. Of these, six are regional courts – the Administrative Regional Court, the Kurzeme Regional Court, the Latgale Regional Court, the Riga Regional Court, the Vidzeme Regional Court and the Zemgale Regional Court. In turn, there are eight district (city) courts – the Administrative District Court, the Economic Affairs Court, the Kurzeme District Court, the Latgale District Court, the Riga City Court, the Riga District Court, the Vidzeme District Court and the Zemgale District Court.¹⁶⁵

The division of courts of general jurisdiction of first and appellate instance according to their name, which has been used in the Constitution since 15.10.1998, is geographical, determining territorial jurisdiction – district or city and district. Historically, until 26.02.1997, the law stipulated that the district (city) court shall be established according to the administrative-territorial division of the Republic of Latvia, but in the city of Riga - according to the division of the city of Riga into judicial districts.¹⁶⁶ Paragraph 18 of the Law on Administrative Territories and Settlements, which was in force from 31.12.2008 to 23.06.2020, stipulated that districts, as well as district cities and parishes, retain the status of administrative territory until 01.07.2009. Consequently, the connection between the territory of the court of first instance – the district – and the administrative-territorial division of Latvia no longer exists.

Currently, the law stipulates¹⁶⁷ that in the Republic of Latvia at least one district (city) court is established in the territory of operation of each district court. Consequently, the geographical division of the courts is, in fact, by district court district. However, **the geographical division of judicial districts does not correspond to the territorial division of administrative territories and counties**, but at the level of district names corresponds to the planning regions defined in the Regional Development Law¹⁶⁸ – Kurzeme Planning Region, Latgale Planning Region, Riga Planning Region, Vidzeme Planning Region and Zemgale Planning Region.

It is not possible to establish full compliance with the territories of planning regions for the current geographical location of district (city) courthouses¹⁶⁹. For example, the judicial district corresponding to Ogre county and Tukums county is Zemgale, although the counties are included in the Vidzeme and Kurzeme planning regions, respectively. There are also discrepancies with Saulkrasti municipality, for which the corresponding judicial district is Riga, however, the planning region – Vidzeme. The lack of analogy with the geographical location of district (city) courts, and especially courthouses, with other territorial division regulations used in Latvia may cause problems for residents with the understanding of which court to bring a claim. The use of the name of the district court is more of a symbolic problem than an organizational one. The term "district courts" is still used, for example, in the Law on the Judiciary of the Russian Federation, which indicates that the legal framework of the judiciary has not yet been completely freed from the elements characteristic of the occupation regime.

In addition to the geographical principle, there is also a specialisation of certain courts in Latvia. Different degrees of specialization are possible: specialized courts or specialized types of case proceedings. Latvia has two specialised courts – the Administrative Court and the Economic Court. In the courts of first instance, judges specialise in categories of cases, either

¹⁶⁴ Tieslietu padomes 30.05.2023. lēmums Nr. 26 "Par tiesām, to darbības teritorijām un atrašanās vietām".

¹⁶⁵ Turpat.

¹⁶⁶ Likuma "Par tiesu varu" 29. panta pirmā daļa redakcijā, kas bija spēkā līdz 26.02.1997.

¹⁶⁷ Likuma "Par tiesu varu" 29. panta pirmā daļa.

¹⁶⁸ Reģionālās attīstības likuma 5. panta trešā daļa.

¹⁶⁹ Ministru kabineta 22.06.2021. noteikumi Nr. 418 "Noteikumi par plānošanas reģionu teritorijām".

primarily civil or criminal cases, or land register and non-contentious cases. Consequently, it can be argued that there is no comprehensive policy of specialization, separate **specialized ways of handling cases have been introduced**.¹⁷⁰

4. Processes

4.1. Managing the performance of the judiciary



In order to demonstrate the quality of the provision of the court service and to allow to convey a message about its effectiveness to the Saeima and the public, it is necessary not only to demonstrate the degree of achievement of performance indicators, but also to regularly obtain data on the actual working time consumed in the categories of the most frequently viewed cases, periodically performing measurements of the time consumed.

In order to ensure continued consistency, performance indicators should be periodically checked for their usefulness in achieving the objective set. If the performance indicator is not used, it may need to be reworked or abandoned.

Measuring the performance (performance) of courts allows courts to collect and present evidence of how successful it is in meeting the needs and expectations of clients in court. **Tracking the performance indicators of the courts is a necessary component of the accountability of the judiciary and a testament to the effective management of the judiciary as an industry.**¹⁷¹

Performance indicators are a structured judicial instrument that demonstrates the quality of judicial service delivery and allows the message of its effectiveness to be conveyed to parliament. Focusing on measures of efficiency, procedural satisfaction, economic efficiency and productivity is also useful for judges and court administrators, who develop approaches to evaluating the performance of judicial authorities and impose an obligation to submit data.

4.2. Accumulated judicial data

1: The data accumulated by the courts is not sufficient to regularly assess the number of posts required for judges and court support staff

The Law on the Judiciary stipulates that **data on the work of courts are collected and analysed by the Court Administration**¹⁷². Its task is also to maintain and improve the court information system, the State Unified Computerised Land Register and the Register of Enforcement Cases, as well as to ensure the availability of the services of these systems to the public. The Court Administration collects and compiles the data submitted by the courts. The established data analysis tools allow court presidents, the Council for the Judiciary and the Court Administration to track court case management, the workload of judges and the circulation of court cases in a single court.

The rules of the court information system define the minimum amount of information to be included in them. This is primarily information on the cases and materials before the courts, data on the parties to the case, hearings and written proceedings, the transfer of cases, the applications and complaints submitted, the decisions made in the case, the penalties imposed, the outcome of the proceedings¹⁷³. The rules of the Register of Enforcement Cases also define the minimum amount of information to be included, which includes data on the enforcement case, persons involved in the enforcement case, information on the correspondence of a sworn

¹⁷⁰ ESAO. (2018). Justīcijas pieejamība uzņēmumiem un integrējoša izaugsme Latvijā. 14.lpp. Pieejams: <https://www.ta.gov.lv/lv/media/91/download?attachment>.

¹⁷¹ National Center for State Courts. (2010). Achieving High Performance: A Framework for Courts. Pieejams: <https://www.ncsc.org/consulting-and-research/areas-of-expertise/court-management-and-performance/high-performance-courts/high-performance-court-framework>.

¹⁷² Likuma "Par tiesu varu" 107.¹ panta 2.daļas 14.punkts.

¹⁷³ Ministru kabineta 20.09.2016. noteikumi Nr. 618 "Tiesu informatīvās sistēmas noteikumi".

bailiff¹⁷⁴. The provisions of the State Unified Computerised Land Register are included in the Land Register Law. It stores land registers, corroboration logs and alphabetical indicators.

The Court Administration also maintains the Judicial Work Data Portal *MicroStrategy*. It processes data that collects information from various judicial accounting and register systems, such as the Court Information System, by combining it into analytical reports and reports. Some of the reports are publicly available – they include information on cases examined and received, time limits for hearing cases, permeability of cases, convicted persons. A separate *MicroStrategy* view is available for court presidents, judges, the Court Administration, which allows you to track court case management, judge workload and the circulation of court cases in individual courts.

Although the Court Administration is responsible for a fairly large amount of accumulated data and information, a number of relevant pieces of information are not accumulated. For example, the Court Administration does not obtain or accumulate information on the net time spent on one case (minus the working time spent on other cases or other activities). Such data would give a more objective picture of the complexity of cases than the time between receipt or initiation of a case and its completion in court. Such data can only be obtained within the framework of the accounting of the time actually consumed, either by introducing a permanent accounting of time worked by hours or by regularly carrying out measurements of the time consumed.

Consequently, it is not possible to fully evaluate existing resources in terms of standard annual and full-time equivalent hours for judges and court support staff (e.g. time spent on each typical process, activity and task).

2: Due to problems with the quality of the accumulated data and the delay in the implementation of TIS2, a catalogue of cases not yet fully developed prevents a complete overview of the categorisation of cases and the duration of their processing

When evaluating the datasets accumulated by TIS, a number of data quality issues were identified. First, a significant disadvantage is related to **the discrepancy between the names of the categories of cases received and dealt with and the names of the categories used in the case weighing model** in the TIS data:

18. picture. TIS data report on case categories and case weighing groups.

In the courts of first instance in 2021-2024:	At the courts of appeal in 2021-2024:
• 131 different categories of cases and 36 weighing groups of cases have been identified; • 87% of all cases received were received in 20 categories.	• 104 case categories and 32 case weighing groups have been identified; • 82% of cases out of all cases received.

There are only 20 categories of cases in the courts of first instance, in which the most cases have been received. This accounts for 87% of cases received in 2021-2024, and 82% on appeal. This indicates that it would be desirable to reduce the number of case categories in the TIS to at least the number of case weighing groups.

Secondly, **certain categories of cases do not give an idea of the content of the case**, such as "Other articles", "Ordinary cases", "Proportionally apportioned cases", which belong to the basic types of administrative offenses and administrative cases, respectively. A relatively large number of cases belong to the category "na", which applies to all basic types of cases – in 2024, about 17% of the cases received in the courts belong to the category "na".¹⁷⁵ Mostly things fall into this category that cannot be matched by another appropriate category, thus posing a data quality risk, as this category is not given the weight of cases.

¹⁷⁴ Ministru kabineta 18.12.2012. noteikumi Nr. 941 "Izpildu lietu reģistra noteikumi".

¹⁷⁵ Balstoties uz Tiesu administrācijas datiem par tiesās saņemtajām un izskatītajām lietām.

Thirdly, **the capacity of the Court Administration to ensure data quality is currently limited** – there is only one position of statistician, which limits the possibilities for regularly identifying and correcting data inaccuracies.

Data quality problems not only make it significantly difficult to process and analyze the accumulated data, providing false summary statistics, but also call into question the accuracy and reliability of systems. **To improve data quality, it would be recommended to:**

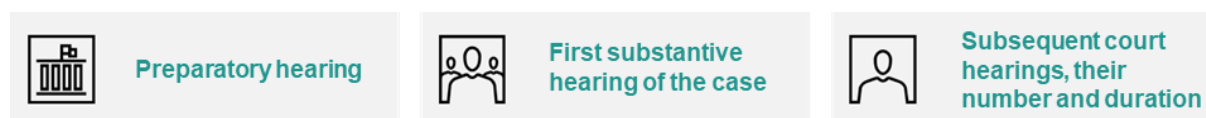
- Develop a unified classifier of categories of things.
- Perform "data cleaning" to eliminate inconsistencies in wording and get rid of redundant or unclear case categories and actions by ensuring more accurate data processing and analysis.
- Look for solutions to combine accounting groups into larger baskets and ensure cross-checking of data accuracy in order to reduce the current risk that the greater the number of categories of cases (units to be entered), the more likely it is that two different people will classify them differently.

3: The accumulated data on the timing of the most important notiousms of the process and their use in efficiency evaluations do not always allow to identify the reasons for the delay

The TIS collects detailed data on the most important stages of the handling of cases, records the time of their occurrence. Compared to the types of information to be accumulated provided in the CEPEJ SATURN guidelines, it can be seen that all data are accumulated in Latvia, but not always labeled and separated in such a way that it is possible to determine where and why delays occur. One such very important data group is information on hearings (see highlighted units in the table below).

In TIS, data is accumulated in such a way that information is marked for any hearing with a single name "Hearing". However, a well-known approach in case law is to distinguish hearings according to their types:

19. picture. Types of sittings.



These are important moments in the trial, the duration between which is an essential signal of the effectiveness of the judicial system. The target is to achieve that at least 90% of cases do not exceed 45 calendar days between these sittings. In order to improve the efficiency of the courts, it is necessary to measure the proportion of cases that are heard at the first sitting when the substance of the case is heard. Such information is usually used for planning purposes to identify and prevent undue delays, speed up the process and improve their efficiency.

8. table. Aggregated data on decisions taken and actions taken before the Court of First Instance (Missing data units in the box).

Aggregated data units

1. Initiation of proceedings before the Court of First Instance:
 - a. Receipt of an application / complaint and verification of the performance of pre-trial actions
2. Distribution of cases
 - a. Determination of the composition of the court in accordance with the plan for the allocation of cases or transfer to another court
3. Procedural decisions
 - a. Leaving the application without guidance or accepting the application
 - b. Initiation of legal proceedings
 - c. Service of the file

Aggregated data units

- d. Receiving explanations
- e. Making procedural decisions of the court
- 4. Preparation
 - a. Preparatory session¹⁷⁶
- 5. Consideration on the merits
 - a. First sitting on the merits¹⁷⁷
 - b. Determination of expert-examination (if necessary)
 - c. Subsequent hearings, their number and duration¹⁷⁸
 - d. Postponement, suspension, dismissal, termination of proceedings
 - e. Closure of the case on the merits
- 6. Judgment or court decision
 - a. Judgment of the Court of First Instance (preliminary rulings, summary judgment, final judgment)
- 7. Proclamation and notification
 - a. Delivery and notification to the parties of a decision (judgment) of the Court of First Instance
- 8. Initiation of proceedings before the Court of Appeal
- 9. Use of remedies (appeal, etc.) and its impact on the entry into force of the decision
- Proceedings before the court of appeal and decisions made**
- 10. Preliminary rulings of supreme court instances
- 11. Progress and outcome of appeals and other proceedings (e.g. annulment of a decision or referral of a case for a new hearing)
- 12. Other (extraordinary) stages of the proceedings and remedies (e.g. retrial or constitutional review)
- 13. First hearing
- 14. Subsequent hearings, their number and duration
- 15. Judgment or court decision
- 16. Enforcement of the judgment, enforcement of the judgment

In order to ensure continued consistency, performance indicators should be periodically checked for their usefulness in achieving the objective set. If the performance indicator is not used, it may need to be reworked or abandoned.

9. table. Ten performance indicators cited in the literature as the most important tools for assessing the effectiveness of courts:¹⁷⁹

Pointer	Explanation	Is it accumulated in Latvia?	Execution
Satisfaction of court visitors	The percentage of court visitors who believe that the court ensures procedural fairness, i.e. accessible, fair, accurate, knowledgeable and courtly services.	It assesses how much of the public trusts the judicial system in whole or in part (%).	In 2023, it was 36%, that is, did not yet reach the planned indicator of 55% for 2026.
Cost of availability	Average court fees paid for the handling of civil cases.	Not accrued.	-

¹⁷⁶ Netiek uzkrāts TIS.

¹⁷⁷ Netiek uzkrāts TIS.

¹⁷⁸ Netiek uzkrāts TIS.

¹⁷⁹ Eleven Core Measures of IFCE Global Measures. Pieejams: <https://judiciariesworldwide.fjc.gov/court-performance>. International Consortium for Court Excellence (2020). Global Measures of Court Performance. Pieejams: https://www.courtexcellence.com/_data/assets/pdf_file/0030/54795/GLOBAL-MEASURES-3rd-Edition-Oct-2020.pdf. National Center for state courts. (2023). Measure Two: Clearance Rate. Pieejams: <https://www.ncsc.org/courttools/trial-court-performance-measures/measure-two-clearance-rates>.

Pointer	Explanation	Is it accumulated in Latvia?	Execution
Permeability indicators	Number of completed cases as a percentage of the number of incoming cases.	Are accumulated.	In 2024, did not reach 100% in courts of first instance and appellate instance in cases of administrative offenses and criminal cases, civil cases of first instance ¹⁸⁰ .
Timely handling of cases	The proportion of cases dealt with or otherwise resolved within the deadlines set out in the standard.	Not accrued.	-
Duration of pre-trial detention	The average length of time that criminal defendants (who have not yet been convicted of a crime) spend in custody awaiting trial.	Not accrued.	-
Reliability and integrity of case files	The percentage of case files that can be found and retrieved in a timely manner and meet certain standards of accuracy, organization, and completeness.	Not accruing	-
Accrual of cases	The proportion of pending cases whose deadlines have exceeded the established standards.	Not accruing	-
Certainty of the date of the hearing	Number of times when court cases have been heard at hearings scheduled in the case without postponing or cancelling the hearing.	Not accrued.	-
Employee engagement	The percentage of court staff who, judging by court surveys, are enthusiastic about their work, are committed to the mission of the court, thus putting additional effort into their work.	Not accrued.	-
Compliance with court orders	The proportion of the amount of fines collected from the total amount of fines imposed by the court in a certain period of time.	Not accrued.	-
Costs of dealing with one case	The average cost of hearing a single case, broken down by court level, location, as well as by type of case.	Not accrued.	-

4.3. Management of time limits for handling cases

According to the CEPEJ guidelines, **time limits for handling cases are an essential tool for assessing the effectiveness of judicial work and policies, as well as for improving judicial processes**. They are used as specific purposes to assess the extent to which each court and judicial administration adhere to the principles of timely handling of cases and ensuring fair proceedings within a reasonable timeframe.¹⁸¹ The law establishes the procedure for the management of time limits for hearing cases in court and annually the Council for the¹⁸² Judiciary

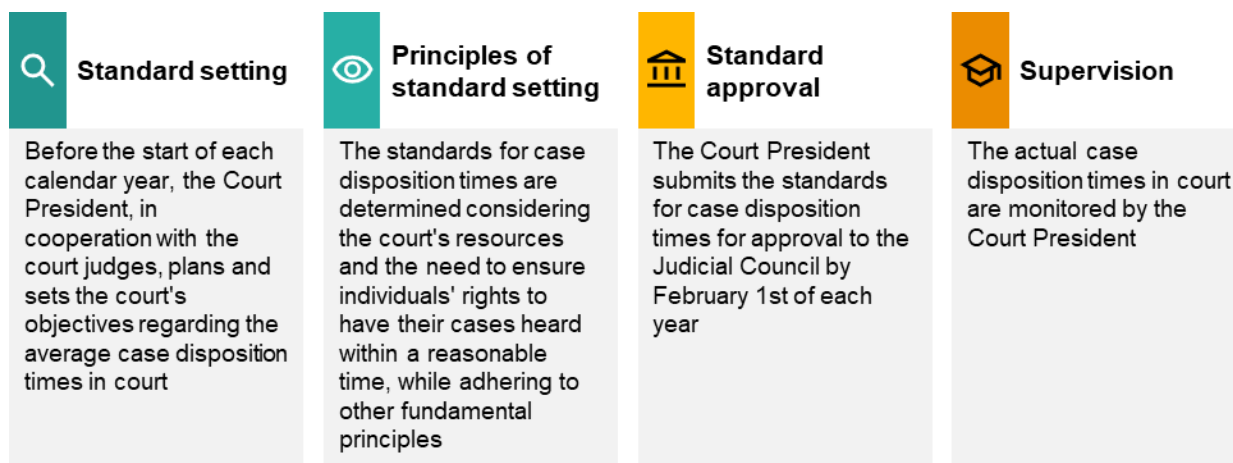
¹⁸⁰ Finanšu ministrija. Ministriju un citu centrālo valsts iestāžu rezultātu un to rezultātīvo rādītāju izpilde. Pieejams: <https://data.gov.lv/dati/dataset/ministriju-un-citu-centralo-valsts-iestazu-rezultatu-un-to-rezultativo-raditaju-izpilde>

¹⁸¹ CEPEJ. Ceļā uz Eiropas lietu izskatīšanas termiņiem tiesvedības procesā: Īstenošanas vadlīnijas. Pieņemts CEPEJ 28.plenārsēdē 07.12.2016.

¹⁸² Likuma "Par tiesu varu" 27.¹ pants.

publishes standards for time limits for hearing cases (for example, standards for time limits for hearing cases in 2024¹⁸³).

20. picture.Procedure for setting time limits for handling cases.¹⁸⁴



On this basis, the Council for the Judiciary annually develops a standard for single time limits for hearing cases¹⁸⁵, which indicates the estimated time limits for hearing cases in months for courts in each area of law and for individual categories of cases. The standard for time limits for hearing cases developed by the Council for the Judiciary is not legally binding on judges. (It provides only provisional time limits for the handling of cases, which may vary according to the complexity of the cases and other objective circumstances.)



In this regard, case-law recognizes that *"the standard of time limits for hearing cases approved by the Council for the Judiciary **sets the average time limit for hearing cases**. However, the timing of the hearing of each specific case depends on the question of law and the complexity of the facts, as well as the volume of the case-file. Furthermore, in order to ensure equal treatment, cases shall, as far as possible, be dealt with in the order in which they are entered, derogating from these arrangements only to ensure the efficiency of the organisation of work or because of the special circumstances of a particular case."*¹⁸⁶ This standard understanding of time limits for hearing cases is also laid down in the decision of the Senate Action Session in case SKA-755/2024.¹⁸⁷

At the same time, judges are bound by normative procedural deadlines, failure to comply with which can lead to certain consequences: disciplinary liability or a negative assessment of professional activity. Non-compliance with deadlines may also be negatively reflected in the assessment of the professional activities of judges¹⁸⁸, since according to the Law on the Judiciary 94.^{Article 1}, third paragraph and 94. For the first paragraph of Article 2, one of the aspects to be assessed is compliance with the rules of organisation of the work of a judge and the orders of the president of the court in the work of a judge. Of the above, in the summary of the Law on the Judiciary 27.^{It follows} from the fourth paragraph of Article 1 that the supervision of the actual time limits for the examination of cases is lawfully within the jurisdiction of the president of the court, but in certain cases it may also be carried out by other entities providing supervision.

¹⁸³ Lietu izskatīšanas termiņu standarti 2024. gadā. APSTIPRINĀTS ar Tieslietu padomes 08.03.2024. lēmumu Nr.18, pamatojoties uz likuma „Par tiesu varu” 27.¹ panta trešo daļu Pieejams: <https://www.tieslietupadome.lv/lv/media/7257/download?attachment>.

¹⁸⁴ Likuma “Par tiesu varu” 27.¹ pants.

¹⁸⁵ Lietu izskatīšanas termiņu standarti 2024. gadā. APSTIPRINĀTS ar Tieslietu padomes 08.03.2024. lēmumu Nr.18, pamatojoties uz likuma „Par tiesu varu” 27.¹ panta trešo daļu Pieejams: <https://www.tieslietupadome.lv/lv/media/7257/download?attachment>.

¹⁸⁶ Latvijas Republikas Senāta 03.03.2024. spriedums lietā Nr. A420131020, SKA-109/2024 8.punkts. Pieejams: <https://www.at.gov.lv/downloadlawfile/10616>.

¹⁸⁷ Latvijas Republikas Senāta 19.09.2024. Rīcības sēdes lēmums lietā Nr. A420292819, (SKA-755/2024). 10. punkts. Pieejams: https://enolemumi.lv/media/upload_nikidocument_pdf/545562.pdf.

¹⁸⁸ Sk. Disciplinārtiesas 07.06.2021. lēmumu lietā Nr. DT-4/2021. Pieejams: <https://www.at.gov.lv/lv/par-augstako-tiesu/disciplinartiesa/disciplinartiesas-lemumi>.

4.4. Compliance with the standards for time limits for handling cases

According to data provided by the Council for the Judiciary on the fulfilment of the standards for hearing time limits in 2023, it was found that in most categories and instances of cases, the average time limits for hearing cases exceeded the established standards. The exceptions are civil and administrative infringement cases of courts of first instance, as well as criminal cases heard by the appellate body, where the average time limits for hearing cases were lower than the established standard. On the other hand, in the other categories of cases, the time limits for hearing were longer than expected.

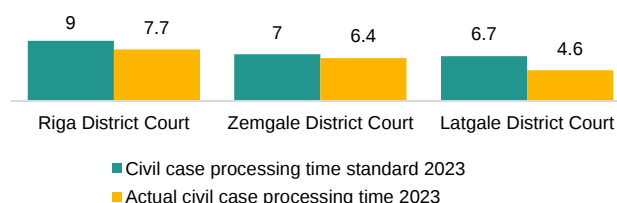
Based on this situation, longer standards for average hearing periods were set for 2024 to reflect the real possibilities of court work.

21. picture. Summed up the average time limits for hearing cases by law sector (months) 2023 / 2024.¹⁸⁹

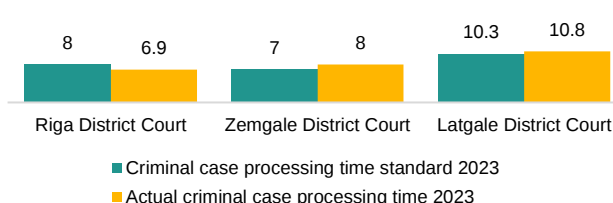


Compliance rates with the standards for hearing cases vary significantly between different courts, so the average deadlines reflect only the overall trend and not the exact situation in each court. For example, in the Riga District Court, the rates of handling civil and criminal cases were faster than the established standards, while in several regional courts, deadlines exceeded the standard in certain categories of cases. The most significant discrepancies between performance indicators and standards were observed at the level of courts of second instance, especially in the Zemgale Regional Court, where the time limits for hearing in all categories of cases were significantly longer – exceeding the established standards by 33-50%.¹⁹⁰

22. picture. The standard of deadlines for handling civil cases and its execution in 2023.



23. picture. The standard for the time limits for criminal proceedings and its execution in 2023.



A comparison of the standard time limit for cases¹⁹¹ and the categories of cases covered therein, which have a time limit of months, with the case weighing groups defined in the case weighing model, can be observed that these categories differ from each other or are not identical, for example due to grammatical differences. In addition, the standard time limit for civil cases defines the category of "cases with foreign elements", while in the case weighing model, it is considered

¹⁸⁹ Tieslietu padomes sekretariāta sniegtie dati: Lietu izskatīšanas termiņu standarts 2024.gadā (23.02.2024).

¹⁹⁰ Tieslietu padomes sekretariāta sniegtie dati: Lietu izskatīšanas termiņu standarts 2024.gadā (23.02.2024).

¹⁹¹ Lietu izskatīšanas termiņu standarti 2023.gadā. Pieejams: [apstiprinats_standarti_2023.pdf](#).

an additional complexity factor, awarding additional points, but not defining it as a separate category of cases.

For example, in the Netherlands, the percentage of each category of cases is estimated within the standard deadline. Finland also sets key performance indicators for the deadlines for hearing cases, both the standards for the time limits for categories of cases and the proportion of cases dealt with according to the standard.

Solutions for improving the functioning of the courts are constantly being sought, with a particular focus on reducing hearing deadlines and improving the quality of case proceedings. On the basis of the law¹⁹², on 01.07.2022, the Judicial Council approved Guidelines for the management of time limits for handling cases. Their aim is to establish a common methodology for setting standards for trial deadlines and effective management of deadlines, contributing to the efficiency and transparency of judicial work.¹⁹³

4.5. Typology of case categories and case weighing model

In order to ensure the establishment of realistic and effective standards and the planning of the overall duration of proceedings, it is necessary to group cases precisely and reasonably according to their complexity and average duration of proceedings (case typology). Such a typology should be neither too simplistic nor too detailed so that it meets both the requirements for ensuring the efficiency of the courts and the optimal use of the resources of judges and other stakeholders.

Methodology. Since June 2020, the Court Efficiency Working Group has been operating in Latvia, which has developed a methodology and model for determining the complexity of court cases in courts of first and second instance. Cases are classified into categories based on the type of proceedings, the sub-branch of law and the degree of complexity of the case. Each type of case is assigned a certain number of points, which is recalculated into working hours using a certain coefficient. While in Latvia the model is used only to assess the workload of judges, in other countries (e.g. Finland) it also includes the workload of other employees involved in the judicial process, including clerical staff.

In the conversation, the Case Weighing Model Working Group pointed out that the model is not yet complete – it is being refined and adapted to the needs of both the courts of first instance and the appellate courts. At the same time, it should be stressed that international practice confirms that the case weighing model should be regularly reviewed and updated to include the latest information, so it is constantly in the process of development and improvement.

Model. Initially, court cases were divided into "baskets" and evaluated from 1 to 10 points, where a one-point step corresponded to 3.86 hours. In 2024, the Court Administration revised and clarified the amount of points, setting new ranges from 0.1 to 20 points and defining that one point corresponds to 2 hours. As a result, all points are counted, converted into working hours (hours) and the result is compared with the actual number of working hours. The time of hearing a case is measured from the moment of initiation to the moment of hearing.

10. table. Court administrations *MicroStrategy* Assumptions used in the portal.

1	2	3	4
The number of points is awarded to the pending (completed) cases	The number of judges is determined on the basis of the number of judges in the courts of general jurisdiction on 31.12 of the relevant year.	The number of points for a judge is calculated by the number of cases reviewed, received, or unfinished	The working days worked when hearing cases are calculated as working days for one judge to hear cases

¹⁹² Likuma "Par tiesu varu" 89.11.panta sestā daļa.
¹⁹³ Tieslietu padomes 01.07.2022. lēmums Nr. 39 pamatojoties uz likuma „Par tiesu varu” 89.11 panta sesto daļu “Vadlīnijas lietu izskatīšanas termiņu pārvaldībai”. Pieejams: <https://www.at.gov.lv/lv/par-augstako-tiesu/augstakas-tiesas-biletens/augstakas-tiesas-biletens-nr-25/par-vadlinijam-lietu-izskatisanas-terminu-parvaldibai-01072022>.

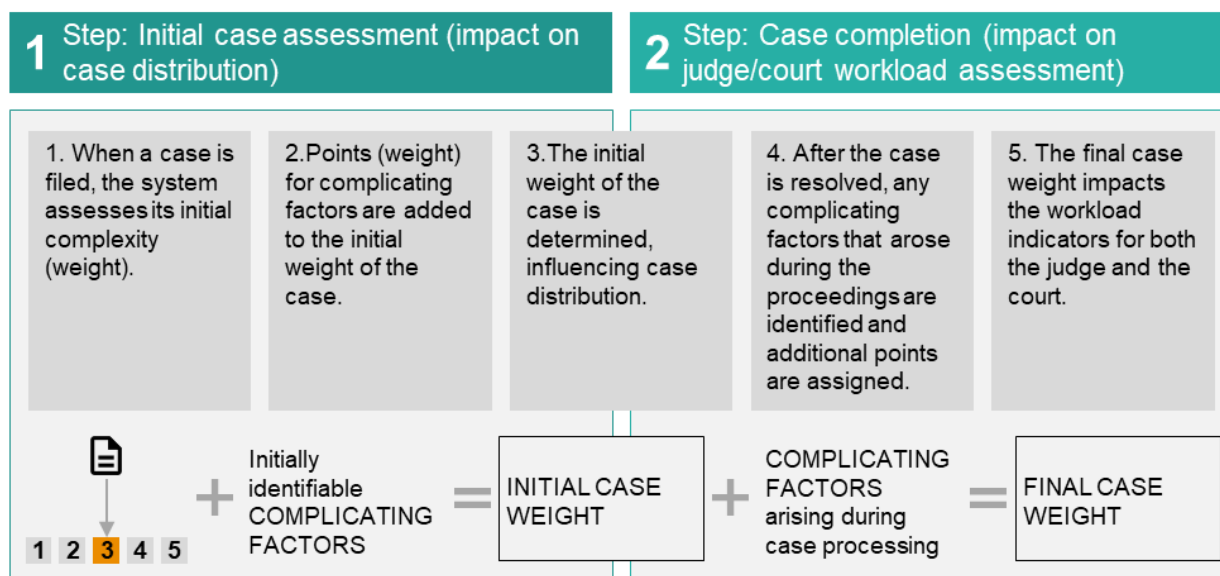
In Finland, the total workload calculated on the basis of weighting factors is used, inter alia, to determine the cost-effectiveness of court cases (euro/weighted case pending) and productivity indicators (case weight/personal year).

Weaknesses in the analysis of court workload data so far

The current analysis of court workload data identifies the following problem areas	In order to be able to develop a comprehensive statistical model for assessing the workload of courts and the required number of judges, it is recommended that
Insufficient competence of clerical staff in the allocation of weight of cases, which can affect the accuracy of the data. Upon receipt of a case in court, the "weight of the case" according to certain criteria is assessed and noted in the information system by clerical staff. However, in practice, it can be observed that the clerical staff does not have sufficiently detailed information to objectively assess the complexity of the case and to assign it precise points (weight) accordingly. It would therefore be necessary to provide that the judge may adjust the value of the "weight of the case" initially assigned when the case is pending or at another stage of the hearing.	Improve technological solutions and systems so that the scoring of points awarded to cases can be provided automatically in the TIS system. In this way, the TIS could identify the category of the case, assign the appropriate number of points and select the difficult circumstances from the data entered by the TIS itself and award additional points
Until 2024, it was not possible to indicate a division into subgroups for criminal cases according to the Case Weighing Model. As a result, the "weight" of criminal cases was assessed on the assumption that a third of cases are considered by means of an examination of evidence. Since 2024, the TIS tag has been introduced and the data is more accurate, but it is not possible to make a correct comparison with previous years.	
The different approach of judges of different specializations in determining case weights. Analysis of the data shows that certain widespread categories of cases have received perhaps too high a rating. Consequently, estimates of the total time spent constitute an unrealistically high estimate of the amount of time spent.	Regularly (not less than once every five years) to check the actual time spent on the examination of cases, keeping records of the actual working time consumed for a certain period of time.
Awarding additional points to complex factors: although the model provides for the awarding of such additional points to individual factors, at the moment additional points are not awarded for the complexity factors that are revealed in the course of the proceedings. In order to improve it, it is planned to improve the system, but at the moment it is hampered by technological limitations and shortcomings in databases	Ensure accurate classification of case categories and input of information on complexity factors. Currently, the model is based on the categories that are available in the TIS, but representatives of the Case Weighing Group have indicated the need to add other case categories, but this is not technically possible due to the limitations of the TIS. In the future, more modern classification options and improvement of TIS2 are needed, which would allow the addition of other additional marks. iAssess whether the existing division of criminal cases into weighing groups is sufficient to reflect the amount of work invested in them. Compared to the models of weighing cases in other countries, Latvia does not have such a nuanced division of criminal cases into subcategories as in other countries. It should be considered, in terms of points, that the circumstances complicating the examination of the case affect the duration of the hearing. We draw attention to the fact that in the practice of other countries, the

The current analysis of court workload data identifies the following problem areas	In order to be able to develop a comprehensive statistical model for assessing the workload of courts and the required number of judges, it is recommended that
	examination of criminal cases with the examination of evidence, especially collegial, is considered the most time-consuming procedure.
	Continue testing the case weighing model, improving and adapting it to the needs identified in practice, as well as regularly reviewing and making the necessary improvements

24. picture. The preferred "path" of the case in the model developed by the Case Weighing Model Working Group.¹⁹⁴



The judicial system accumulates data on the total duration of court proceedings from the user's perspective, but there is no regular process of obtaining data on the net time spent on hearing a single case – this is the process of obtaining the working time spent by a judge or other employees of the judicial authority specifically for the examination of such a case. In all other countries included in the benchmarking, periodically every three to five years, the judicial system measures the time taken to deal with specific categories of cases. The data collected in this way provide confirmation that the standards set by the courts correspond to the capacity of the courts. In those cases where non-conformities are found, the standards may be adjusted accordingly after such data have been collected.

Currently, the model is mainly used in courts of first instance, but its implementation in the appellate court continues, while clarifying the award of points based on the results of surveys of working groups and judges. The Latvian courts of first instance have already approved the clarified points, which have been developed and validated in the working groups. On the other hand, the points initially set for appellate courts were awarded based on criteria developed by case weighing groups and surveys of judges, and the points system is currently being reviewed and validated.

¹⁹⁴ Ziņojums par lietu sarežģītības pakāpes noteikšanas Metodi.

An analysis of the average length of proceedings of the categories of cases in different courts and comparing it with the points applied in the case weighing model identified that for certain categories of cases there are significant differences in the length of proceedings between the statistical data and the points applied in the case weighing model. Consequently, there is a possibility that too few or too many points are applied to them, or that the court proceedings are unduly delayed. The most significant discrepancies can be observed in almost all categories of civil and criminal cases of the Court of Economic Affairs, as well as in certain categories of civil and criminal cases of district (city) courts, and in the categories of civil cases of courts of appeal. However, the meeting with the Case Weighing Model Working Group indicated that the discrepancies are not directly related to an inaccurate assessment of the complexity of cases. In particular, there are cases that are in court for a long time in the course of the proceedings, but the actual workload of the judge in these cases is minimal, so the statistics do not always accurately reflect the real amount of work.

In the Latvian model of weighing cases, the categories of cases of the appellate instance are automatically assigned a higher number of points, assuming that the workload of judges and the time required to hear cases in the appellate instance is higher than in district (city) courts. The Working Group on the Case Weighing Model explains this approach by the fact that the appellate court decides collegially – composed of three judges – so the workload is calculated for all three judges. However, in other countries, the application of such a presumption has not been confirmed in practice, although there too, appellate courts make decisions collegially.

4.6. Means of diagnosing the lengthy processing of cases and the ability to mitigate the negative consequences of delays



When monitoring the duration of proceedings, the judicial system must have mechanisms in place to quickly identify excessive duration (delays) and to alert those responsible immediately in order to prevent the reasons for the delay in the proceedings and to prevent further disruptions.

In order to be able to measure the proportion of cases that are closed on the merits at the first hearing, it is necessary to record separately data on the first and subsequent hearings in order to improve the efficiency of the courts.

Another efficiency target that should be pursued is that, for example, in at least 90% of cases, the interval between the first hearing of the case on the merits and subsequent hearings or other essential procedural action should not exceed 45 calendar days or other days fixed by the courts. The collection of such information would make it possible to obtain data to be used for planning purposes in order to identify unjustified delays, speed up the flow of cases and improve the efficiency of the judicial process.

When monitoring the duration of proceedings, the judicial system must have mechanisms in place to quickly identify excessive duration (delays), as well as immediately alert the responsible persons and offices in order to remedy the situation and prevent further disruptions. As a rule, there can be three reasons for the delay in the processing of cases:

11. table. Reasons for the protracted handling of cases.

Protracted conditions	The most typical reasons
Delays due to lack of control	Attention in court to the progress of the case is paid at the moment when a complaint is received or the performance of the results of work is considered
Institutional delays	Lack of resources or poor practical coordination

Protracted conditions	The most typical reasons
	• Busyness of lawyers on calendars, parties are not available on scheduled dates • Inaccessibility of hearing time, courtroom or other dispute resolution mechanisms within a certain period of time • There are no completed actions that must take place by the time of the hearing
Deliberate inhibition	• Strategic and practical exploitation of rules, procedures and limited resources of the court to delay the trial • Deliberate postponement due to a related case, appeal or agreement

Studies show that each continuation of a substantive hearing increases the workload on all parties involved by 12 – 24%.

The protracted handling of cases is often facilitated by the postponement of hearings and the appointment of new ones. Between 2021 and 2024, there was an average positive correlation (0.58) between the duration of cases and the number of hearings. Most of the cases in which there were hearings were heard in a single hearing (69%), however, the rest were adjourned and several hearings were required. In the hearing of certain cases, there were as many as several dozen court hearings, a maximum of 84. In 2024, the proportion of 6% of judges postponing cases and pending cases exceeds 1, which means that in almost every case adjourned, the hearing was postponed at least once. Postponement of the examination may be justified, but too frequent this action may indicate the need to find ways to ensure greater discipline for those involved in the process.

An analysis of court data for 2021-2024 shows that the median duration between court hearings is currently 50 days. The principle of case flow management is to identify the reference points at which the situation is analysed or any monitoring activities are initiated in the event of a protracted trial. Usually – 45 days, there is a first-level "yellow flag" that there is a delay in the handling of the case. The next level is 90 days, which indicates already an increased risk that the process can take a significant amount of time. Since it is not possible in case law that all cases will be dealt with within the planned deadlines, for example in the Netherlands, a proportion is also determined by the amount of cases that should move within the established time frame.

5. People

5.1. Personnel management policy



By reducing the involvement of the executive in matters of organisation of the work of the judiciary, the Council for the Judiciary should take the initiative to negotiate with parliament independently.

In the centralized management model, distinguishing decision-making on the type of organization of work from the context of a particular court, as a precaution, reserve resources are required, downtime arises and interest in efficiency is diminished. It is therefore necessary to increase the responsibility of the court itself to align the scope of actual work and performance with the amount of resources required. At the same time, the Council for the Judiciary, in cooperation with the Court Administration, should establish a comprehensive data-driven performance management structure, define

governance principles and monitor their implementation without interfering with the internal organisation of the courts' work.

There is no single best approach to judicial governance, but due to the need to integrate the handling of cases of different specialisations, judicial leaders must independently develop practices that are appropriate to their specific context, including setting strategic and operational priorities and models of cooperation between judges and court staff. The system must be flexible enough to enable collaboration teams or performers of certain functions to achieve performance appropriate to their role.

5.1.1. Centralized human resource management system at the highest level

"Judges shall be independent and exclusively subject to the law"¹⁹⁵ and "Judges shall be approved by the Saeima and shall be irrevocable. A judge may be removed from office against his or her will only in the cases provided for by law on the basis of a decision of the disciplinary board of judges or a court judgment in a criminal matter. The age at which judges leave office may be fixed by law."¹⁹⁶ Thus, the Constitution establishes the procedure for the management of only two human resources - the procedure for the selection of judges and the release / removal of judges, almost all other issues of human resource management related to judges are regulated by the law "On the Judiciary".

Various institutions and organs are involved in the management of the human resources of the court. Several processes involve two or more organs or officials (see photo). Figure 25 and [Annexes 10-12](#)). Most often, in parallel, the same activity is carried out by the Council of the Judiciary, the Minister of Justice and the President of the Supreme Court (in relation to senators of the Supreme Court).

The Judicial Council **is responsible for planning the total number of judges**, but the Minister for Justice also makes a proposal on this matter.

Latvia has centralised budget and human resource management, but in comparable countries it is decentralised in judicial institutions. Centralization has great advantages in the unification of processes, the formation of a uniform approach, however, only in conditions of decentralization can one ensure the assumption of responsibility for effective action with the allocated resources, and more accurate planning.

The judicial system is one of the few areas of the public sector where a **centralised model of human resource management has been established at the level of the regulation of the law** – the heads of the judiciary do not have the authority to autonomously determine the number of judicial officials or court staff in the managed judicial authority, nor to select the most suitable candidates for the position of the judicial authority, nor to carry out the assessment of officials of the managed judicial authority or to participate in the determination of disciplinary liability, not even to issue leave Order. It is not only the process of setting goals for the organization of work that is not regulated, which most likely suggests that such practices do not really exist at all.

12. table. The main advantages and disadvantages of a centralized human resources management system.

Benefits	Disadvantages
Centralizing support functions and standardizing processes can significantly improve the quality of services and reduce costs.	As a rule, it creates a very high bureaucratic burden and inflexibility, the execution of processes slows down and the ability to meet the specific needs of

¹⁹⁵ Latvijas Republikas Satversmes 83. pants.

¹⁹⁶ Latvijas Republikas Satversmes 84. pants.

Benefits	Disadvantages
A common training system has been established for judicial officials and court staff, as well as for professionals belonging to the judiciary, creating a common approach to the development of employees.	- the court decreases, but there is an adaptation to centralised requirements. - There is an overload in central teams and innovation is limited due to standardized processes.

The interviewed officials point out that decentralization in the Latvian judicial administration would create unnecessary complications in the redistribution of resources and would not contribute to increasing productivity. This is due to the fact that in the work of the courts it is impossible to set achievable performance indicators in the examination of the number of cases without violating the independence of an individual judge.

In contrast, the court management model in other countries (the Netherlands, Finland, Lithuania, the USA and many other countries, especially in Western Europe) is based on a high degree of decentralisation of individual court management and the entrustment of court management to court leaders, most often to court presidents, where, as in Latvia, record-keeping, accounting and other technical support services are provided in shared service centres.

Participation of the executive in decision-making in matters relating to the personnel management of judges

The Law on Remuneration of Officials and Employees of State and Local Government Authorities provides for several situations when a decision on personnel management issues of a judge is taken by the competent official of the State institution. The judicial administration has both decision-making powers, such as ordering judges' leave, missions and training; as well as record-keeping duties, such as handling the personnel files of judges, court staff; to prepare documents and take measures relating to the appointment and confirmation of judges, as well as their suspension, dismissal and removal from office; prepare lists of judicial posts and approve lists of judicial staff, or prepare draft orders of the Minister of Justice if it is necessary to replace a judge in the case referred to in Article 74 of the Law on the Judiciary.¹⁹⁷

The Cabinet shall, not less than once every four years, evaluate the remuneration system for officials and employees of State and local government institutions, as well as judges and prosecutors and, if necessary, submit proposals to the Saeima for its improvement.¹⁹⁸

In the comparable countries (the Netherlands, Finland), the regulation of personnel management issues referred to above is laid down only in a regulation applicable to the judiciary, while all decisions on personnel management matters of judges are taken by the court concerned.

Centralised planning of the number of judges and a high proportion of vacant posts

The monthly salary of a judge is determined by linking it to the base monthly salary with the appropriate coefficient fixed ¹⁹⁹by law. The remuneration of a judge and the total number of judges are determined centrally by the parliament, on a proposal from the Council for the Judiciary. The number of judges shall be announced by a statement of the Saeima on the determination of the total number of judges.^{200,201,202}

¹⁹⁷ Likuma "Par tiesu varu" 107.¹ pants.

¹⁹⁸ Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likuma 3. panta septītā *prim* daļa.

¹⁹⁹ Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likuma 4. panta devītā daļa.

²⁰⁰ Saeimas 19.11.2020. paziņojums "Par tiesnešu kopskaita noteikšanu Latvijas Republikas apgabaltiesās". Pieejams: <https://likumi.lv/ta/id/318885-par-tiesnesu-kopskaita-noteikšanu-latvijas-republikas-apgabaltiesas?&search=on>.

²⁰¹ Saeimas 19.11.2020. paziņojums "Par senatoru kopskaita noteikšanu Senātā". Pieejams: <https://likumi.lv/ta/id/318886>.

²⁰² Saeimas 02.06.2016. paziņojums "Par tiesnešu kopskaita noteikšanu Latvijas Republikas rajonu (pilsētu) tiesās". Pieejams: <https://likumi.lv/ta/id/282558-par-tiesnesu-kopskaita-noteikšanu-latvijas-republikas-rajonu-pilsetu-tiesas>.

The total number of judges shall be determined under the following conditions:

- In the district (city) courts and the Economic Affairs Court, as well as in the Administrative District Court, the total number of judges shall be determined by the Saeima upon a proposal of the Council for the Judiciary. Each district (city) court and the land registry divisions²⁰³ constituted therein shall be determined by the Council of the Judiciary on a proposal from the Minister for Justice.²⁰⁴

25. picture. The process of determining the total number of judges and the number of judges in each district (city) court and district court.



- The total number of judges of the Senate (hereinafter - senators) shall be determined by the Saeima upon a proposal of the Council for the Judiciary.²⁰⁵ The total number of senators in departments is determined by the Judicial Council²⁰⁶ on the proposal of the President of the Supreme Court²⁰⁷ and the Minister of Justice is not involved in this process.

Such a system is different, for example, from the Netherlands, where the total number of judges is not determined centrally and the board of each judicial authority decides how many and what specialisation of judges in the court is needed to carry out the work planned for the year, in agreement with the Council for the Judiciary. In Estonia, on the other hand, after 2002, the law was amended to exclude the provision that the number of judges is determined by the parliament, but the regulation that the minister responsible for the sector determines the number of judges of the first and appellate instance and the judicial authority where the judge performs his duties is retained.



An analysis of the current system for determining the total number of judges and the potentially necessary changes identified the following factors:

1. The adoption of a decision on the total number of judges in the Saeima creates an unnecessary administrative burden for all parties involved and it is difficult to identify a special significance for this, taking into account that all the positions of judges approved by the Saeima have not been filled for several years.

2. The Saeima has access to information on the number of judges in the budget preparation process and the parliament does not have the opportunity to assess sufficiently justified how many judges are needed in the country. Only the Council for the Judiciary is an institution capable of professionally determining, on the basis of data and facts, the optimal number of judges

This is evidenced by the decision of the Council of the Judiciary No. 79 of 27.10.2023 "On filling vacant positions of judges",²⁰⁸ which stipulated that only in the Supreme Court all positions of judges should be filled, while 23 vacancies in district (city) courts and district courts should be maintained.

²⁰³ Tieslietu padomes lēmums: "Par tiesnešu skaita noteikšanu". Pieejams: <https://likumi.lv/ta/id/282558-par-tiesnesu-kopskaita-noteikšanu-latvijas-republikas-rajonu-pilsetu-tiesas>.

²⁰⁴ Likuma "Par tiesu varu" 32. panta trešā daļa.

²⁰⁵ Likuma "Par tiesu varu" 44. panta otrā daļa.

²⁰⁶ LR Augstākā tiesa. Nosaka tiesnešu skaitu Senāta departamentos un apgabaltiesās. Pieejams: <https://www.at.gov.lv/lv/par-augstako-tiesu/augstakas-tiesas-biletens/augstakas-tiesas-biletens-nr-22/nosaka-tiesnesu-skaitu-senata-departamentos-un-apgabaltiesas>.

²⁰⁷ Likuma "Par tiesu varu" 48. panta pirmā daļa.

²⁰⁸ Tieslietu Padome. (2023). Lēmums par vakanto tiesneša amata vietu aizpildīšanu. Pieejams: <https://www.tieslietupadome.lv/lv/media/5691/download?attachment>.

Members of a people's elected parliament in Latvia are responsible for the selection, dismissal or removal from office of judges, so through these processes they participate practically in the provision of human resources of the courts.

The total number of judges depends both on the needs of the judiciary, it is the number of cases and the workload of judges, as well as on the allocated budget, which is also decided by the Saeima. For informational purposes, all institutions financed by the State budget already indicate the average number of posts in the budget explanations. It is incomprehensible why only the judicial system needs a special decision of the Saeima to determine the number of judicial positions.

In other countries, mechanisms are provided for where, in conditions of acute shortage of judges, retired judges can be invited in certain cases, for example, to be involved in the trial of cases. Determining the total number of judges in parliament only limits the flexibility of the judicial system and its adaptation to the demand of a given moment.

1. **When determining a specific total number of judges, the Saeima also limits its discretion in determining the amount of the budget of the judicial system: a certain number of judges is automatically linked to a fixed amount of financing of the activities of the intended number of personnel.**
2. **The determination of the number of judges in each district (city) court and district court takes place after a decision has already been made on the total number of judges, a fact that has the greatest impact on the state budget.** The involvement of the Minister of Justice in dealing with such an internal administrative issue of the judicial system is a seemingly unnecessary step in prolonging the process and unnecessary involvement of the executive in matters of judicial governance.

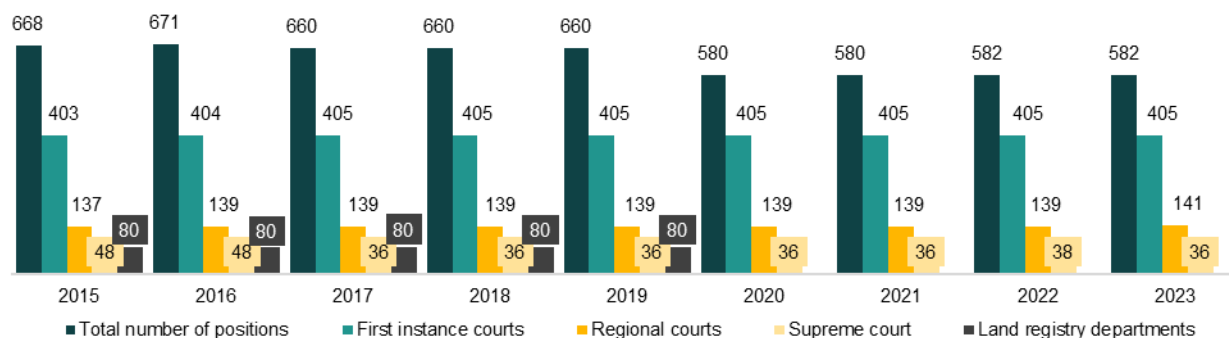
Changes in the number of judges between 2013 and 2023 show that the total number of judicial posts, including judges of land registry divisions, has decreased over the past decade (see Annex III). Figure 26). The total number of posts in district (city) courts and district courts in the period from 2015 to 2023 has remained almost unchanged, with only minor changes in the Supreme Court.

In 2020, with the inclusion of land registry divisions in the composition of the district court, the total number of posts in courts of first instance did not actually increase. At the same time, it should be noted that as part of the reform of the judges of the land registry divisions, which ended in 2019, the integration of land registry divisions into the courts was carried out.²⁰⁹ With the integration of land registry divisions into district (city) courts, 72 land registry division judges were added to them. Accordingly, the specialisation of these judges was maintained, but the possibility of extending competences to other categories of cases was added, with the aim of reducing the workload, the time limits for hearing cases and promoting a more efficient use of resources.²¹⁰

²⁰⁹ Tiesu efektivitātes stiprināšanas darba grupas ziņojums par zemesgrāmatu nodaļu tiesnešu integrācijas rajona (pilsētas) tiesās reformas izvērtējumu. Pieejams: <https://www.tieslietupadome.lv/lv/media/8856/download?attachment>.

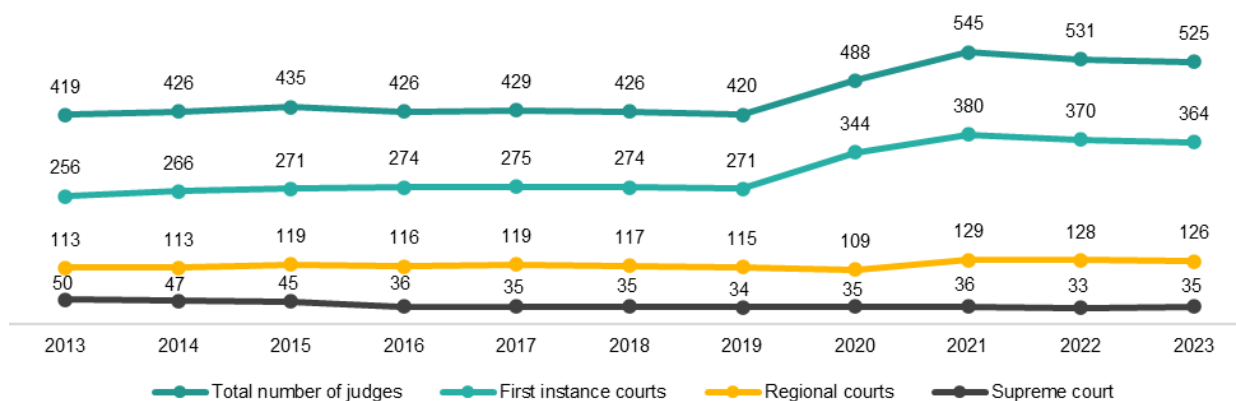
²¹⁰ Signe Krūzkopa. (2018). Zemesgrāmatu tiesneši papildinās rajona tiesu sastāvu. Pieejams: <https://lvportals.lv/skaidrojumi/299402-zemesgramatu-tiesnesi-papildinas-rajona-tiesu-sastavu-2018>.

26. picture. Number of posts of judges, including in Land Register Divisions (2015-2023) (Source: Statements of the Saeima of the Republic of Latvia).²¹¹



The opposite picture can be observed in the data compiled by the CSB on the number of judges actually employed in the period from 2015 to 2023. According to the CSB data, the number of judges has increased by 90 (see photo). Figure 27). The CSB explains that until 2019, the total number of judges included judges from district (city) courts, district courts, administrative district courts, administrative district courts and the Supreme Court, but did not include judges from the Constitutional Court and land register divisions.

27. picture. Changes in actual number of judges from 2013 to 2023 (Source: CSB).²¹²



At the end of 2024, out of 141 judge positions in the Latvian regional courts, 129 were filled. In the district (city) courts, out of 405 seats, 348 seats were filled²¹³. As a result, there were 14% of vacancies in district (city) courts at the end of 2024²¹⁴, and 8.51% in district courts. In the last five years, there has not been a single year in which all judicial posts have been filled or vacancies have not exceeded 5%.

As a rule, in the management of human resources, the proportion of vacant positions that do not exceed 3-5% is considered acceptable, while the proportion of 10% and more vacant positions from the number of posts is considered to be such that it threatens the successful implementation of the duties of the position, increases the load on those who are employed in the judicial system and indicates an inefficient recruitment process.²¹⁵

The preservation of frequently vacant positions in public administration is related to the possibilities of saving state budget funds in order to increase the remuneration of existing

²¹¹ Latvijas Republikas Saeimas 02.06.2016. un 19.11.2020. paziņojums "Par tiesnešu kopskaita noteikšanu Latvijas Republikas rajonu (pilsētu) tiesās". Pieejams: <https://likumi.lv/ta/id/282558-par-tiesnesu-kopskaita-noteikšanu-latvijas-republikas-rajonu-pilsetu-tiesas>. Par tiesnešu kopskaita noteikšanu Latvijas Republikas apgabaltiesās.(2020). <https://www.vestnesis.lv/op/2020/226.4>.

²¹² Centrālās statistikas pārvaldes dati "Tiesnešu skaits gada beigās". Pieejams: https://data.stat.gov.lv/pvweb/lv/QSP_PUB/START_POP_TS_TSG/TSG040/table/tableViewLayout1/. [Aplūkots 13.12.2024.].

²¹³ Tiesu administrācijas dati, 31.12.2024.

²¹⁴ Vakanto amata vietu īpatsvars rajona (pilsētas) tiesās bija 15% - 2020. gadā, 6.17% - 2021. gadā, 8.64% - 2022. gadā, 10.12% 2023. gadā. Vakanto amata vietu īpatsvars apgabaltiesās bija 21.5% - 2020. gadā, 7.1% - 2021. gadā, 7.9% - 2022. gadā, 10.63% 2023. gadā.

²¹⁵ PwC Saratoga darbaspēka un personāla kritēriji. Pieejams: <https://www.pwc.com/us/en/products/saratoga.html>.

employees. This is not possible in the judicial system, since the amount of the judge's remuneration is fixed and there is no variable part.

Section 79 of the Law On the State Budget for 2025 and the Budget Framework for 2025, 2026 and 2027 stipulates that in 2025 the total number of posts financed from the State basic budget shall not be increased in State and local government institutions, except for the cases when a separate decision of the local government council or the Cabinet has been taken. In order for the Cabinet of Ministers to take a decision on the granting of a position, to determine that from 01.01.2025. The State Chancellery shall compile the total number of long-term vacant positions in the State administration, which have been vacant for more than 12 months as of 30.09.2024. The total number of long-term vacant positions shall be determined in accordance with the data provided by the institutions in the Remuneration Accounting System, as well as in compliance with the following conditions:

1. The number of long-term vacant posts does not include the positions of the heads of the institution and the EU policy instruments and other projects and measures co-financed by foreign financial assistance, which have been created for a certain period of time, as well as the positions of soldiers and border guards (officials with the rank of special services) and employees who are long-absence;
2. The aggregated long-term vacant positions are excluded from the list of positions of the institution, retaining the funding provided for them for remuneration at the disposal of the institution.

5.1.2. Access to determining the number of posts required for judges and judicial support staff

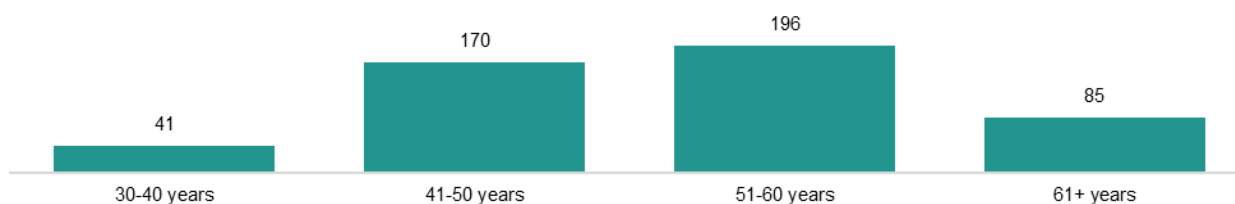
The assessment of whether the total number of judges and the number of judges in the judicial breakdown is appropriate to the volume of work and whether sufficient appropriately qualified support staff are available to support the judge for his work and to be able to increase his productivity, takes into account court statistics and the views and recommendations expressed by other competent authorities. Other personnel management processes (e.g. staff growth and development, motivation, process planning and quality control) are outside the scope of the study.

Already on 16.06.2022. The Judicial Council's Working Group on "Strengthening the Efficiency of the Judiciary" concluded that "The number of judicial posts in the country should be reviewed and reduced". There is no publicly available rationale from which such a conclusion is drawn.

Between 2021 and 2024, the number of judicial posts per 100,000 inhabitants in judicial districts has not changed significantly (see Annex III). Figure 30). In the Riga judicial district, a minimal decrease (1%) was observed, while in other areas a negligible increase (2-5%). The number of cases received per 100 000 inhabitants has also not changed significantly, except in the judicial districts of Kurzeme and Latgale, where, compared to 2021, it has increased by 18% and 23%, respectively, in 2024 (see photo). Figure 29). Invariably, the Riga judicial district received the highest number of cases per 100 000 inhabitants and had the highest number of judges per 100 000 inhabitants. In contrast, the Vidzeme judicial district has consistently had the second highest number of judges with the lowest number of cases received. Such differences indicate the need to take into account the volume of cases received when planning the number of judges.

When analysing the demographic indicators of judges, the Court Administration points to too slow updating of the composition of judges (see Annex III). Figure 28). The lowest proportion of judges is in the youngest age group – judges under the age of 40, which accounts for only 8% of the total number of judges. Most judges are between the ages of 41 and 50 (35%) and between 51 and 60 (40%). Around 17% of judges are approaching retirement age, which puts them at risk of a sharp decline in the number of judges.

28. picture. Distribution of judges by age in courts of first instance and appellate instance in 2023.²¹⁶



The Court Administration estimates that a great deal of caution should be exercised when planning a reduction in the total number of judges. Also, when discussing the possibilities of a potential reduction in the total number of judges with the parties involved, the following relevant factors were identified:

- A potentially too rapid reduction in the number of judges in the coming years, taking into account the age structure of judges, the actual results of judge selection and the proportion of vacant judge positions;
- A natural regulation of the number of judges, for example, in places with a small population, no one claims vacancies for judges (Balvi, Valka), and in the future an approach to organizing off-site courts may be necessary.

At the same time, in accordance with the task provided by the State Audit Office in the audit "Access and Development of Human Resources in Latvian Courts"²¹⁷ to the Ministry of Justice in cooperation with the Council of Justice to evaluate and determine the optimal number of judges on the basis of current information on trends in changes in the efficiency indicators of courts (number of cases, permeability rate of cases, duration of examination of cases) (reporting deadlines 01.02.2026 and 01.07.2029). The State Audit Office has specifically determined that as a result of the implementation of the recommendation, the number of judges in Latvia will decrease to the average number of judges in EU countries – 22.2 judges per 100 thousand inhabitants.

On whether the number of judges in Latvia is too large and, if so, in which courts, unambiguous conclusions cannot be drawn on the basis of an analysis of the currently accumulated indicators of the effectiveness of courts. The average length of proceedings, even in one category of cases, between courts can vary by almost three times in criminal cases²¹⁸, typically twice in civil cases²¹⁹. The permeability of cases is higher in the courts, where there is a larger backlog of cases. When the stock of things shrinks, then the permeability also becomes lower.

Methodological problems in determining the number of judges

An analysis of traditional indicators of judicial efficiency (time limits for hearing cases, permeability of cases, time for the disposition of cases) over several years shows that these results are unstable – an improvement can be replaced even by a drop in results for several years in a row (e.g. extension of time limits for hearing cases). The number of cases received by the courts also varies by year. The only stable trend is a steady decline in the total number of judges actually employed. Comparing the 2024 court result indicators with the number of staff, it can be concluded that the number of vacancies does not always directly affect the performance of courts. **It is likely that the result indicators currently available do not provide a sufficiently clear picture of the judicial workload to allow for the correct planning of the required workforce.**

²¹⁶ Tiesu administrācijas 2023.gada publiskais pārskats. Pieejams: <https://www.ta.gov.lv/lv/media/4113/download?attachment>.

²¹⁷ Latvijas Republikas Valsts kontroles revīzija "Cilvēkresursu pieejamība un attīstība Latvijas tiesās" (revīzijas grafiks Nr. 2.4.1-19/2023). Pieejams: <https://lrvk.gov.lv/lv/getrevisionfile/29740-aSrGN5zwdSWSLBTxJmLXALU93fT6cA31.pdf>.

²¹⁸ Piemēram, noziedzīgu nodarījumu pret juridiskiju izskatīšana Rīgas pilsētas tiesā vidēji ir bijusi pēdējos četros gados 170 dienas, bet Kurzemes rajona tiesā 57 dienas.

²¹⁹ Piemēram, prasību par darba samaksas piedziņu un citiem darba strīdiem izskatīšana Rīgas rajona tiesā pēdējos četros gados vidēji ir ilgusi 288 dienas, bet Latgales rajona tiesā 147 dienas.

In order to analyse the workload of judges and the adequacy of their number across judicial institutions, **a comparison of the number of judges was made with the average number of cases handled by one judge per year**, assuming that the judges had worked full-time. The most objective indicator would be a comparison of the number of cases completed during the year, weighted by case category, per judge and by judicial authority. The Court Administration has *launched the acquisition of such indicators in 2024 using the MicroStrategy business analysis tool*, but the research team could not independently solve significant data accounting problems. For example, when analysing the data exported from the Court Information System, we see that there are around 2 000 cases per year that are not divided into any category of cases, or there are cases where, by calculating the weighted time spent on hearing a category of case compared to the number of cases actually heard by one judge, a result of the time consumed is obtained that is even twice the number of working hours actually available per year. Consequently, only a simplified comparison of the number of cases completed per year can currently be made.

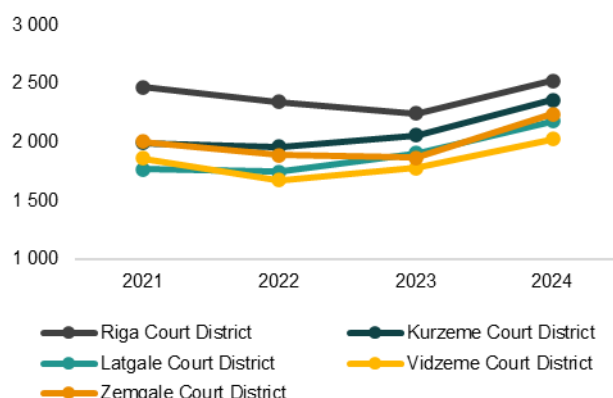
An analysis of the data shows that the most robust of the indicators – the number of cases handled by one judge per year – correlates most accurately with the actual workload of judges. The judicial system has to deal with about 40 thousand court cases (cases in which there is a dispute) within a year, the degree of complexity of which is different, as well as about 100 thousand requests for land consolidation and other non-contentious cases.

The length of proceedings in diverse court cases in courts with a higher proportion of vacant positions is just as unstable (with both an upward and a downward trend) as in courts where all judicial posts are filled. On the other hand, in the examination of relatively uniform non-contentious cases and land register cases, it can be clearly seen that the existence of vacant positions increases the workload of the judge, but not always the duration of the examination of one case (for example, in the Riga City Court, the deadlines for the examination of non-contentious cases will not be extended despite the increase in vacancies in 2022-2024).

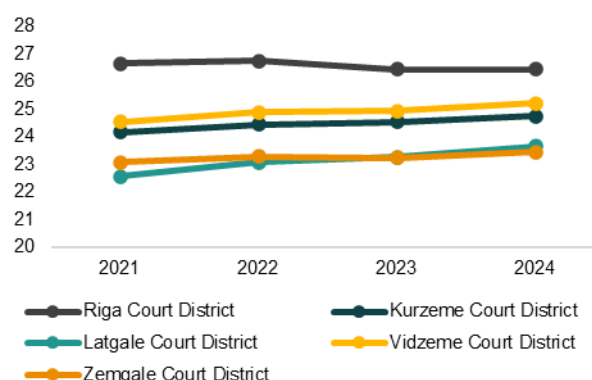
The number of cases received in court, broken down by judicial district, is disproportionate to the declared population. Consequently, determining the number of judges based on the declared population would be an incorrect method of determining the number of judges, which, as confirmed by the interviewed officials, is not used in Latvia.

The current geographical location of judges is largely proportional to the declared population in each of the judicial districts. In 2024, at the level of judicial districts (excluding the Administrative District Court, the Administrative District Court and the Economic Court, as their territory of operation is the whole of Latvia), the largest number of judicial posts per 100 thousand inhabitants was in the Riga judicial district – 26.44, in the Vidzeme judicial district – 25.22, in the Kurzeme judicial district – 24.75. In Latgale and Zemgale judicial districts, a similar number of judges per 100 000 inhabitants – 23.64 and 23.43, respectively.

29. picture. Number of cases received per 100 000 inhabitants in judicial districts (excluding cases received in administrative courts and the Court of Economic Affairs, non-contentious and land register cases).^{220,221}



30. picture. Number of judicial posts per 100,000 inhabitants in judicial districts.²²²



A more objective assessment when planning the geographical location of judges would be the number of cases received (especially weighted cases) in judicial districts, but this does not seem to be fully taken into account. In 2024, about 31% more cases were received per 100 000 inhabitants in Riga judicial district than in Vidzeme judicial district, where the smallest number of cases was received, however, the number of judges per 100 000 inhabitants is the second highest – only about 10% less than in the Riga judicial district (see photo). Figure 30). In the judicial districts of Kurzeme, Latgale, Vidzeme and Zemgale, where the number of judges is similar, but the number of cases received per 100,000 inhabitants varies. In the Zemgale judicial district, where there is the smallest number of judges, the number of cases received is about 11% higher than in the already mentioned Vidzeme judicial district. Also in the Kurzeme judicial district, where the number of judges per 100 000 inhabitants is slightly lower than in the Vidzeme judicial district, there were 17% more cases per 100 000 inhabitants.

Determining the optimal number of judges



The performance of the most productive judges and courts, the comparison of the workload with other countries, the planned attraction of higher-qualified assistant judges, the possibility of limiting the continuation of the consideration of a case on the merits indicate that the number of cases to be heard by one judge may be at least 20-40% higher than it is at present. Consequently, 39 – 43 out of 69 vacant judge posts on 31.12.2024 may not be necessary for the judiciary.

The optimal number of judges in district courts



In 2024, nearly 63% of district court cases were handled by 52% of all judges employed in district courts of general jurisdiction. If judges from all counties worked just as intensively, the volume of cases currently going to appellate courts could be handled by 107 of the 119 district court judges.

²²⁰ Tieslietu padomes sekretariāta apkopojums. "Tiesu darbības rādītāji no 2019. līdz 2024. gadam". Pieejams: <https://www.tieslietupadome.lv/lv/petijumi-un-prezentacijas>.

²²¹ Oficiālais statistikas portāls. Iedzīvotāju skaits gada sākumā, tā izmaiņas un dabiskās kustības galvenie rādītāji reģionos, pilsētās un novados 2012 - 2024. Pieejams: https://data.stat.gov.lv/pxweb/lv/OSP_PUB/START_POP_IR_IRS/IRS031/.

²²² Tieslietu padomes sekretariāta apkopotie dati par tiesneša amata vietām tiesu namos.

Oficiālais statistikas portāls. Iedzīvotāju skaits gada sākumā, tā izmaiņas un dabiskās kustības galvenie rādītāji reģionos, pilsētās un novados 2012 - 2024. Pieejams: https://data.stat.gov.lv/pxweb/lv/OSP_PUB/START_POP_IR_IRS/IRS031/.

In order to equalize the workload, the task of the Council for the Judiciary would be to increase the proportion of judges in the Riga Regional Court to approximately 55% of the number of judges of all district courts.

Although the calculations ignore the differences in the degree of complexity of the categories of cases and the absence of judges, the data show that with the stabilization of the deadlines for the examination of cases and the number of cases received in court, there are possibilities to reduce the number of judges in district courts outside Riga or to use other approaches to equalise the workload of judges, for example, by ensuring a uniform distribution of cases received in all district courts of general jurisdiction.

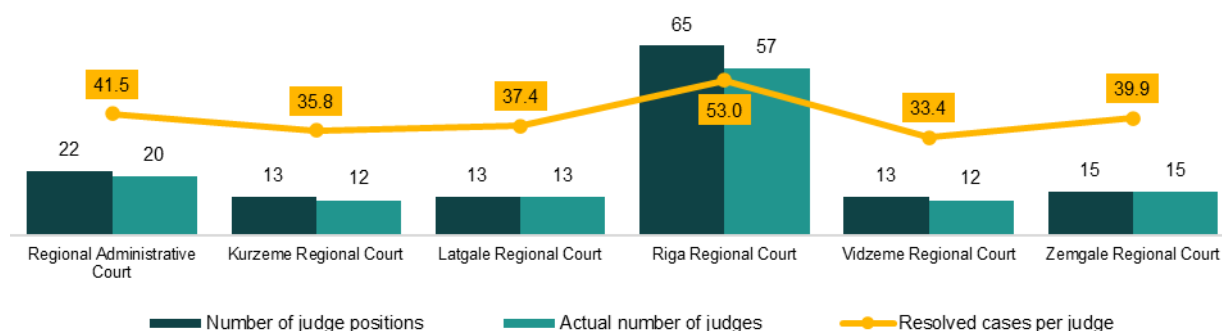
By analysing court statistics (see Annex III). Figure 31), an uneven workload of judges at the level of district courts is observed, where the Riga Regional Court, for example, in 2024 has about 24% more cases received per judge actually employed than the average in all district courts. This situation arises because the number of judges of the Riga Regional Court is disproportionate to the number of cases received in court. The Riga Regional Court receives approximately 54.78% of all cases received in the district courts, but only 46.1% of the judicial posts are created in it. There has been an almost identical trend every year between 2021 and 2024.

A look at the number of judges actually employed in 2024 shows that the actual discrepancy is even greater – **nearly 55% of district court cases are handled by 44% of all judges employed in district courts.**

By the number of posts of judges (see Annex III). **Annex 7)** the largest is the Riga Regional Court. The number of judges in it is more than four times higher than in the Kurzeme, Latgale, Vidzeme and Zemgale Regional Courts, where the number of judge posts is similar. However, the share of vacant positions in 2024 was also highest in the Riga Regional Court, where eight positions were unfilled (about 12%). This indicator was also quite high – in Kurzeme (around 8%) and the Administrative Regional Court (around 9%). The Latgale Regional Court and the Zemgale Regional Court are the only ones where all the positions of judge are filled (see Annex III). Figure 31).

When comparing the unweighted number of court cases per judge, the most successful is the Riga Regional Court, where in 2024 one judge heard an average of 53 cases. This is 21 % more than the Zemgale Regional Court, which has the second highest indicator, and 41 % more than the Vidzeme Regional Court, where there was the lowest number of cases per judge.

31. picture. Number and actual number of judge positions, pending cases to a judge in district courts in 2024.²²³



The judge of the Riga Regional Court mentioned in an interview that the workload at the Riga Regional Court should be considered optimal. However, between 2019 and 2024, the average

²²³ Tieslietu padomes sekretariāta apkopojums. "Tiesu darbības rādītāji no 2019. līdz 2024. gadam". Pieejams: <https://www.tieslietupadome.lv/lv/petijumi-un-prezentacijas>.

time frame for hearing appellate court cases tends to increase overall. The Riga Regional Court has the largest increase in hearing deadlines – about 43%.

If it is assumed that the degree of complexity of cases in all regional courts is similar (except for the Administrative Regional Court, because the specifics of its work are different and there are still long deadlines for hearing cases) and one judge could hear a similar or approximately 10% less number of cases per year than in the Riga Regional Court, then the number of judges in the Kurzeme Regional Court could be reduced by 15%, in the Latgale Regional Court by 7% and in the Vidzeme Regional Court by 23%.

Although about 9% of the posts in the Administrative Regional Court are unfilled, the number of cases heard in it per year per judge is similar, even slightly higher than in the Zemgale Regional Court, where all posts are filled. **A comparison of statistical data by district courts in the period from 2019 to 2024** leads to the conclusion that:

- On average, the number of cases dealt with per year has decreased by 20% (from an average of 50 to 40 cases per year). During the entire analyzed period, the largest number of cases against a judge have been heard in the Riga Regional Court. The Zemgale Regional Court has the second highest average number of cases per judge, but it is also on average about **21% lower than in Riga**. In 2019-2024, the lowest number of cases per judge is in the Vidzeme Regional Court, which in turn is even **33% less than in Riga**.
- The highest average time periods for the examination of cases are in the Administrative Regional Court (on average 7.1 months), which indicates the specifics of the administrative procedure, and in the Zemgale Regional Court (on average 4.9 months), while the lowest – in the Kurzeme Regional Court (on average 3 months). In Riga, Latgale and Vidzeme district courts, the average indicator is similar – 4.2, 3.6 and 4.2 months, respectively.
- The permeability rate of cases is fluctuating, however, most courts are able to achieve 100% permeability or a result close to it. During this period, the lowest average permeability is in the Riga Regional Court – 96%. In the Kurzeme Regional Court and the Latgale Regional Court, it is 99%. In the Administrative Regional Court, the Vidzeme Regional Court and the Zemgale Regional Court, the average throughput reaches 100%.²²⁴

Normally, the benchmark for optimal workload should be chosen rather than the highest rate, but the typical or median rate, but in this case the total number of judges in all district courts would then have to be increased. The section Scenarios for the future development of the management of the resources of the judicial system includes a detailed calculation of the optimal scenario for determining the number of judges.

Potential to reduce the number of judges in district (city) courts



The most modest estimates suggest that if each judge of general jurisdiction of first instance dealt with at least 150 to 160 cases per year, then approximately 213 to 227 of the current 244 judges of the district (city) courts, not counting the judges of the Economic Court, the administrative district court and the judges specialising in land registry cases, would suffice. In 2024, such a workload was reached in the Kurzeme District Court and the Latgale District Court (approximately 155 and 152 cases, respectively), whereas the number of cases heard in the Riga City Court per judge was 129, which is 14% less than the minimum desired number of pending cases (150).

In the Riga City Court, where 26% of the positions are vacant, one judge specialising in land register cases has heard 26% more cases than a judge in the same position in another court. By entrusting the court's lawyer with the

²²⁴ Tieslietu padomes sekretariāta apkopojums. "Tiesu darbības rādītāji no 2019. līdz 2024. gadam". Pieejams: <https://www.tieslietupadome.lv/lv/petijumi-un-prezentacijas>.

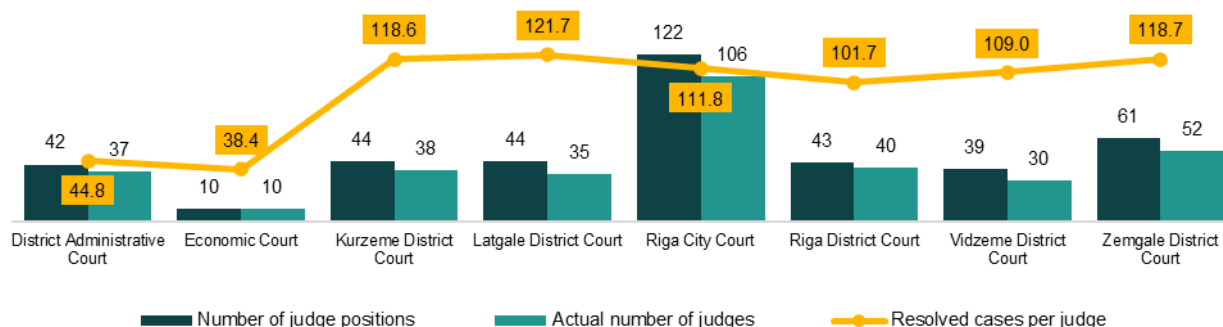
power of a judge specialising in land register cases to take decisions in non-contentious cases, it is possible not only to waive the vacancies reserved for the positions of judges of this specialisation, but also to reduce the number of judges of such specialisation by up to 20 to 30 seats.

For one judge, the number of cases referred to the courts of first instance in 2024 ranged from a few dozen to as many as 2,468. Consequently, any load estimates can only be made by distinguishing between the judge's primary specialisation, where possible, and by assessing the workload on the basis of full-time equivalent.

The typical number (median) of unweighted cases received for one judge of first instance in 2014 was 174 cases, which in 2024 decreased to about 144 cases per judge who does not look at the land register and non-contentious cases. Unlike the district court, the degree of complexity of the different categories of cases in the court of first instance may be significantly different, but the overall complexity of cases in 2014 and 2024 is comparable. Given that in 2014 the deadlines for hearing court cases and the backlog of pending cases were higher than in 2024, the seemingly optimal load for one judge would be for one district (city) judge to hear between 150 and 160 cases per year. If judges in all courts of general jurisdiction were to hear approximately such a number of cases per year, there would be about 213 to 227 district court judges (for a detailed calculation, see Future development scenarios for the management of the judiciary resources).

In district (city) courts (with the exception of the Court of Administrative and Economic Affairs), the number of cases heard per judge per year is quite similar in all courts (see Annex III). Figure 32) and in 2024 ranged from about 122 cases per judge in the Latgale District Court to about 102 cases per judge in the Riga District Court.

32. picture. Number and actual number of judge positions, pending cases to a judge in district (city) courts in 2024.²²⁵



At the district (city) court level, the only court where all judge positions were filled in 2024 was the Court of Economic Affairs (see Annex III). Figure 32). The Riga District Court had the lowest number of unfilled judge posts – approximately 6 % of the total number of posts. In other courts, unfilled posts exceed 10 %: in the Administrative District Court – 12 %, in the Riga City Court – 13 %, in the Kurzeme District Court – 14 %, in the Zemgale District Court – 15 %. The largest number of unfilled posts is in the Latgale District Court and the Vidzeme District Court, where 20 % and 23 % of the posts were unfilled, respectively. From the available data, it is not possible to draw reasoned conclusions as to what factors have influenced the increased work intensity of the judges of the Latgale or Zemgale District Court. Comparing the workload over several years (2019-2024), it can be concluded that the judges of the six courts of general jurisdiction maintain a fairly similar workload in all years, with the change of judicial authorities that emerge in the lead. **This allows us to assume that the differences in the categories of cases and the degree of complexity of cases are of relative importance and that on an annual basis, the**

²²⁵ Tieslietu padomes sekretariāta apkopojums. "Tiesu darbības rādītāji no 2019. līdz 2024. gadam". Pieejams: <https://www.tieslietupadome.lv/lv/petijumi-un-prezentacijas>.

average duration of hearing cases equalizes, and that one district (city) judge of general jurisdiction actually hears about 110 cases per year between 2019 and 2024.

33. picture. Comparison of judges, total number of cases and number of cases heard per judge in courts of first instance and appeal in Latvia, Estonia, the Netherlands and Finland in 2021 or 2023.²²⁶

		Latvia (2023)	Estonia (2023)	The Netherlands	Finland
Number of judges	Judges actually employed together	428 (+62 judges)	226	2661 (2023)	1110 (2021)
	1. Instance	302 (+62 judges)	181	1931 (2021)	901 (2021)
	2. Instance	126	45	705 (2021)	209 (2021)
Things	Number of cases considered (including uncontested)	~126 thousand	~58 thousand	~1,394 thousand (2023)	~572 thousand (2023)
	Held cases per judge (including uncontested cases and judges)	~257	~260	~520	~510
	Number of pending cases (excluding uncontested cases)	~41 thousand			
	Held cases per judge (excluding non-controversial and non-controversial judges)	~96			
Average gross salary per year, euro	The first instance professional judge at the beginning of his career	36 806 (2021)	56 952 (2021)	89 236 (2021)	68 900 (2021)
	A judge of the Supreme Court or the Supreme Court of Appeal	57 302 (2021)	74 786 (2021)	160 741 (2021)	141 720 (2021)

Comparison with the countries included in the study sample for 2023 shows that in Latvia the workload of a judge of general jurisdiction is the lowest. Although it is understood that such a comparison is extremely approximate, since the procedural framework for the hearing of cases may be so different that, as a result, cases of the same category can be heard within very different deadlines, however, looking at the data from these countries, there is a tendency that the capacity of judges in Latvia is likely to be higher.

The capacity of the court is characterized by the indicator of the permeability of the court. In 2019-2024, 100% permeability has been achieved relatively rarely by courts of first instance. The lowest average throughput is in the Riga City Court – 94 %. The transparency of other judicial authorities is similar – 98 % in the Riga District Court, the Kurzeme District Court and the Vidzeme District Court, and 99 % in the Zemgale District Court. The highest average permeability is in the Latgale District Court – 100%. The permeability of things does not have a pronounced tendency to decrease or increase.

In 2019-2024, the longest average time periods for the examination of cases are in the Riga City and Riga District Courts – the average indicator of the period is 8 and 7.2 months, respectively. The shortest average time periods for the examination of cases are in the Kurzeme District Court (on average 4.1 months), reaching the shortest average time for the examination of cases each year. A similar indicator exists in the Vidzeme District Court (on average 4.5 months). Slightly longer average time periods for hearing cases in Latgale District Court (5.1 months) and Zemgale District Court (5.6 months). In 2019-2024, the average time frames for hearing cases in courts of first instance do not have a significant upward or downward trend²²⁷.

²²⁶ Tieslietu padomes 2023. gada pārskats. PwC aprēķins.

²²⁷ Tieslietu padomes sekretariāta apkopojums. "Tiesu darbības rādītāji no 2019. līdz 2024. gadam". Pieejams: <https://www.tieslietupadome.lv/lv/petijumi-un-prezentacijas>.

In the specialised courts of first instance, i.e. the Administrative District Court and the Economic Court, the number of cases per judge in 2019-2024 is significantly lower than in the other courts of first instance. In 2024, one judge heard an average of 45 cases in the Administrative District Court, and 38 in the Economic Court. The specifics of the cases before these courts are significantly different from those of other courts of first instance and, as such, the workload of judges in hearing cases is not comparable to other district (city) courts. This is also indicated by the average duration of the hearing of cases from the initiation of the case to completion by the judicial authority, which has been an average of 298 days in the Administrative District Court between 2020 and 2024, 370 days in the Economic Court, while in the courts of general jurisdiction an average of 164 days.

The average time limits for hearing cases in the Administrative District Court in 2019-2024 are relatively high – the six-year average is 8 months. At the same time, the deadlines for consideration are stable, without major changes over the years.

Judges specialising in land register cases – a deviation from the normal judicial process



For judges, the atypically high workload of judges specialising in land register cases, where, for example, in 2024 one judge had to deal with around 4,000 land register cases per year and around 1,800 non-contentious cases, devoting only about 14 minutes to a single case, the hearing of procedural elements such as the parties involved or the absence of a hearing, shows that, from the point of view of the organisation of the proceedings, such specialisation is a significant deviation.

The ongoing debate about the affiliation of judges of this specialization to the judicial system contributes to the decline in the prestige of the position of a judge specialising in land register cases, a decrease in the number of judges and an increase in the number of vacant positions.

Refraining from assessing the legal nature of the decisions taken by judges with specialization in land register cases, but by analyzing the organization of work and the degree of complexity of the duty to be performed, it is impossible to obtain arguments that allow this position to be rightly considered a work of higher qualification than that performed by a civil servant lawyer of the executive power, for example, in the Register of Enterprises.

In 2024, the conditionally defined number of posts in the Judicial Administration of district (city) court judges specialising in land register cases was 70, of which 57 were filled. In no district (city) court were all the posts of judge of this specialization filled.

An analysis of the number of non-contentious and land register cases per judge in 2024 demonstrates the negative impact of vacant positions on the judge's workload. In the Riga City Court, where 26% of the positions are vacant, one judge specialising in land register cases has heard 26% more cases than a judge in the same position in another court.

The principles and procedures for the examination of land register cases shall be determined by the Land Register Law and other laws regulating the recording of immovable properties and the consolidation of rights related thereto in the Land Registers.²²⁸

In 2019, land registry divisions as separate units of district (city) courts were liquidated and their judges, while maintaining their specialization, were transferred to district (city) courts. One of the objectives of this reform was to ease the burden on district (city) courts and

²²⁸ Likuma "Par tiesu varu" 2. panta trešā daļa.

optimize the use of the resources of land registry judges, as well as to increase the competence of judges in civil²²⁹ matters.

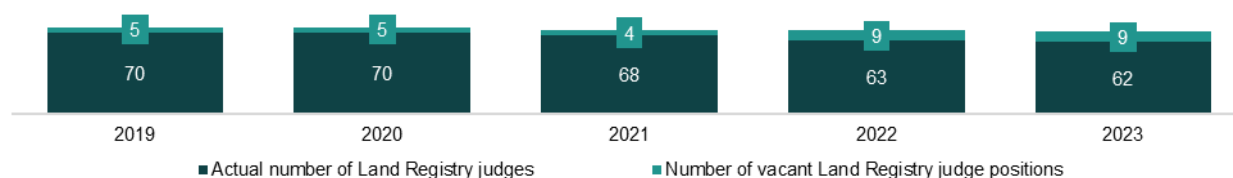
The Law "On the Judiciary" indicates the laws regulating the judiciary. One such law is the Land Register Act²³⁰. It states that the handling of land registry cases is agreed upon by the district (city) courts.²³¹ Each immovable property shall be recorded in the Land Register in the district (city) court in the territory of which it is located²³². The State Unified Computerised Land Register is the holder of the Court Administration.²³³

Below are the most important observations in relation to the handling of land register cases:

1: There is a decrease in the number of land register judges

In 2019-2024, the number of land registry judges has decreased. In 2019, 70 out of 75 posts were filled (around 7% of posts are vacant), whereas in 2024, 57 posts were filled out of 70 posts (around 19% of posts are vacant). This is also evidenced by the data accumulated by the Court Administration. For example, in 2023, out of 71 posts of such specialization, nine were vacant, which accounts for 14.5% of the positions of judges with specialization in land registers conditionally planned by the Court Administration (see Annex III). Figure 34).²³⁴

34. picture. Actual number of judges specialising in land register cases and number of vacant posts, 2019-2023.



An analysis of the practical situation of judges specialising in land register cases shows that the **long-standing discussions and doubts about the jurisdiction of this specialisation for the judicial system have reduced the popularity of this specialisation among judges.** Consequently, it is unlikely that it would be possible to introduce an effective mechanism for rotating judges or changing the specialisation of the cases pending in the courts of first instance, similar to that of investigating judges, by integrating into the specialisation of the civil judge the obligation to consult land register cases, even temporarily.

2: Decrease in the number of land register cases received and dealt with accordingly

There is also a decrease in the number of land register cases received and examined accordingly in 2019-2024 – approximately 16% fewer cases were received in 2024 than in 2019 (see Annex III). Figure 35). Comparing 2024 with 2019, the workload of judges at the Riga City Court and the Riga District Court (pending cases to the judge) has not changed significantly (2% increase and decrease, respectively), in the Kurzeme District Court it has decreased by approximately 8%. In the Zemgale District Court, the workload has increased by about 9%, in the Vidzeme District Court – by 10%, in the Latgale District Court – by 26%. It should be noted that land registry judges seem to be able to cope with the workload – in 2019-2024, all courts have reached 100% (or at least 99%) throughput.

²²⁹ Tiesu efektivitātes stiprināšanas darba grupas ziņojums par zemesgrāmatu nodaļu tiesnešu integrācijas rajona (pilsētas) tiesās reformas izvērtējumu. Pieejams: <https://www.tieslietupadome.lv/lv/media/8856/download?attachment>

²³⁰ Likuma "Par tiesu varu" 2. panta trešā daļa.

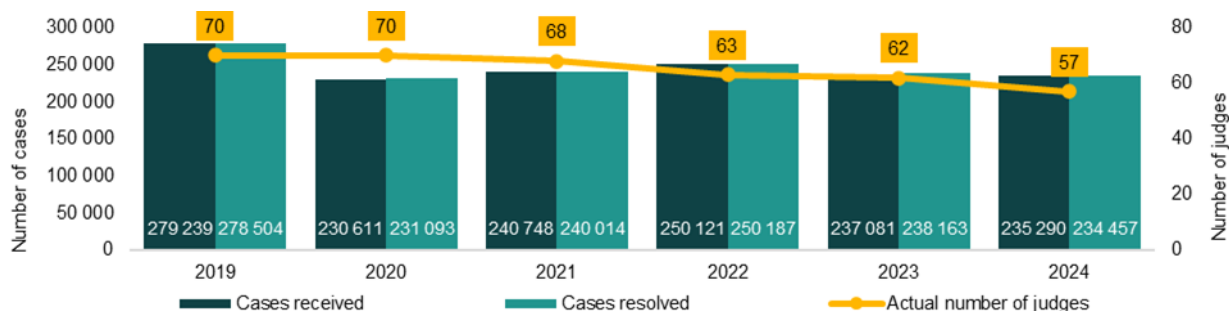
²³¹ Zemesgrāmatu likuma 2. pants.

²³² Zemesgrāmatu likuma 3. pants.

²³³ Zemesgrāmatu likuma 115. panta otrā un trešā daļa.

²³⁴ Latvijas Republikas Valsts kontrole. (2024). Cilvēkresursu pieejamība un attīstība Latvijas tiesās. Pieejams: https://lrvk.gov.lv/lv/getrevisionfile/29740-YyB8Pd_bKgizFid2Q1YedWrpblraPIED.pdf.

35. picture. Number of land register judges, number of land registers reviewed and received in 2019-2024.²³⁵



3: The very high workload of judges specialising in land register cases and non-contentious cases

The workload of judges specialising in land register cases and non-contentious cases is very high (for example, in 2024, one judge had to deal with around 4,000 land register cases and around 1,800 non-contentious cases). This means that a judge cannot devote more than 14 minutes to a single case if he assumes that the judge has 210 working days a year. In circumstances where no more than 14 minutes can be devoted to a decision, decision-making is most likely based on the knowledge and experience accumulated by the judge in carrying out a quick comparison of information and verification of facts, not on clarifying the facts of the case and making a reasoned decision, but it is unlikely that judges performing typical tasks of a judge will use theoretical knowledge in practice and analyze the facts in depth, weigh the arguments, uses a variety of legal methods. A very accelerated performance of the duties of a judge does not fully correspond even to the features included in the classification of the profession of judge, which are listed in abbreviated form in Table 13.

4: The need for a reallocation of decision-making competences

In its report on the specialisation of land register cases in the courts, the Judicial Specialisation Working Group noted that although the number of land register cases has decreased, their conduct is an essential judicial function, which requires a large amount of human resources. **Given that a further reduction in the number of judges specialising in land registers is also projected, the working group has noted that there should be a redistribution of decision-making powers through the creation of the post of court lawyer,** thus, by transferring certain competences of judges to court lawyers, the workload of land registry judges would be freed up and the specialisation of judges would be expanded in other civil cases²³⁶. One of the objectives of integrating land registry judges into district (city) courts was to increase the competences of land registry judges in relation to the general handling of civil cases, but sufficient time resources for this have not yet been identified²³⁷.

Part of the support functions may be delegated to an assistant judge or a court lawyer with appropriate qualifications. Estonian experience shows that there most land registers and non-contentious cases are handled by assistant judges with lawyer qualifications, judges are tied to about 10-15% of the volume of cases, thus freeing up the capacity of the judge to view more complex cases.

²³⁵ Tieslietu padomes sekretariāta apkopojums. "Tiesu darbības rādītāji no 2019. līdz 2024. gadam". Pieejams: <https://www.tieslietupadome.lv/lv/petijumi-un-prezentacijas>.

²³⁶ Tieslietu padome. (2024). Tieslietu padomes stratēģijas 2021. - 2025. gadam 3. rīcības virzienā "Efektīva un kvalitatīva tiesu vara" minēto uzdevumu īstenošanai. Par zemesgrāmatu lietu specializāciju tiesās. Pieejams: <https://www.tieslietupadome.lv/lv/media/9019/download?attachment>.

²³⁷ Tiesu efektivitātes stiprināšanas darba grupas ziņojums par zemesgrāmatu nodaļu tiesnešu integrācijas rajona (pilsētas) tiesās reformas izvērtējumu. Pieejams: <https://www.tieslietupadome.lv/lv/media/8856/download?attachment>.

13. table. Comparison of the basic tasks and skills of the profession of judge and lawyer.

	Tiesnesis	Lawyer
Duties and tasks of the position specified in the Classification of Occupations²³⁸	Conducts proceedings and pronounces judgment in court. - To examine the conformity of laws, Cabinet legal acts and other regulatory enactments with the Constitution; - To hear civil, administrative and criminal cases, to pronounce a judgment; - Conduct hearings; - To consider cases of administrative offenses, to make decisions in these cases; - Explain to the parties their duties and rights in court proceedings; - Explain the pronounced judgments and decisions taken.	Advises clients on various legal issues, performs the functions of a counsel in court, conducts criminal prosecution, maintains state prosecution in court. - To carry out scientific research work on issues of national, EU and international law; monitor the work of investigative and operational institutions; - To prepare bills and government decisions in accordance with existing laws, to advise clients; - Prepare legal documents; provide legal aid to individuals.
Professional skills	- Professional decision-making skills in accordance with the procedure for selecting candidates for the position²³⁹ - Obtain and analyze information to draw reasoned conclusions, which include: - use the legal method and subsume precisely; - perceive and reflect facts, distinguish the essential from the irrelevant; - substantiate the opinion in a structured, detailed and concrete manner; - make meaningful use of references to case-law and sources of law. - Make decisions by evaluating information and using different approaches to solving the problem: - use various resources in decision-making; - to steer the process in a targeted manner, including by ensuring reasonable time limits for adjudicating cases and by preventing cases from being unjustly protracted; - taking responsibility for the decisions taken.	Responsibilities according to the standard of the position of a lawyer²⁴⁰ - Finding, analyzing, interpreting and applying legal norms and other sources of law; - Drafting, analysing and certifying legal texts; - Provision of legal opinions and opinions; - Provision of legal aid; - Performance of legal acts, in accordance with legal status, in civil proceedings, administrative proceedings, administrative violations proceedings, Constitutional Court proceedings and criminal proceedings; - Conducting and organizing research in the field of law; - Ensuring professional activity.

²³⁸ Labklājības ministrija. Profesiju klasifikators. Pieejams: <https://www.lm.gov.lv/lv/klasifikacija/profesiju-klasifikators-5/profesiju-klasifikators-aktualizets-2025gada-31janvari?search=tiesnesis#>.

²³⁹ Tieslietu padomes lēmums Nr.16 "Par Tiesnešu kvalifikācijas kolēģijas reglamentu". Pieejams: https://www.at.gov.lv/lv/par-augstako-tiesu/augstakas-tiesas-biletens/augstakas-tiesas-biletens-nr-24/par-tiesnesu-kvalifikācijas-koleģijas-reglamentu-25022022?utm_source=chatgpt.com.

²⁴⁰ Ministru kabinets. (2020). Jurista profesijas standarts. Pieejams: <https://registri.visc.gov.lv/profizqlitiba/dokumenti/standarti/2017/PS-133.pdf>.

Although the Council of Europe's study mentions that Latvia is the only country where the Judicial Council's responsibilities include issues related to the organisation of the work of the State Register²⁴¹, Estonia also has a land registration department at the Court of First Instance in Tartu.²⁴² It also maintains other registers – the Commercial Register, the Register of Non-Profit Organisations and Foundations, the Register of Commercial Pledges, etc. The Registration and Payment Departments employ court legal assistants (Estonian *kohtunikuabi*) and other court staff. **Accordingly, it is the assistants to the judge, not the professional judges, who examine applications and make entries in the cases under the jurisdiction of these departments.**

Also in the practice of other European countries, the registration function is performed by judicial officials (ang. *court clerks*), who specialise in land register matters.²⁴³ Accordingly, in foreign practice, judges are not directly involved in the performance of administrative tasks of the land registers on a daily basis.

5: Decline in the prestige of a judge specialising in land register cases

For many years, the **relentless debate over the place of a judge specialising in land register cases in the judicial system is contributing to a decline in the prestige of the office. According to the officials interviewed, the current procedure for selecting judges also creates problems in filling vacant positions.** Enduring the complex process of assessing qualifications and knowledge, young judges of first instance do not show any interest in specialising in land register cases.

As part of the reform of land registry divisions, the integration of land registry divisions into the courts was carried out, providing for the expansion of the capacity and competence of judges specialising in land register cases, also looking at other categories of cases. However, these efforts have not yielded the desired results, as the workload of judges in land register cases has increased significantly and, in such a workload, judges specialising in land register cases do not have time to develop their competence in other categories of cases.

Compared to 2020, in 2024 the number of land register cases reviewed increased ²⁴⁴ by 1.5% to 234 thousand per year, while in the category of civil cases "Enforcement of obligations under the order of warnings" the number of cases examined increased by 88.6% to 103 thousand per year. True, the data shows that some judges specializing in Land Registry cases have also begun to look at, for example, criminal cases (in 2023, there have been at least two judges). According to the State Audit Office, in 2023, judges specialising in land register cases handled only 101 civil and criminal cases (oral proceedings), which accounted for 0.6% of the total number of cases received²⁴⁵. After evaluating the data provided by the Court Administration, in 2023, land registry judges viewed 69 civil and criminal cases (oral proceedings), which accounted for about 4% of the total number of cases received. In 2024, the number of cases viewed by land registry judges has increased - 80 civil and criminal cases have been heard, which has accounted for about 8% of the total number of cases received.

In interviews, it was explained that judges often do not want to specialize in this area, as this can jeopardize career development and the ability to qualify in other categories of law. Likewise, the

²⁴¹ Council of Europe. (2022). Comparative Overview on Judicial Councils in Europe. 4. lpp. Pieejams: <https://rm.coe.int/comparative-overview-on-judicial-councils-in-europe-en/1680a923bc>.

²⁴² Igaunijas Tiesu likuma 15. pants. Pieejams: <https://www.riigiteataja.ee/en/eli/ee/517032023014/consolide/current>.

²⁴³ Schmid C.U., Hertel C., Wicke H. European University Institute (EUI) Florence/European Private Law Forum, Deutsches Notarinstitut (DNott) Würzburg. (2005). Real Property Law and Procedure in the European Union General Report. 30–31 lpp. Pieejams: <https://www.eui.eu/Documents/DepartmentsCentres/Law/ResearchTeaching/ResearchThemes/EuropeanPrivateLaw/RealPropertyProject/GeneralReport.pdf>.

²⁴⁴ Ar terminu "zemesgrāmatu lietas" Tiesu administrācija saprot piecu veidu lēmumus: "Izsoles akta apstiprināšana", "Saistību bezstrīdus piespiedu izpildīšana", "Saistību bezstrīdus piespiedu izpildīšana", "Tiesību pārgrozījumi un dzēsumi, tiesību nostiprinājumi atzīmju veidā", "Lietu tiesību nodrošināšana".

²⁴⁵ Latvijas Republikas Valsts kontrole. (2024). Cilvēkresursu pieejamība un attīstība Latvijas tiesās. Pieejams: https://lrvk.gov.lv/lv/getrevisionfile/29740-YyB8Pd_bKqizFid2Q1YedWrpblraPIED.pdf.

attraction of candidates is certainly influenced by the various reports and assessments of whether the courts have jurisdiction to review Land Register cases ²⁴⁶at all.

In the performance of the duties of judges specialising in land register cases, **judges who have invested a great deal of work in developing their competence in various areas of law cannot make full use of the accumulated knowledge.**

6: Different visions of the organization and distribution of responsibilities of the Land Register function

29.11.2024. The Working Group on the Specialisation of Judges of the Council for the Judiciary, fulfilling the task referred to in Action Line 3 of the Strategy of the Council for the Judiciary for 2021-2025 "Effective and high-quality judiciary", prepared a report "On the specialisation of land register cases in courts".²⁴⁷ One of the conclusions and proposals of the working group is "Land registry proceedings should be preserved as a function of the judiciary and as one of the judicial specializations in the field of civil law."

When discussing possible solutions for the future provision of the function, the views of the parties involved in the justice system differ. In an interview, the Ministry of Justice expressed its readiness to evaluate the assumption of the function of the Land Register to the executive, while the Latvian Council of Sworn Notaries confirmed in an interview its readiness to take over this function in a notary. At the same time, interviews with representatives of the judiciary highlight that the courts have made significant financial investments in the development of the land registry system and that the current judges are well prepared and competent in their work, suggesting that such a transfer of functions to the executive may not be effective.

All parties involved agree on the **need to revise the description of the functions of the judge in order to decide what exactly is the duty of the judge and to optimise both procedural regulation and technological solutions.** There is an active search for solutions for the effective and sustainable registration of real estate rights, for example by redistributing responsibilities between judges and their legal assistants or by fully digitising land register processes. The need to introduce new technologies and artificial intelligence has been pointed out, since in this area the law lays down specific, objective criteria, so that an in-depth judge's opinion is often not required. Part of the support functions may be delegated to an assistant judge or a court lawyer with appropriate qualifications.

The Judicial Council intends to promote discussion on the future role of land registry specialisation in the judicial system and to develop resource policy accordingly.²⁴⁸

7: Land registry judges are also in charge of the non-contentious enforcement of obligations, the approval of the tender deeds and the auction deeds

Land registry judges are also responsible for the approval of non-contentious enforcement of obligations, the order of warning for the fulfilment of obligations and the approval of auction deeds. A relatively large part of the judge's workload (25%) consists of the handling of cases under the order of compulsory enforcement of obligations²⁴⁹.

There has been a significant increase in the number of non-contentious cases received and dealt with between 2019 and 2024. (see Figure 36). The number of cases received increased by about 149%, the number of cases dealt with – by 142%. Also taking into account the reduction in the number of land register judges, the workload of judges (cases heard per judge) has increased

²⁴⁶ Latvijas Republikas Valsts kontrole. (2024). Cilvēkresursu pieejamība un attīstība Latvijas tiesās. Pieejams: https://lrvk.gov.lv/lv/getrevisionfile/29740-YyB8Pd_bKqizFid2Q1YedWrpblraPIED.pdf.

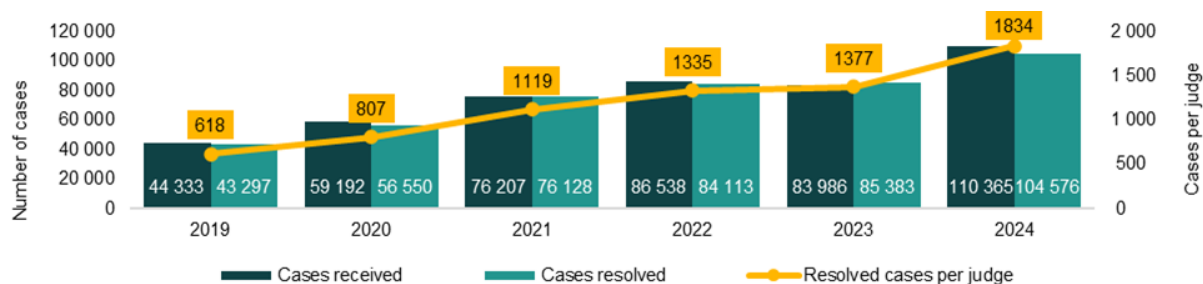
²⁴⁷ Tieslietu padome. (2024). Tieslietu padomes stratēģijas 2021. - 2025. gadam 3. rīcības virzienā "Efektīva un kvalitatīva tiesu vara" minēto uzdevumu īstenošanai. Par zemesgrāmatu lietu specializāciju tiesās. Pieejams: <https://www.tieslietupadome.lv/lv/media/9019/download?attachment>.

²⁴⁸ Tiesu efektivitātes stiprināšanas darba grupas ziņojums par zemesgrāmatu nodaļu tiesnešu integrācijas rajona (pilsētas) tiesās reformas izvērtējumu. Pieejams: <https://www.tieslietupadome.lv/lv/media/8856/download?attachment>.

²⁴⁹ Tieslietu padome. (2024). Tiesnešu specializācijas darba grupas ziņojums par tiesnešu specializācijas pamatprincipiem. Pieejams: <https://www.tieslietupadome.lv/lv/media/9016/download?attachment>.

significantly over this period, tripling (from an average of 609 cases heard per judge to an average of 1 860). The changes in workload in the courts have been varied. The largest increase (around 411%) was in the Riga District Court, however, it should be noted that the workload of the judge in it is slightly less than elsewhere. The smallest increase in workload in the Riga City Court – by 132%. At the Zemgale District Court, the workload has increased by 156%, at the Kurzeme District Court and the Vidzeme District Court by 199% and 202%, respectively, and at the Latgale District Court there has been a 262% increase in the workload of judges.

36. picture. Number of non-contentious cases received and dealt with, number of non-contentious cases dealt with per judge in 2019-2024.²⁵⁰



As a result of the above-mentioned reform, the resources of civil judges were freed up from the non-contentious hearing of cases, however, it has created an overload for land registry judges. By integrating the land register into the district (city) courts of judges, it was not expected that there would be such a significant increase in the number of non-contentious cases. The Judge Specialisation Working Group mentions that perhaps a solution to alleviate the congestion on judges would also be to transfer non-contentious cases to a potential court lawyer²⁵¹.

Also, under the order of warnings for the enforcement of the obligations received, the handling of cases accounts for a large part of the workload of judges. Since the introduction of the process in 2003, the issue of automating cases has been a topical issue, but court servicing systems have still not been able to ensure process automation in order to free up the capacity of judges to perform functions uncharacteristic of the administration of justice – the working group has found that the daily work of judges is significantly slowed down by TIS, which has not been sorted out for several years²⁵².

8: The need to align remuneration with the level of responsibility and complexity of work

Fair division of labor involves aligning remuneration with the value of the position – the level of responsibility and the complexity of the work. Similar monthly salaries are set for positions of similar responsibility and complexity, higher remuneration for positions of higher responsibility and complexity than for positions of lower responsibility and complexity. At present, the complexity of cases before the courts of first instance and the levels of responsibility vary sharply between judges dealing with land registers and non-contentious cases and other cases before courts of general jurisdiction. The number of cases to be heard by a single judge in the Economic Court and the Administrative District Court is significantly lower than for a judge in a court of general jurisdiction, which may indicate that there are more complex categories of cases than in other courts. In the absence of a clear and understandable division of monthly salary groups between, for example, junior and senior judges or judges of the Land Register, general jurisdiction and specialised courts, a remuneration system has emerged that is unbalanced in terms of the level of responsibility and complexity of the work. The Judicial Council would be

²⁵⁰ Tieslietu padomes sekretariāta apkopojums. "Tiesu darbības rādītāji no 2019. līdz 2024. gadam". Pieejams: <https://www.tieslietupadome.lv/lv/petijumi-un-prezentacijas>.

²⁵¹ Tieslietu padome. (2024). Tiesnešu specializācijas darba grupas ziņojums par tiesnešu specializācijas pamatprincipiem. Pieejams: <https://www.tieslietupadome.lv/lv/media/9016/download?attachment>.

²⁵² Turpat.

advised to push through an amendment to the law with a proposal to separate at least two levels of judges of first instance, using the current monthly salary group of judges as a base level.



The Judicial Council would be advised to push through an amendment to the law with a proposal to separate at least two levels of judges of first instance, using the current monthly salary group of judges as a base level.

5.1.3. Limited opportunities for specialisation of judges due to small judicial institutions

The productivity and efficiency of experienced and competent personnel can be even several times higher than that of a beginner or a specialist in another field. The specialization of judges in the examination of certain categories of cases and the distribution of cases according to the direction of specialization contributes to significantly faster, more efficient and high-quality handling of cases. An analysis of the data of the Judicial Information System shows that, in fact, the specialisation of judges who do not look at land register cases in the court of first instance hardly exists, since often judges look at cases even outside the declared basic type of cases – civil, criminal specialisation.

The specialisation of judges in each court is determined by the president of the court by issuing an order approving the plans for the distribution of cases.²⁵³ Guidelines for determining the specialisation of judges are currently being developed in the Working Group of the Council for the Judiciary, taking into account the previous practice of indicating the specialisation of judges in three main types of cases: administrative, civil and criminal, since a more specific specialisation is not possible taking into account the regional coverage of the courts and the specificity of the cases.

The analyzed statistical data and the specificity of the cases heard by individual judges do not indicate the possibility of strict adherence to strict specialisation in the examination of civil and criminal cases in the court of first instance. Thus, for example, in the period from 2020 to the beginning of 2023, the judge of the court of first instance has considered both 45 civil cases, 35 of them claims for the recovery of damages and debts in the written procedure, 120 criminal cases closed at the beginning of 2024, and 108 AP cases, which continue to be viewed in parallel with the authorization of 231 investigative actions in 2024. During this period, the judge has also made 16 arrests of property in criminal cases, heard 4 execution cases and 4 foreign execution cases in Latvia.

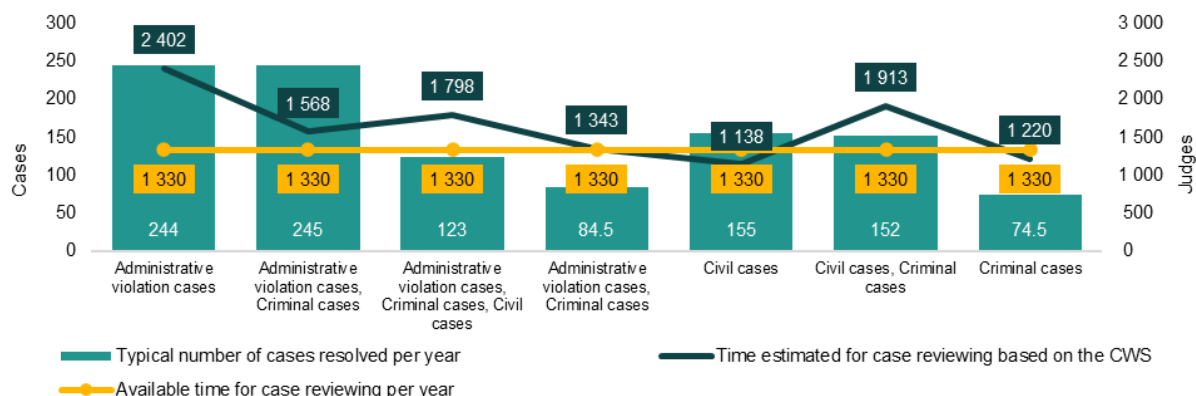
The data of the court administration include marks on the specialization of judges. For example, it is noted that among the judges of first instance who have heard cases in 2024, 64% (203 judges) have one specialization, 28% (87 judges) have two specializations, 8% (25 judges) have three specializations. In addition, judges who have a single specialisation actually deal with cases outside their specialisation as well. For example, for judges specialising only in administrative offence cases, 52% of the number of cases dealt with in 2021-2024 are civil cases. In the courts of appeal, the specialisations of judges are more specific – each judge has only one specialisation – in civil or criminal cases.

In 2024, in some cases, the typical number of cases heard by judges of first instance with several specialisations is higher than for judges with a single specialisation. Judges specialising in administrative offences and civil cases had a typical number of cases dealt with at 245, while judges specialising only in civil cases had 155. Judges specializing exclusively in criminal cases typically hear 75 cases, which is fewer than judges specializing in criminal and civil matters (152 cases) or criminal and administrative misconduct cases (85 cases).

²⁵³ Tiesu lietu sadales plāni. Pieejams: <https://tiesas.tvp.gov.lv/lietu-sadales-planu>

When calculating the weighted number of cases handled by civil and criminal judges in accordance with the points assigned in the case weighing model, it can be concluded that judges who have dealt with a typical (median number) number of cases of the relevant specialisation during the year can do this work in the number of full-time equivalent working hours of the judge allocated to the hearing of cases (1 330 hours) (see Annex III). **Annex 17**. In certain cases, judges with several specialisations, such as administrative offences and civil cases or administrative cases, civil and criminal cases, cannot deal with the typical number of cases in the working hours available per year, in accordance with the points awarded in the case weighing model.

37. picture. The typical workload of judges of various specialties in 2024.²⁵⁴



The weighted workload of judges specialising in administrative offences cases most likely indicates that administrative offences cases have been overestimated in the weighing model. For example, there is a district (city) court judge who has devoted 3,294 hours a year to reviewing administrative offense cases based on the points specified in the case weighing model, which is almost three times more than the working hours available to a judge per year.

Specialization and sometimes universalism is influenced by the number of incoming cases by type of case and still the small number of judges in courts located outside the economic centre of Latvia – Riga. The courts have a dominant predominance of civil cases (39% of the total number of cases in 2021-2024) over criminal cases (5%). Criminal cases with the examination of evidence are significantly more complex than multiple civil claims for the recovery of damages and debts, and it is necessary to avoid a potential conflict of interest if the judge has been involved in another stage of the proceedings related to the case, for example, has been an investigating judge. In interviews, it was pointed out that the judge's specialization in a very narrow area, moreover, in cases that are relatively simple, prevents the judge from improving.

The President of the Zemgale Regional Court J. Siliņš defines that specialization means that according to the plan for the distribution of cases, the judge receives the relevant categories of cases. But even if the judge has gone more into the consideration of criminal or civil cases, he does not completely abandon the consideration of other cases.²⁵⁵

In its report, the Working Party on the Specialisation of Judges points to the need to align the judicial selection system with the specialisation required in the judicial system. Accordingly, this topic should also be viewed from the point of view of training programmes, promoting the creation of a training system that would address the issues of re-specialisation from one sector to another.²⁵⁶

From an efficiency point of view, deeper and narrower specialization increases productivity and the quality of case handling. In addition, the judge may be assisted by one or more assistant

²⁵⁴ Balstoties uz Tiesu administrācijas sniegtajiem datiem.

²⁵⁵ Juris Siliņš: Tiesnešu specializācija ir objektīvi nepieciešama. Pieejams: <https://lvportals.lv/tiesas/306239-juris-silins-tiesnesu-specializacija-ir-objektivi-nepieciešama-2019>.

²⁵⁶ Tieslietu padomes 19.01.2024. lēmums Nr. 3 "Par Tiesnešu specializācijas darba grupu". Pieejams: <https://www.tieslietupadome.lv/lv/media/90/download?attachment>. [Aplūkots 18.12.2024.]

judges who, if trained and competent in the relevant field, can significantly increase the overall intensity of the work by freeing up the judge's resource. For example, of all cases received in the period from 2021 to 2024 (not counting land register and non-contentious cases), 42% of the courts make claims for damages and debt recovery. Even higher, 62% is the proportion of cases in this category out of all civil cases received in the court of first instance. Between 2021 and 2024, these cases were heard by around 230 judges, with an average of around 87 claims for damages and debt recovery cases. The highest number of cases heard by a judge during this period is 759 – 63% of all cases heard by a judge.

In the current version of the case weighing model, claims for damages and debt recovery as simplified procedures are assessed with three points, which means that they require an average of 6 hours of judge work to deal with them. When calculating how many hours it takes to deal with all claims of this type received, for example, in courts of first instance in 2024 (131,688²⁵⁷), it can be seen that 82 judges are required to provide such work according to the estimated time in the Case Weighing Model, where one would hear about 266 cases of this type alone per year per year. The number of such cases on appeal is relatively small and in 2024 a full-time equivalent of just over three judges would have been sufficient. In the period from 2021 to 2024, the district (city) court typically had to devote around 77 full-time equivalent workloads and on appeal around five full-time equivalent workloads to the hearing of such cases. Such a calculation may suggest that the current estimate of required hours in the Case Weighing Model is too high, as the data shows that there are judges handling 246 claims for loss and debt recovery and another 90 other categories of cases during the year.

Given the huge predominance of the number of claims for damages and debt recovery over other types of cases, increasing the efficiency of the process and the productivity of the judge would have the greatest cumulative effect on the overall duration of all cases in all courts. If claims for damages and debt recovery were dealt with by a range of judges specialised in these cases, possibly even several qualified legal assistants to support the drafting of the ruling, then the productivity of one judge in this category of cases could even double. In the simplest cases of this category, the share of the contribution of court legal assistants should be increased as much as possible, while reducing the amount of judicial involvement. The use of any kind of automation solutions or artificial intelligence tools should be introduced as a priority in terms of increasing the productivity of this category of case-handling cases.

From the point of view of work organisation, it is essential that specialisation in dealing with such cases should be for a certain period of time, for example, for judges entering the court or for apprentice judges, if such a category of assistant judges were to be created. In order for a judge to be able to develop his qualifications in other categories of cases and to reduce the monotony of work, after a certain period of time, for example, two or three years, the judge's specialization in dealing with claims for damages and debt recovery should be changed to looking at other cases, entrusting these duties to another judge instead.

Investigating judges

The president of the district court prescribed by law²⁵⁸ determines in the area of operation of the relevant district court those district (city) courts where the investigating judge is to be appointed. The President also approves the work schedule of investigating judges in the area of operation of the district court.

In 2024, the functions of the investigating judge were performed by 38 out of 348 (approximately 11%) of all judges actually employed by the first instance²⁵⁹. The function of that judge shall be provided to the court at any time of the day, on every day of the week. Under its influence, it is difficult to plan work, because things can also be received outside traditional working hours, including on holidays and weekends. When examining the data received from the Court

²⁵⁷ Tiesu administrācijas dati.

²⁵⁸ Likuma "Par tiesu varu" 40. panta 4. daļa.

²⁵⁹ Balstoties uz Tiesu administrācijas sniegtajiem datiem.

Administration, within four years, the activities of only one investigating judge have been recorded on a holiday, celebration or remembrance day, while from time to time investigative activities have been viewed on Saturdays or Sundays.

The number of overtime worked by the investigating judge is recorded in the personnel data system and in some cases can reach as much as 260 days a year, which is 50 days more than the normalized full-time equivalent of a judge. If the judge has worked outside normal working hours, then he has the option of choosing to compensate for the hours worked, with free time at the time of his choice. Investigating judges may be paid overtime (see Fixed remuneration and elements of a result-oriented remuneration system).

5.1.4. Differences in levels of responsibility and remuneration create a gap between the positions of judge (court officials) and other court employees

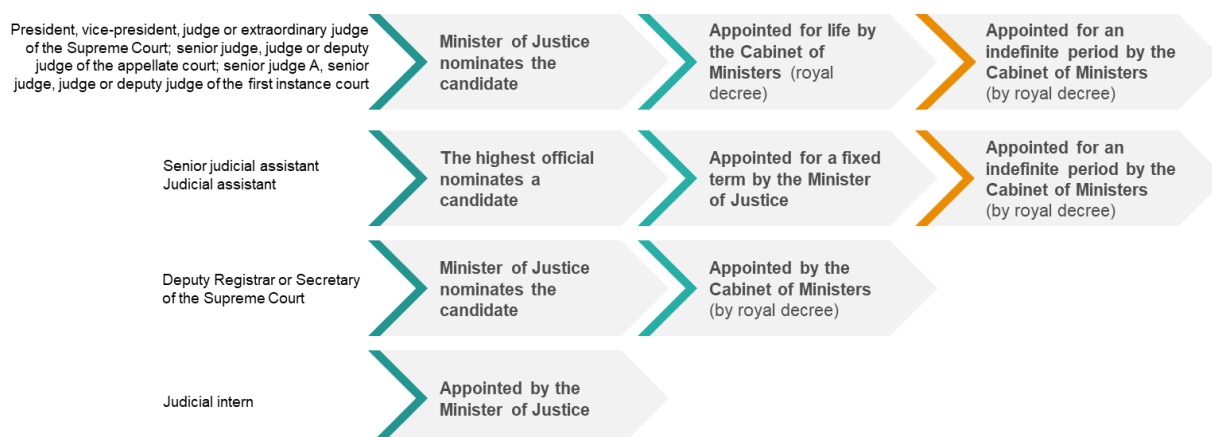


The judiciary must develop the next generation of legal and administrative support for judges and courts. A work-based training process is used in many other countries, for example through the introduction of job groups, which staff develop competences that allow them to qualify for higher positions and positions.

The functions of the judicial system in Latvia are mostly performed by staff employed in three job groups: judges, court staff and court administrative support staff.

Latvia has established a separate system of human resource management for judges and court staff. There are no mutually integrated and standard-based human resource management processes for judges and other employees of the judicial system, as is the case, for example, in the Netherlands, where the Judicial Officers Act²⁶⁰ regulates the management of all judicial officers' selection issues (see Annex III). Figure 38). From the picture it can be seen that in Latvia there are not at all several groups of official positions that are not judges, but play an important role in the judiciary.

38. picture. Regulation of the process for the appointment of judicial officers in the Netherlands.



Compared to other countries, Latvia lacks a mid-term of highly qualified legal assistants or judges' apprentices, which in the hierarchy of judicial positions would be in the middle between a judge and an assistant judge. In order to develop the new generation of judges, other countries have such units of office as, for example, deputy judge, judge apprentice, court lawyer.

²⁶⁰ Judicial Officers (Legal Status) Act Applicable from 01.01.2020 to the present. Pieejams: <https://www.rechtspraak.nl/SiteCollectionDocuments/judicial-officers-legal-status.pdf>.

5.1.5. Selection of judges without active recruitment and gradual involvement of apprentices in the work of a judge



Currently, the selection process for judges in the four rounds of selection of applicants is focused on screening applicants by selecting the best candidates. The growing number of judicial vacancies suggests that there is a risk that the selection method used may become unsuitable for achieving the desired objective. Therefore, in preparation for the period of time when the number of judges who will leave their jobs at retirement age will increase, and at the same time the pool of applicants may narrow, it would be necessary to consider introducing other more targeted methods of attracting candidates, such as recruiting or inviting applicants to apply for the position of judge, attracting judges – apprentices / trainees for a limited period of time.

The appointment or approval of a judge in office in Latvia is a process determined by the Saeima

The selection of judges takes place on the basis of an open competition, the Council of the Judiciary approves the by-laws for the selection of judges and establishes a selection commission, but the completion of the selection process has been transferred to the executive power – a proposal for the selected candidate for the position of district (city) or district court judge shall be submitted to the Saeima by the Minister for Justice²⁶¹. The selection process is based on professional principles, so the question may arise as to why the Minister of Justice is involved in an open, clear rules-based process, but also in other countries examined in the comparative analysis, such as the Netherlands, a candidate for the post of judge is nominated by the Minister of Justice; In Estonia, judges of first and second instance are appointed by the President of Latvia on *an en banc* or plenum proposal of the Supreme Court, while in Finland, in accordance with the Constitution and the Judicial Act, permanent judges are appointed by the President of the Republic on a proposal from the government.

The literature²⁶² identifies four methods of appointing a judge: (a) mechanisms for appointing a single body (official); (b) professional appointments, where the process is provided only by judges; (c) appointment based on cooperation mechanisms; and (d) representative appointment mechanisms, where all interested parties are balanced in their votes.

Latvia has introduced a mechanism for the appointment/confirmation of judges by one body – parliament, based on the nomination of the executive branch. In other comparable countries, such as the Netherlands, only the executive provides for the appointment of judges. The process by which the executive identifies and selects candidates varies from jurisdiction to jurisdiction and may include: (a) a closed, informal and non-binding consultation process; (b) formal consultations with selection boards appointed by managers; or (c) the nomination of candidates for judges by an independent selection board²⁶³.

In none of the countries under consideration there are two separate processes – appointment of judges to office on a temporary basis and confirmation for life, as is the case in Latvia.

Taking into account the fact that judges are approved **by the Saeima** and they are irrevocable²⁶⁴, then special care is taken in the selection process and there are many parties involved (see photo). Table 14). The procedure for selecting candidates for the position of both the district (city) court and the district court and the Supreme Court is determined by the Council for the Judiciary²⁶⁵, however, the candidate for the position of judge of the Supreme Court is nominated by the President of the Supreme Court, while the candidate for a judge of the Court of First and

²⁶¹ Likuma "Par tiesu varu" 60. panta pirmā, otrā daļa, 61., 62. pants.

²⁶² Judicial Appointments. International IDEA Constitution-Building Primer. Pieejams: <https://www.idea.int/sites/default/files/publications/judicial-appointments-primer.pdf>.

²⁶³ Judicial Appointments. International IDEA Constitution-Building Primer. Pieejams: <https://www.idea.int/sites/default/files/publications/judicial-appointments-primer.pdf>.

²⁶⁴ Latvijas Republikas Satversmes 82. pants.

²⁶⁵ Likuma "Par tiesu varu" 54.¹ un 54.² pants.

Appellate Instance is nominated by the Minister of Justice²⁶⁶. Consequently, the judiciary is not entrusted with responsibility for the entire selection process of a candidate for the post of judge.

14. table. The institutions and officials involved in the selection of judges and a description of the process.

Selection of a district (city) court and district court judge	Selection of a Supreme Court Judge
• Saeima • Minister for Justice – nominated as a judge • Selection Board • Court administration • Council for the Judiciary • Judicial Qualification Board • The President of the Court	• Saeima • President of the Supreme Court – nominated for the position of judge • General Assembly of Senators of the Supreme Court Department • Administration of the Supreme Court • Council for the Judiciary • Judicial Qualification Board
• The law establishes the obligation to select judges by open competition. The by-laws of the competition shall be approved by the Judicial Council upon the proposal of the Minister of Justice and the President of the Supreme Court.²⁶⁷ • The Council for the Judiciary establishes a selection commission for candidates for the positions of district (city) court and district court judge, but its work is ensured by the Court Administration²⁶⁸. The commission is established for a four-year term and consists of 3 senators, 3 district court judges and 3 district (city) court judges²⁶⁹. • An applicant who has passed all the tests, as well as an applicant judge who has received a positive opinion from the Judicial Qualification Board, becomes a candidate for the position of judge and is included in the list of candidates for the position of judge for a period of 3 years. • The selection committee selects a candidate for the position of judge in four rounds, in which formal criteria, professional skills and priority behavioural competencies are assessed: ○ If the applicant is a district court judge applying for the post of district court judge, rounds 2 and 3 shall be replaced by an assessment of the	• Initially, former judges of the Constitutional Court, as well as judges of the international court and supranational courts, are informed about the vacancy of a judge of the Supreme Court²⁷³. Also, they are subject to the selection procedure described below (except for the preparation of an essay). • If the above candidates for the position do not fill the vacancy of a judge of the Supreme Court, then a competition is held²⁷⁴. The selection takes place in two rounds: ○ In the first round, the administration of the Supreme Court examines applications and evaluates the compliance of candidates with the requirements specified in the Law on the Judiciary²⁷⁵. If the candidate is not a judge, he must also pass a qualification examination accepted by the Judicial Qualification Board²⁷⁶. Before selection, candidates for the second round must prepare an essay and participate in a psychological assessment²⁷⁷.

²⁶⁶ Likuma "Par tiesu varu" 57. un 59. pants.

²⁶⁷ Likuma "Par tiesu varu" 54. panta trešā daļa.

²⁶⁸ Likuma "Par tiesu varu" 107.¹ panta otrās daļas ceturtais punkts.

²⁶⁹ Tieslietu padomes 22.10.2021. lēmuma nr. 70 "Par rajona (pilsētas) tiesas un apgabaltiesas tiesneša amata kandidātu atlases kārtību" 15. punkts.

²⁷³ Tieslietu padomes lēmuma "Par Augstākās tiesas tiesneša amata kandidāta atlases, stažēšanās un kvalifikācijas eksāmena kārtības" 7. punkts.

²⁷⁴ Tieslietu padomes lēmuma "Par Augstākās tiesas tiesneša amata kandidāta atlases, stažēšanās un kvalifikācijas eksāmena kārtības" 14. punkts.

²⁷⁵ Tieslietu padomes lēmuma "Par Augstākās tiesas tiesneša amata kandidāta atlases, stažēšanās un kvalifikācijas eksāmena kārtības" 19. punkts.

²⁷⁶ Tieslietu padomes lēmuma "Par Augstākās tiesas tiesneša amata kandidāta atlases, stažēšanās un kvalifikācijas eksāmena kārtības" 23. punkts.

²⁷⁷ Tieslietu padomes lēmuma "Par Augstākās tiesas tiesneša amata kandidāta atlases, stažēšanās un kvalifikācijas eksāmena kārtības" 30. punkts.

Selection of a district (city) court and district court judge

- professional skills of a judge of the Judicial Qualification Board.
 - Round 4 is common to all applicants for the selection of a candidate for the position of district court judge²⁷⁰.
 - After the 4th round, **the Judicial Qualification Board** shall issue an opinion on the results of the assessment of the applicant who is a judge. The overall result of the selection shall be determined and communicated **by the selection board**. In the event that the highest number of points is for two or more candidates for the office of judge who are not judges, the decision to promote the most suitable candidate for appointment shall be taken **by the president of the**²⁷¹ court concerned. If, on the other hand, two or more candidates for office who are judges have the same number of points, the decision to promote the most suitable candidate for **appointment is taken by the judicial qualification board**.²⁷²

Selection of a Supreme Court Judge

- In the second round of selection, **the general meeting of senators of the department** provides an opinion on the candidate for the position of senator, based on the documents submitted by the candidate, an essay and a psychological assessment. **A** structured interview with the candidate is also held at the general meeting. Senators individually evaluate each candidate and participate in the vote for the candidate.
- A candidate whose suitability for office has been voted for by more than half of the senators with the right to vote is advanced for confirmation.²⁷⁸

A judge of the district (city) court shall be appointed to office by **the Saeima** on the proposal of the Minister for Justice for a term of three years. After three years of service in office, a judge of a district (city) court **shall be confirmed** to office by the Saeima **upon a proposal of the Minister for Justice**, on the basis of the opinion of the Judicial Qualification Board **provided in the assessment of the professional activity** of a judge, or shall be reappointed to office for a period of up to two years. Judges of the district court and the Supreme Court are also approved by **the Saeima**, but the proposal for the approval of a judge of the district court in office is **nominated by the Minister of Justice**, and the **President of the Supreme Court**²⁷⁹ as a judge of the Supreme Court.

The Council for the Judiciary determines the place of performance of the relevant duties of the office of judge of specific courts, courthouses within the scope of the territory of operation of the court after the confirmation of the judge of the district (city) court and the district court to the position²⁸⁰.

Since June 2021, the state unified examination of the professional qualification of a lawyer has been held annually. It is part of a professional higher education program, upon completion of which a master's degree and a lawyer's qualification are awarded²⁸¹. The purpose of the introduction of the exam was to raise the quality level of legal education²⁸². Very few students pass each exam – the number of passed exam sessions from 2020/2021 to 2023/2024 has fluctuated between 27 and 38%.²⁸³ The total number of students who have passed the exam so far is 331, i.e. 63% of all who have taken the exam²⁸⁴. In 2024, it was passed by 101²⁸⁵, which

²⁷⁰ Tieslietu padomes lēmuma "Par rajona (pilsētas) tiesas un apgabaltiesas tiesneša amata kandidātu atlases kārtību" 20. un 22. punkts.

²⁷¹ Tieslietu padomes lēmuma "Par rajona (pilsētas) tiesas un apgabaltiesas tiesneša amata kandidātu atlases kārtību" 59.¹, 60., 61., 61.¹, 69. punkts.

²⁷² Tieslietu padomes lēmuma "Par rajona (pilsētas) tiesas un apgabaltiesas tiesneša amata kandidātu atlases kārtību" 70. punkts.

²⁷⁸ Tieslietu padomes lēmuma "Par Augstākās tiesas tiesneša amata kandidāta atlases, stažēšanās un kvalifikācijas eksāmena kārtības kārtību" 35., 37., 38., 39., 40. punkts.

²⁷⁹ Likuma "Par tiesu varu" 60. panta pirmā un otrā daļa, 61. un 62. pants.

²⁸⁰ Likuma "Par tiesu varu" 89.¹¹ panta otrā daļa.

²⁸¹ Ministru kabineta noteikumu Nr.46 "Valsts vienotā jurista profesionālās kvalifikācijas eksāmena kārtība" otrais punkts.

²⁸² Ministru kabineta noteikumu projekta "Valsts vienotā jurista profesionālās kvalifikācijas eksāmena kārtība" anotācija.

²⁸³ Tieslietu ministrija. Valsts vienotais jurista profesionālās kvalifikācijas eksāmens. Eksāmena statistika. Pieejams:

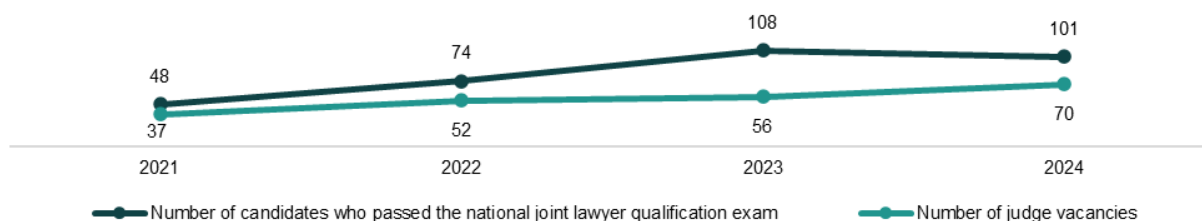
<https://www.tm.gov.lv/lv/eksamens>.

²⁸⁴ Tieslietu ministrija. "Sācies valsts vienotais jurista eksāmens ziemas sesijā". Pieejams: <https://www.tm.gov.lv/lv/jaunums/sacies-valsts-vienotais-jurista-eksamens-ziemass-esija>.

²⁸⁵ Tieslietu ministrija. Valsts vienotais jurista profesionālās kvalifikācijas eksāmens. Eksāmena statistika. Pieejams: <https://www.tm.gov.lv/lv/eksamens>.

means that in order to fill the positions of highly qualified assistant judges with graduates who have earned a law degree, the judicial system would have to attract most of these lawyers.

39. picture. Number of persons passing the professional qualification examinations of the State Unified Lawyer and the number of vacancies for the position of judge in 2021-2024.²⁸⁶



5.1.6. Transfer of a judge

The Council for the Judiciary, on the basis of a positive **opinion of the Judicial Qualification Board**, decides on the transfer of a judge both (1) to another court or courthouse of the same level and (2) to work in a district court. A judge may also be transferred to a lower court if he or she has given his or her written consent. Here, too, the decision on the relocation is taken by **the Council for the Judiciary**.

The Judicial Council also decides on the transfer of a judge to the post of judge of the Supreme Court, but in that case the proposal for the transfer of a judge is made **by the President of the Supreme Court** on the basis of the **opinion of the general meeting of senators** of the Senate department.

When transferring a judge to another place of performance of the duties of a judge within the territory of the court, a decision shall be taken **by the Council for the Judiciary** on the proposal **of the Minister for Justice**. A judge may be transferred if he or she has given his or her consent.

The fact that the process of transferring the position of a judge is carried out by the Council for the Judiciary is in theory in line with the principles of independence and self-determination of the judiciary, but the composition of the Council for the Judiciary, which is dominated by members who do not perform duties in district (city) courts, raises some concerns.

5.1.7. Dismissal or removal from office of a judge

Just as when confirming or appointing a judge to office, the final decision on the release or removal of a judge from office shall be taken **by the Saeima**, however, the submitters of the proposal differ. A judge of a district (city) court and a district court shall be removed from office on **the proposal of the Minister for Justice**, in the event that the dismissal takes place at the will of the judge himself or herself, or due to election or appointment to another office. In these cases, a judge of the Supreme Court shall be removed from office on **the proposal of the President of the Supreme Court**. On the other hand, if the dismissal of a judge of a district (city) court, district court and Supreme Court is related to the state of health of the judge or a negative opinion has been received in the re-evaluation of the professional activity of the judge, the judge shall be removed from office upon **the proposal of the Council for the Judiciary**.

A decision on the removal of judges of courts of all levels from office shall be taken **by the Saeima** upon the proposal **of the disciplinary board of judges**. On the other hand, if a judge has been convicted and a court judgment has entered into legal force, the judge is removed from office on **the proposal** of the Minister of Justice²⁸⁷.

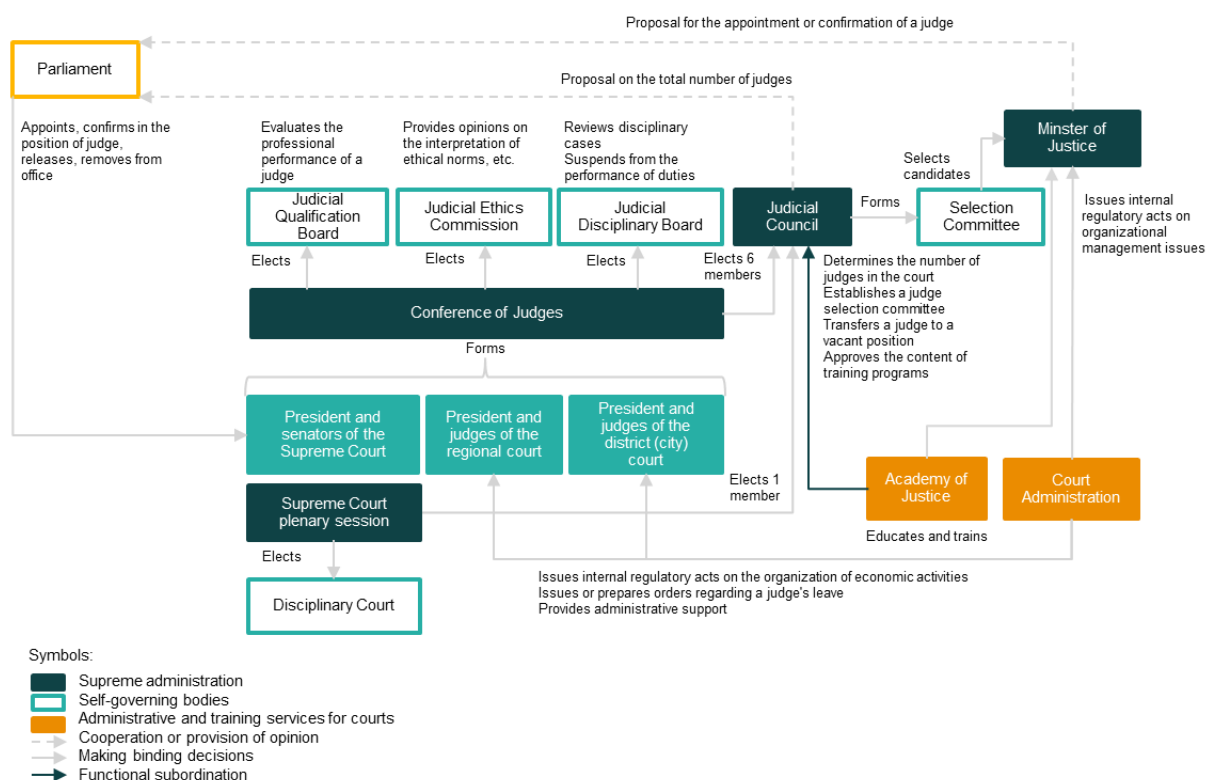
²⁸⁶ Tiesu administrācijas sniegtie dati (uz 31.12.2024.). Tieslietu ministrija. Valsts vienotais jurista profesionālās kvalifikācijas eksāmens. Eksāmena statistika. Pieejams: <https://www.tm.gov.lv/lv/eksamens>.

²⁸⁷ Likuma "Par tiesu varu" 81. panta otrā daļa.

The Disciplinary Board of Judges may, on its own initiative or on a proposal from the initiator of the disciplinary proceedings, suspend a judge from performing his duties if disciplinary proceedings have been initiated against the judge for an offence incompatible with the status of a judge.

In general, judges in human resource management processes (see photo). Figure 40 involves too many representatives from different fields trying to manage or control the internal governance processes of the judiciary. This can hinder the achievement of results oriented precisely to the effectiveness of the judiciary, since representatives of different fields have different interests and operational objectives.

40. picture. Organs involved in the management processes of judges and court staff.



5.1.8. Development of judicial human resources competence and training system

The law **obliges a judge to constantly improve his knowledge throughout his career as a judge.**²⁸⁸ Strengthening the competence of judges involves the introduction of new judges. It is possible for young judges to take the training course for young judges. Experienced judges act as mentors and support young judges in starting their careers in court.

With the establishment of the Academy of Justice, this institution will perform the functions specified in a special Law on the Academy of Justice and, within the framework of the allocated resources, will offer officials and employees of the judicial system, as well as officials belonging to the judicial system, to increase their competence. Thus, all the prerequisites exist to solve also the problems identified in the report of the State Audit Office²⁸⁹, that only one in ten judges has attended training less than once a year in the last four years, although there are constant changes in regulatory enactments and changes in the case-law on issues of concern to the public. In 2025,

²⁸⁸ Likuma "Par tiesu varu" 98. panta 5. punkts.

²⁸⁹ Latvijas Republikas Valsts kontrole. (2024). Cilvēkresursu pieejamība un attīstība Latvijas tiesās. Pieejams: https://lrvk.gov.lv/lv/getrevisionfile/29740-YyB8Pd_bKqizFid2Q1YedWrpblraPIED.pdf.

with the opening of the Academy of Justice, it is planned to change the education system for judges and court staff.

In comparable countries, drawing up a judge's training plan is an autonomous function of the judicial authority, and not a centrally organised process as in Latvia.²⁹⁰

5.1.9. Fixed remuneration and elements of a result-oriented remuneration system



The remuneration of a judge of first instance, compared to the monthly salary of judges from other Baltic states, such as Estonians, is as much as 30% lower and is currently no longer compatible with the amount of responsibility entrusted to the judge and the level of risks associated with the position. In view of the budget savings that would result from a reduction in the number of judges, we believe that it is necessary to increase the judge's remuneration by around 20% of the current amount.

The approach to determining the remuneration of judges in Latvia as a whole is in line with the recommendations of the Committee of Ministers of the Council of Europe²⁹¹, which stipulates that the main rules of the remuneration system for professional judges should be determined by law. The remuneration of judges in Latvia shall be determined in accordance with the Law On the Judiciary and the Law on Remuneration of Officials and Employees of State and Local Government Institutions, observing the conditions laid down in several judgments of the Constitutional Court.

Representatives of the judicial system interviewed did not indicate that there were problems with the proportionality of judges' remuneration with their profession and duties or its adequacy to protect judges from incentives aimed at influencing their decisions. The law also provides for guarantees to maintain reasonable remuneration in the event of sickness, maternity or paternity leave, as well as to pay a retirement pension, which must be commensurate with the level of remuneration during working hours.²⁹²

The Committee of Ministers of the Council of Europe recommends that specific legal provisions should be introduced to protect against pay cuts targeted specifically at judges.²⁹³ **There are no such specific legal norms in Latvia**, but there are several judgments of the Constitutional Court where a similar situation has been analyzed and by a decision of the Constitutional Court this type of regulation has been repealed.

The Council of Europe recommends avoiding systems that make the basic salary of judges dependent on the performance of their work, as they could create obstacles to the independence of judges.²⁹⁴ Consequently, the remuneration of judges cannot be adapted to traditional performance in other sectors.

Historically, the monthly salary of a judge was determined by linking it to the monthly salary of a highly qualified lawyer of the state institution of direct administration with the appropriate coefficient and the monthly salary of a judge of a district (city) court was determined by equating it to the maximum amount of the monthly salary of the head of the legal unit of the state direct administration institution or the 12th group of monthly salaries. However, on 26.10.2017, the

²⁹⁰ Tieslietu akadēmijas likuma 8. panta 5.punkts.

²⁹¹ Ieteikumu CM/Rec(2010)12, ko Eiropas Padomes Ministru komiteja pieņēma 17.11.2010. pēc Eiropas Juridiskās sadarbības komitejas (CDCJ) priekšlikuma, 53. punkts. Pieejams: <https://search.coe.int/cm?i=09000016805afb78>.

²⁹² Valsts un pašvaldību institūciju amatpersonu un darbinieku atļūdzības likums.

²⁹³ Ieteikumu CM/Rec(2010)12, ko Eiropas Padomes Ministru komiteja pieņēma 17.11.2010. pēc Eiropas Juridiskās sadarbības komitejas (CDCJ) priekšlikuma, 54. punkts. Pieejams: <https://search.coe.int/cm?i=09000016805afb78>.

²⁹⁴ Turpat, 55. punkts.

Constitutional Court issued a judgment in case No. 2016-31-01, in which the Constitutional Courts declared these norms incompatible with the Constitution of the Republic of Latvia and invalid.²⁹⁵ Accordingly, amendments to the Law on Remuneration of Officials and Employees of State and Local Government Institutions, which came into force on 01.01.2019, established a new approach to the system of remuneration of judges and prosecutors.²⁹⁶ Currently, the law²⁹⁷ provides that the monthly salary of a judge is determined by linking it to the base monthly salary with a corresponding coefficient. The amount of the basic monthly salary shall be determined in accordance with the procedures laid down by law, applying coefficients²⁹⁸ thereto (see photo). Table 15). In all countries included in the national comparison, the remuneration of judges is higher than in Latvia.

15. table. Applicable coefficients for the amount of the base monthly salary of judges.²⁹⁹

No. p.k.	Job title	Factor	Bāzes alga 2024.	Monthly salary for the current year 2024 (gross), euro
1	District (city) court judge	3.2	1 205.71	3 858
2	Deputy Chairman of the District (City) Court and Chairman of the Courthouse of the District (City) Court	3.52	1 205.71	4 244
3	President of the district (city) court	3.84	1 205.71	4 630
4	District Court Judge	3.84	1 205.71	4 630
5	The Vice-President of the District Court and the President of the Chamber, as well as the President of the Courthouse of the District Court	4.09	1 205.71	4 931
6	President of the District Court	4.32	1 205.71	5 209
7	Supreme Court Judge	5.00	1 205.71	6 029
8	Chairman of the Supreme Court Department	5.3	1 205.71	6 390
9	President of the Supreme Court	7.00	1 205.71	8 440
10	Judge of the Constitutional Court	5.76	1 205.71	6 945
11	Deputy Chairman of the Constitutional Court	6.00	1 205.71	7 234
12	President of the Constitutional Court	7.00	1 205.71	8 440

The judgment of the Constitutional Court of 26.10.2017 in case No. 2016-31-01 was already the fifth case of the Constitutional Court³⁰⁰ evaluating the system of remuneration of judges and the principles of its operation. The issues of remuneration of judges in the Constitutional Court are primarily considered from the prism of the independence of the judiciary.³⁰¹ The main principles

²⁹⁵ Satversmes tiesa 26.10.2017. pasludināja spriedumus lietā Nr. 2016-31-01.

²⁹⁶ Likumprojekta "Grozījumi Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likumā" sākotnējās ietekmes novērtējuma ziņojums (anotācija). Pieejams: https://tap.mk.gov.lv/doc/2018_10/MK_anot_21102018.2198.docx. Saeima. (2018). Atbalsta grozījumus Atlīdzības likumā par tiesnešu atalgojuma palielināšanu. Pieejams: <https://lvportals.lv/dienaskartiba/300680-atbalsta-grozijumus-atlidzibas-likuma-par-tiesnesu-atalgojuma-palinelinasanu-2018>.

²⁹⁷ Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likuma 4. panta 9. daļa.

²⁹⁸ Turpat, 4. panta 2. daļa.

²⁹⁹ Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likuma 6.1 panta 2.daļa. Informācija par vēlēto amatpersonu un Saeimas iecelto amatpersonu mēnešalgu apmēru 2024.gadā. Pieejams: <https://www.mk.gov.lv/lv/media/15438/download?attachment>.

³⁰⁰ Satversmes tiesas 18.01.2010. spriedums lietā Nr. 2009-11-01, 22.06.2010. spriedums lietā Nr. 2009-111-01, 14.12.2010. spriedums lietā Nr. 2010-39-01, kā arī 28.03.2012. lēmums par tiesvedības izbeigšanu lietā Nr. 2011-10-01.

³⁰¹ Satversmes tiesas tiesneses Inetas Ziemeles atsevišķās domas lietā Nr. 2016-31-01 "Par Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likuma 4. panta deviņās daļas un 6.1 panta pirmās daļas atbilstību Latvijas Republikas Satversmes 83. un 107. pantam". (2017). Pieejams: <https://www.vestnesis.lv/op/2017/255.20>.

mentioned by the Constitutional Court for the development of the remuneration system for judges are ensuring the independence of the judiciary and the separation of powers at all stages of the operation of the remuneration system.³⁰²

The judge's remuneration does not include only a monthly salary, but also supplements to the monthly salary and other social guarantees³⁰³ such as life and health insurance³⁰⁴. Judges may also receive several types of allowances (see Annex III). Table 16):

16. table. Types of supplements to the basic salary of judges.³⁰⁵

1	2	3	4
In the amount of 3 - 5% of the established monthly salary for participation in each meeting of the self-governing bodies of judges	In the amount of the difference in monthly salary for the replacement of the president (deputy) of the relevant court	A service supplement in the amount of 5 - 10% of the monthly salary, which depends on the number of years worked and the results of the current evaluation of the activity	3% for a Supreme Court judge for one day of on-call duty in cases provided for by law

According to the Data provided by the Court Administration, the allowances for overtime work and work on public holidays in 2023 and 2024 were set at a minimum amount (see Annex III). Table 17):

17. table. Report on payment for overtime work and work on public holidays (Source: Court Administration).

	2023	2024
Payment for overtime work	- For court staff EUR 625.70 - There are no costs for judges	- For court staff EUR 2 005.08 - There are no costs for judges
Payment for work on public holidays	- For judges EUR 649.12 - For court staff EUR 13 876.06	- For judges EUR 251.25 - For court staff EUR 12 367.17

For investigating judges, the remuneration specified in the Law on Remuneration of Officials and Employees of State and Local Government Institutions differs from that of a classic district (city) court judge. A judge for work during a week's rest or on a public holiday, in accordance with the work schedule of the investigating judges, receives a supplement in the amount of three per cent of the monthly salary of the judge prescribed by law, or he is granted paid rest time on another day of the week.³⁰⁶

As explained by representatives of the State Chancellery in an interview, the remuneration system enshrined in the Law on Remuneration of Officials and Employees of State and Local Government Institutions has been established as a single system, balancing the remuneration of all employees financed from the State budget, including officials and employees of the judicial system with the requirements, level of responsibility and competence necessary for the performance of the position. This is in line with the earlier findings of the Constitutional Court that reasonable proportionality must be ensured in the determination of remuneration for judges and those working in the legal profession in the field of public administration (see Annex III). Paragraphs 21.5 and 21.6 of the judgment of the Constitutional Court of 18.01.2010 in Case No. 2009-11-01).

The Constitutional Court has also pointed out that only such a comparison with other salaries should be used for the assessment of the adequacy of the remuneration of judges which is

³⁰² Satversmes tiesas 18.01.2010. spriedums lietā Nr. 2009-11-01, 22.06.2010. spriedums lietā Nr. 2009-11-01, 14.12.2010. spriedums lietā Nr. 2010-39-01, kā arī 28.03.2012. lēmums par tiesvedības izbeigšanu lietā Nr. 2011-10-01, 26.10.2017. spriedums lietā Nr. 2016-31-01.

³⁰³ Satversmes tiesas 26.10.2017. spriedums lietā Nr. 2016-31-01.

³⁰⁴ Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likuma 37. panta trešā daļa.

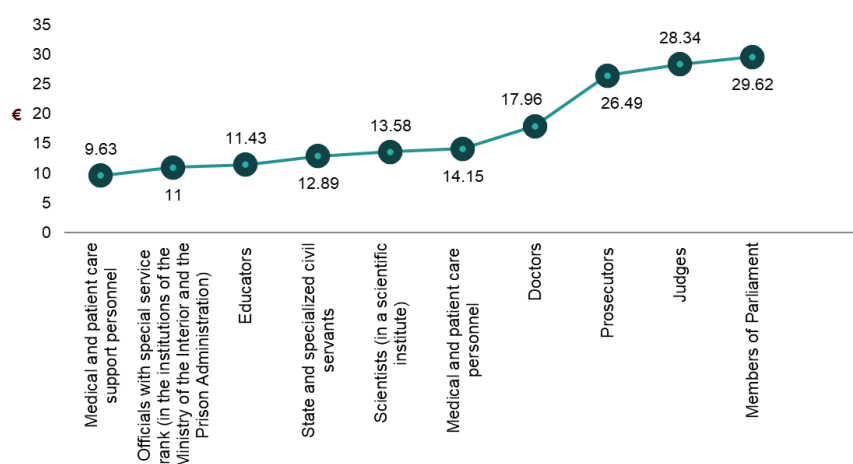
³⁰⁵ Turpat, 14. panta pirmā prim, trešā prim daļa, 15. panta ceturrtā un sestā daļa.

³⁰⁶ Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likuma 15.panta 9.daļa.

considered justified (see Annex III). Paragraph 21.3 of the judgment of the Constitutional Court of 18.01.2010 in Case No.2009-11-01). Taking into account the rank of the office of a judge in the constitutional legal system, the responsibility of that office, the competence, qualification and experience requirements applicable to that position, as well as the requirement of independence and the restrictions arising from the office of a judge, the Constitutional Court has concluded that the remuneration of a judge is not directly comparable to that of any of the groups mentioned [at the hearing].^{307 308}

Data published by the State Chancellery on the average costs of one actual working hour for certain groups of employees financed from the State budget (see photo). Figure 41) provides a comparison of the hourly rate of remuneration of the prosecutor and judge with the remuneration of another constitutional body - a member of the Saeima, with the average hourly rate of a judge accounting for 95.6% of the hourly rate of a member of the Saeima, while the hourly rate of a prosecutor in the first half of 2024 was actually 89.4% of the hourly rate of a member of the Saeima.

41. picture. State Chancellery data³⁰⁹ on the average costs of one actual working hour for different groups of employees financed from the State budget³¹⁰, euro (Avots: AUS).³¹¹



5.2. The process of planning the working time of a judge

The total number of judges shall be determined by the Saeima upon a proposal from the Council for the Judiciary. The number of judges in each court shall be determined by the Council for the Judiciary on a proposal from the Minister for Justice³¹². Consequently, the Council for the Judiciary plays a crucial role in determining both the total number of judges and the number of judges in a particular court.

In order to determine or change the total number or number of judges in each court, the Judicial Council receives annually information from the president of each court providing information on the number of judges required for the court and a brief justification. The Secretariat of the Council for the Judiciary analyses court case statistics (e.g. the number of cases by court, the time limits for hearing cases and the workload of judges in each court).

³⁰⁷ Tiesas sēdē gan Saeimas, gan ministriju pārstāvji, cenšoties argumentēt tiesnešu atalgojuma atbilstību, salīdzināja to gan ar valsts pārvaldē un no valsts budžeta finansētās iestādēs strādājošo vidējo algu, gan ar citu profesiju darbinieku, piemēram, ārstu, skolotāju un cietumsargu, atalgojumu.

³⁰⁸ Satversmes tiesas 22.06.2010. spriedums lietā Nr. 2009-111-01.

³⁰⁹ Darba samaksa un nodarbināto skaits valsts budžeta iestādēs 2024. gada 1. pusgadā. Pieejams:

<https://www.mk.gov.lv/lv/media/20178/download?attachment>.

³¹⁰ Vidējā darba samaksa – atskaites perioda (pusgada) kopējā darba samaksa dalīta ar pilna laika (40 darba stundas nedēļā) nodarbināto skaitu vai atskaites perioda kopējā darba samaksa dalīta ar kopējo faktiski nodarbināto skaitu. Vienas vidējās faktiskās darba stundas izmaksas – kopējā darba samaksa dalīta ar kopējo nostrādāto un nenostādāto, bet apmaksāto stundu skaita pārskata periodā.

³¹¹ AUS – Valsts tiešās pārvaldes iestāžu un citu valsts un pašvaldību institūciju amatpersonu atlīdzības un personu uzskaites sistēma, kuru uztur Valsts kanceleja (atbilstoši 07.11.2017. MK noteikumiem Nr.662).

³¹² Likuma "Par tiesu varu" 32. panta trešā daļa, 39. panta otrā daļa, 44. panta otrā daļa.

It is the competence of the Council for the Judiciary³¹³ to approve the basic principles of specialization of judges and **the procedure for determining the indicators of the caseload**, as well as to develop guidelines on other issues of the organization of the work of the court. On the basis of this competence of the Council for the Judiciary, the procedure "Basic principles of specialisation of judges and procedure for determining load indicators"³¹⁴ (hereinafter - **"Procedure for determining the specialisation and workload of judges"**) has been developed, which, among other things, defines criteria for how load indicators for judges are formed.

The procedure for determining the specialisation and workload of judges provides for the use of the automated case allocation function available in the Court Information System to create a uniform workload in the judicial system. In accordance with this procedure, it is provided that the workload of a judge consists of (indicator of the judge's workload) the number of cases allocated to a judge during a calendar year. The system calculates and reflects the total load of the judge, which is calculated separately in civil, criminal, administrative offense cases and administrative cases, indicating separately the load by judicial instance, if the judge reviews cases in both first instance and appeal. The distribution is expressed in percentage points, forming the total amount of 100.

At the same time, the law³¹⁵ stipulates that the president of the court, the total amount of percentage points may be set at less than 100, taking into account "the workload of the judge in the performance of duties in the self-governing bodies of judges, in preparing and conducting training activities for judges and prosecutors, as well as in the performance of duties related to the introduction of new judges ... and the time it takes for the judge to complete the training course for young judges". In addition, the procedure for determining the specialisation and workload of judges indicates that exceptions also include cases where a judge participates in working groups established by the Ministry of Justice or the Court Administration. Those exceptions are not listed exhaustively, so that the president of the court concerned also has jurisdiction to provide for other objective circumstances which may lead to a reduction in the amount of percentage points of the load for the judge. Consequently, the organisation of the working time of judges depends on a number of factors, which are assessed by the president of the court concerned and, on the basis of those circumstances, determine the judge's workload.

Net time required to deal with a single case by case category (see 43). figure, elements 2 and 2.1 of the formula) is currently only partially available to the extent that it is calculated in the Case Weighing Model. In order to verify the consistency of these data with actual time consumption, measurements of the time spent on the handling of cases of the relevant category must be carried out periodically (at least once every five years). This practice is used in all countries compared in the study.

5.2.1. Use of the number of cases received and pending per year by category of cases to determine the required number of judges

One of the activities in the planning of the judicial system's workforce was the setting of standards for the time limit for hearing cases. Decision No. 98 of the Council for the Judiciary of 16.12.2013 adopted Guidelines for setting the standard of time limits for hearing cases.³¹⁶ The guidelines contain recommendations for setting a standard for the time limit for handling cases separately for civil, criminal, administrative offenses and administrative cases, but the case weighing model does not set optimal durations for such high-level basic types of cases.

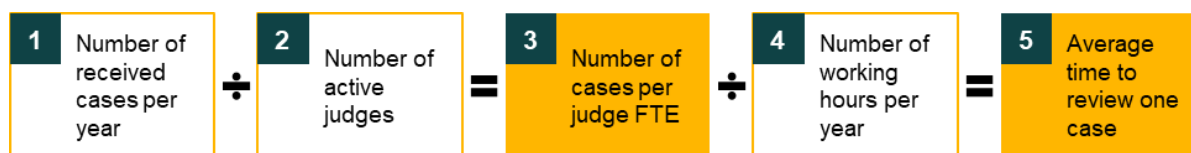
³¹³ Turpat, 89.¹¹ panta sestā daļa.

³¹⁴ Tiesnešu specializācijas pamatprincipi un slodzes rādītāju noteikšanas kārtība. Apstiprināts ar Tieslietu padomes 17.10.2016. lēmumu Nr. 66. Pieejams: <https://www.tieslietupadome.lv/lv/dokumenti>.

³¹⁵ Likuma "Par tiesu varu" 28.¹ panta trešā daļa.

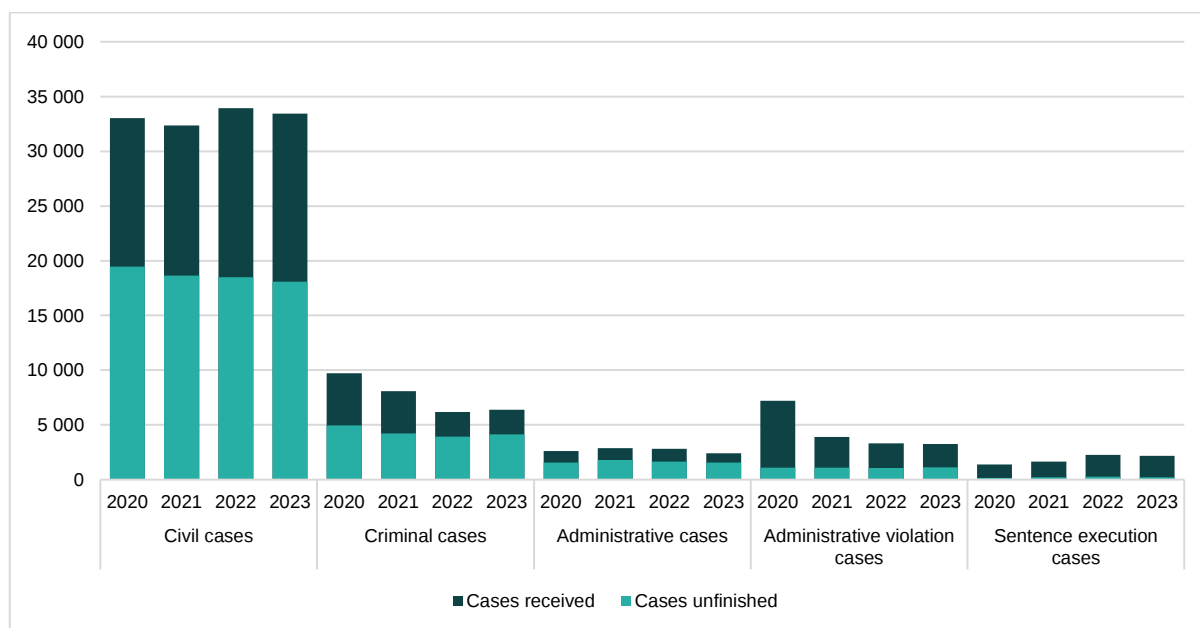
³¹⁶ LR Augstākā tiesa. (2013). Vadlīnijas lietu izskatīšanas termiņu standarta noteikšanai. Pieejams: https://www.at.gov.lv/files/uploads/files/9_Tieslietu_padome/021213_Metodika_terminu_standarta_noteiksana.doc.

42. picture. The potential algorithm of the average time of hearing a single case, if the workload of the judge in the hearing of cases was the same.



According to the Court Administration, the total number of cases of criminal and administrative offences (cases received in a given year and cases received in previous years, but not yet completed) in courts is falling (see Annex III). Figure 43), but the number of judges approved by the Saeima has been unchanged since 2018.

43. picture. Number of cases received in courts of first instance and appeal in 2020-2023.³¹⁷



The working group on the development of the case weighing model has acknowledged that the cases received are often not comparable with each other in terms of the complexity of the handling and that there are significant differences in the time taken to deal with them. Consequently, the approach of estimating the judge's workload on the basis of the total number of cases received is, in fact, incorrect. The Court Administration, using the weights of the case categories established within the framework of the Case Weighing Model, has already begun to assess the weighted workload of judges. The results currently available are still rather inaccurate and overall estimates show a deficit in the number of judges, particularly in the area of civil law. For example, in the practice of other countries, it has been demonstrated by measuring the time of judges that criminal cases with the examination of evidence take significantly longer than most civil cases.

5.2.2. Number of working hours

In order to be able to adequately respond to problems with overload of judges and to ensure accurate accumulation of data on the consumption of working time for the performance of administrative duties, training and work in the self-government, it is advisable to indicate the number of hours of study for judges,

³¹⁷ Tiesu administrācijas tiesu darbu datu portāls. "01.07. Lietu skaits tiesās". Pieejams: <https://dati.ta.gov.lv/MicroStrategy/asp/Main.aspx?evt=2001&src=Main.aspx.shared.fbb.fb.2001&folderID=DA1E90464B2179AB08511A8BA076CDD&Server=TA-MSTR2-NEW&Project=TA%20Dati%20New&Port=0&connmode=8&ru=1&share=1>.

the number of hours of participation in the self-government organisation and to note the number of hours devoted to the performance of administrative duties in the monthly timesheets.

According to the explanations of the Judicial Ethics Commission³¹⁸³¹⁹ and what has been said in interviews, the work of a judge is inherently creative and requires an individual approach, so the process of thinking and decision-making often cannot be limited to specific time frames. The requirement to respect the established working hours for judges is therefore more formal. The working hours set by the court should be flexible to the judge, taking into account the specific situations and needs. Accordingly, the judge is generally bound by the working hours set by the judicial authority, but at the same time he has the opportunity to plan his working time flexibly, observing the requirements for the performance of professional duties. Consequently, it is presumed that the judge works normal working hours – on average 8 hours a day or 40 hours a week. At the same time, interviews indicate that judges are not counted overtime and do not receive bonuses.

By way of comparison, for example, Estonia has a ³²⁰ clear definition of aspects relating to the Court's working time in the Courts Act, stipulating that judges organise their working time independently. The judge must perform his duties within a reasonable time, observing the procedural time limits laid down by law. Hearings are held on weekdays from 9:00 to 18:00. The trial or the hearing of the case may be continued after such a period if the court finds it justified in the interests of the proceedings. Hearings may also be held at another time for the expedited adjudication of a criminal case, the resolution of a criminal offence case, the application of a coercive measure of compliance or the issuance of a permit for the performance of an administrative measure, or in the event that the court finds it necessary in the interests of judicial proceedings. On-call time is the time during which a judge must be available outside independently organised working hours in order to perform unforeseen or urgent service duties provided for by law.

The law provides that a judge is granted annual paid leave of five calendar weeks, excluding public holidays. In addition, after every five years of service as a judge, a judge shall have his annual paid leave extended by three working days, but not more than 15 working days in total.³²¹ Accordingly, the period of annual paid leave of judges varies from 200 to 320 hours (25-40 working days), depending on the seniority of the judge. At the same time, according to the law, judges are not granted the mandatory additional leave to be granted specified in the Labor Law, as is the case for other officials (employees).³²²

In interviews, it has been said that nowadays an integral function of a judge is also communication with the public and participation in self-governing bodies. Consequently, the office of a judge today is no longer limited to formal authority and the performance of basic functions.

44. picture. Results of the "Judicial Survey 2024" conducted by the Secretariat of the Council for the Judiciary.



Such a very high-level assessment of the distribution of working time can give a false impression of the workload of judges. After such an assessment, one could conclude that working on things

³¹⁸ 16.03.2018. Tiesnešu ētikas komisijas skaidrojums Nr.56. "Par mācību apmeklēšanu tiesas darba laikā". Pieejams: https://www.tiesas.lv/Media/Default/Page/e-gramata_TEKA_krajums_2023.pdf.

³¹⁹ Tiesnešu ētikas komisijas 14.02.2014. skaidrojums, 14.10.2016. skaidrojums.

³²⁰ Igaunijas Tiesu likuma 6. pants. Pieejams: <https://www.riigiteataja.ee/en/eli/ee/517032023014/consolide/current>.

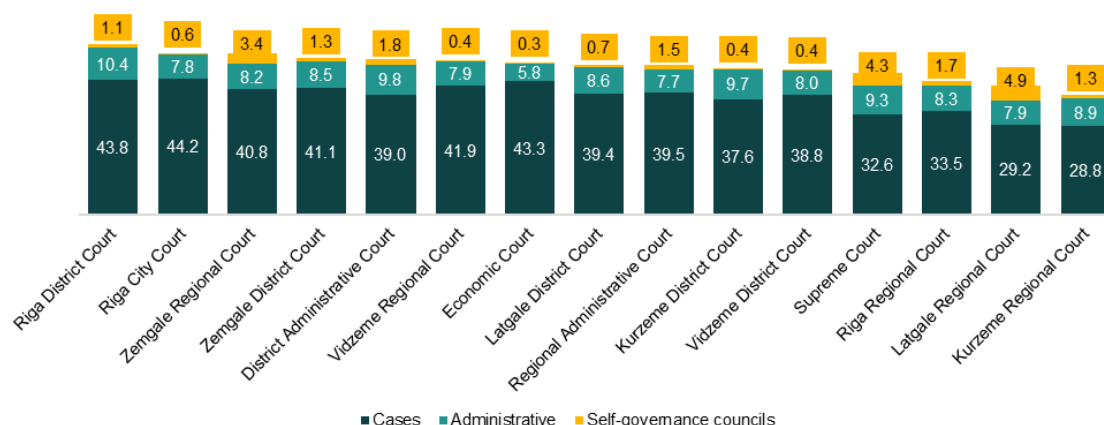
³²¹ Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likuma 41.panta 8. un 9.daļa.

³²² Valsts un pašvaldību institūciju amatpersonu un darbinieku atlīdzības likuma 42.panta 1.daļa.

takes up only 80.2% of working time. Meanwhile, administrative duties are allocated 17.2% of the judge's working time. The consumption of a judge's time in carrying out administrative duties could indicate insufficient administrative support or wasteful time for a high-level specialist whose hourly rate is significantly higher than that of administrative support staff. Consequently, the involvement of judges in the performance of administrative duties should be reduced or eliminated, thus saving the judiciary a total of up to 54 full-time equivalent per year of workload equivalent per year. However, such a conclusion cannot be reached, since due to the peculiarities of the survey, under the heading "Administrative duties", information was collected, including on training activities attended by judges. As a result, this workload includes working time positions, the assessment of which is diametrically opposed: both the workload, which should be reduced in order to increase efficiency (administrative obligations), and development measures – training that, according to the audit report of the State Audit Office, needs to be increased. Consequently, at present, no conclusions can be drawn on the distribution of working time obtained in the survey.

The Secretariat of the Council for the Judiciary has already carried out an assessment of the distribution of the time of judges (see Annex III). Figure 45). About 164 of the 248 first and second instance judges who participated in the survey indicated that a total of more than 40 hours a week were devoted to the execution of all three categories. Accordingly, judges estimate that they work longer than the prescribed weekly working hours.

45.picture. Hours worked per week (self-assessment of judges, divided by courts).³²³



5.2.3. Distribution of cases

In the courts, cases are registered in the TIS in the order in which they are received. The appointment of a judge is carried out using a computerized algorithm for the distribution of cases and following the principle of random randomness (more detailed information on the operation of the algorithm is not available). An analysis of the data shows that the number of cases allocated to all the judges of the relevant instance in the current year is very similar. Differences in individual workload consist of differences in the number of cases received from previous years but still pending.

In interviews, court presidents have expressed concerns about the algorithm's operating principle, which states that a judge who hears more cases receives a higher workload. This can lead to an unequal distribution of the workload, as more efficient judges increase the workload, while others who deal with cases more slowly decrease it. In addition, the judges point out that a large number of cases dealt with in the short term increases the risk of receiving a negative

³²³ Darbs ar lietu izskatīšanu – lietas sagatavošana izskatīšanai, gatavošanās tiesas sēdei, tiesas sēdes vadīšana, nolēmuma sagatavošana. Administratīvajos pienākumos ietverti dažādi ar lietu izskatīšanu nesaistīti tiesneša amata pienākumi, tai skaitā apmācībās un semināros pavadītais laiks, kā arī administratīvie jautājumi, darbs ar palīgu un sekretāru u.tml.. Darbs tiesnešu pašpārvaldes institūcijās vai darba grupās ietver tādas institūcijas kā: Tieslietu padome, Tiesnešu ētikas komisija, Tiesnešu kvalifikācijas kolēģija, Tiesnešu disciplinārkolēģija, Tieslietu padomes komisijas un darba grupas.

assessment by the Qualification Board, so there is not enough incentive to speed up the review process. The distribution of cases is carried out electronically:

46.picture. Information systems used in the distribution of cases.

1 Complaints filed in criminal, civil and administrative offence cases are distributed through the TIS specialised programme.	2 Requests for corroboration are distributed through the State Unified Computerized Land Register file distribution program.	3 Other materials, applications and applications entering the court, which are not registered in the TIS, are divided in order of entry by decision of the president of the court or an employee appointed by him.
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Judges who are absent (for example, on vacation or on mission), as well as those who hear criminal cases in which there is secrecy of the deliberation of the court, are excluded from the distribution of cases. This norm has historically survived from the time when lay judges operated in the courts. However, it currently has a negative impact on the efficiency of work by preventing judges from scheduling hearings in other cases.

The workload, specialisation, absence and shift of judges are recorded in the TIS by staff appointed by the president of the court, who also control the results of the computerised distribution. The President of the Court has the right to equalise the workload by allocating cases without respecting the specialisation of judges, thereby making an appropriate mark in the TIS. The President of the Court has the right to derogate from the basic principle of the allocation of cases laid down in the plan in the following cases:

- ensuring the efficient and uniform handling of cases by referring them to a single judge or senator;
- levelling the workload of judges or senators;
- to ensure that reasonable time limits for the hearing of the case are observed;
- dividing pending cases in the event of termination of the duties of a judge or senator;
- due to the temporary absence of a judge or senator;
- the existence of circumstances which may give rise to the senator's dismissal or dismissal;
- if the assistant senator-rapporteur is in a close degree of kinship with one of the participants in the proceedings or there are other objective doubts about his neutrality.

The allocation of cases also takes into account the workload of judges in the performance of administrative duties, such as the functions of the president of a court or courthouse. At the same time, according to the parties involved, a number of shortcomings in the distribution of cases are also observed in the current system:

- **The distribution of cases is carried out on the principle of "baskets", where cases are distributed proportionally, and not according to the workload of the judges.** For example, judges with a specialization in civil cases are included in all distribution baskets. However, this approach is not always fair, since it does not ensure efficiency and does not take into account the reasons for absence (sick leaves, vacations, etc.). Although court presidents cannot interfere with the algorithm, there are technological solutions that would allow to improve the distribution of cases.
- **In the opinion of the judges, the number of cases received and dealt with is not an objective indicator, since the intensity of the work also lies in the procedural decisions.** For example, in the Riga region, court participants are more likely to submit various procedural requests, which account for about 70% of the court's workload. As a result, although the number of cases in Riga and other regions is similar, the procedural workload of Riga courts is significantly higher.

- **There are concerns that the case weighting system is being entered by clerical staff, who may not have sufficient competence to objectively assess the complexity of a case.** The judge, having familiarized himself with the case, does not have the opportunity to adjust the weight of the case initially entered. The process for allocating and weighing cases should therefore be regularly reviewed and updated.
- Court presidents stress the need for a uniform system of allocation of cases throughout Latvia, especially in the case of written proceedings. Therefore, solutions are being considered so that in the future the distribution of cases can be carried out electronically, distributing cases throughout the country.

On 01.03.2025, amendments to the Administrative Liability Law ³²⁴ came into force, which provide for the introduction of a unified division of cases in district courts. This means that any district court will be able to hear complaints, side complaints, protests and applications in this form of cases, regardless of the person's address or the place where the violation was found. In interviews, it was indicated that a similar mechanism is likely to be introduced in other types of cases. The aim of these changes is to ensure faster and more efficient hearing of cases in district courts³²⁵. Consequently, jurisdiction to hear cases of administrative offences no longer depends on the address of the person or the place where the infringement was established.

Transfer of cases



By creating a complex conciliation process, the aim of the transfer of cases to shorten the time limit for hearing cases has only been partially achieved. It is recommended to look for solutions to optimize this process. For example, the regulatory framework could provide that when lodging a complaint on appeal, interested parties would already be aware that the case can be heard in any area, while scheduling remote hearings if necessary.

According to the law, the ³²⁶ Council for the Judiciary determines by decision³²⁷ the area of operation of district (city) courts and courts of appeal in accordance with the administrative territories. The jurisdiction of the courts is established by law – an action is brought in court according to the defendant's declared place of residence or registered office, but in some cases the plaintiff can choose which court to bring the action, as well as having exclusive jurisdiction under the Civil Procedure Act and other laws.

The Code of Civil Procedure lays down the prerequisites for transferring a case accepted in legal proceedings to another court in order to ensure that it is dealt with more quickly. Initially, the transfer of cases was intended as a temporary mechanism to reduce the accumulation of cases, but it is still used in case law. In interviews, the presidents of the courts have indicated that the method of transferring cases should not be an independent workload solution. In addition, the current judicial workload planning process does not plan what proportion of cases to receive or transfer, so the workload rates are not predictable and objective. The court presidents interviewed consider that the process of transferring cases is not particularly efficient due to its time consumption: the President must first take the time to assess whether the case complies with the transfer guidelines, as well as imposing an additional administrative burden on clerical staff.

Also, lawyers point out that there are many "unnecessary steps" in the process of transferring cases, which prolong its execution and, as a result, reduce the efficiency of the process.

³²⁴ Grozījumi Administratīvās atbildības likuma 176.1 pantā (spēkā no 01.01.2025.).

³²⁵ Tiesību akta projekta "Grozījumi Administratīvās atbildības likumā" sākotnējās ietekmes (*ex-ante*) novērtējuma ziņojums (anotācija). Pieejams: <https://tapportals.mk.gov.lv/annotation/4a00e191-eb02-4d0c-81b2-c39761ad6de6>.

³²⁶ Likuma "Par tiesu varu" 29. panta trešā daļa, 35. panta otrā un trešā daļa.

³²⁷ Tieslietu padomes 30.05.2023. lēmums Nr. 26 "Par tiesām, to darbības teritorijām un atrašanās vietām".

5.3. Organization of work in regulating the load on the judicial system and increasing productivity



In order to promote a more targeted development of the judiciary, it is recommended to develop a court development strategy, in which the performance indicators set can be discussed at annual working meetings of court judges or in individual development negotiations between the president of the court and the judge. The assessment of the performance of judicial authorities should use the result indicators most relevant to the specific circumstances of the institution, demonstrating progress in addressing the problems of the specific location.

There is a wide range of factors that affect the workload and productivity of courts and judges. Many of these factors were also mentioned by the officials interviewed. These are: the workload of judges in dealing with accumulated cases, the number of new applications received in court and the complexity of cases; the quality of the work of judges, the likelihood of specialization and individual productivity; promotion of legal quality in the judiciary by monitoring the uniformity of the application of legal principles and the interpretation of law in court decisions; the professionalism and impact of judicial assistants and other assistants on the productivity of the judge; a system of management of the results of the court and targeted management; the budget and logistical support of the judicial system.

5.3.1. Judge's orientation to efficiency: effective management of cases, reasonable deadline, cost-effective organization of work

The cornerstone of the judicial system is the planning of the work of judges themselves and the ability to consider the volume of cases and materials entrusted to them. Within the framework of the preparation of the analytical report, it was not yet possible to get acquainted in detail with the experience of judges, but from the publicly available materials it can be seen that the judges have self-organized themselves in working groups³²⁸ or participated in various types of consultative forums organized by the Ministry of Justice³²⁹ for many years. Improving the procedural framework, issues of time management, specialisation of judges, other issues related to the efficiency of courts have been studied in detail and various solutions have been proposed. As has been pointed out in interviews, these initiatives are usually implemented with minimal support, mainly only for the provision of secretarial functions. This points to a greater need to strengthen the analytical capacity of the judicial system in matters of work organisation.

The number of cases allocated to judges over the ten years between 2014 and 2024 has fallen³³⁰ from 160 to 280 cases per judge per year to around 100 newly received cases over the ten-year period from 2014 to 2024. Also, if the number of unweighted cases is analyzed, it can be seen that the amount of work in the courts is falling. It is possible that the current workload of judges is more in line with the existing number of judges, as the deadlines for hearing cases have also stabilised and the proportion of cases accumulated is also gradually decreasing.

The observer does not see from the outside who professionally manages the flow of cases and related problem situations in the judicial system. Judges plan and organise their work, court presidents, who are also judges who rotate to become the head of the judicial authority on a temporary basis, are representatives of judges, but a seemingly missing element are administrative managers, who have sufficient powers to perform functions equivalent to a judge in terms of responsibility.

³²⁸ Tieslietu padomes komisijas un darba grupas. Pieejams: <https://www.tieslietupadome.lv/lv/komisijas-un-darba-grupas>.

³²⁹ Tieslietu ministrijas darba grupas un padomes. Pieejams: <https://www.tm.gov.lv/lv/darba-grupas-un-padomes>.

³³⁰ Neieskaitot zemesgrāmatu lietas un bezstrīdus lietas un ņemot vērā.

The principles and procedures for the examination of court cases are determined by the Constitution, civil, criminal and administrative procedural laws, as well as the law "On the Preservation, Use of Documents of the Former State Security Committee and Establishment of the Fact of Cooperation of Persons with the KGB".³³¹

The work of the courts of first instance and appellate courts is viewed very positively by the clients of the courts. Both the work of judges and the help and support of court staff in the judicial process received the highest rating³³².

For example, in civil proceedings, procedural actions are performed by a judge within the time limits specified by law. If procedural time limits are not laid down by law, they are set by the court or judge. The duration of the time limit set by the court or judge must be such that the procedural act can be carried out.³³³ So, the judge independently organizes the fulfillment of his duties, conducts the lawsuit and pronounces the verdict.

As explained in interviews, judges usually conduct the hearing of cases in such a way that priority is given to cases for which procedural deadlines are set in external regulatory enactments. When priority cases are no longer available, cases are heard, the hearing of which is organised independently by the judge.

The workload of courts with priority cases can have a significant impact on the length of time for other categories of cases, such as claims for damages and recovery of debts. In cases such as applications for temporary protection against violence, applications for securing a claim shall be decided no later than the day following the receipt of the application³³⁴. Applications for the establishment of temporary trusteeship must be decided immediately³³⁵. In 2021-2024, on average, these categories of cases were handled significantly faster than the above-mentioned claims for loss and debt collection. The average processing time for applications for temporary protection against violence is 78.6 days, typical (median) 1 day. Applications for security of claim are processed on average within 25.1 days, typically on the same day. Applications for the establishment of temporary trusteeship – on average within 52.2 days, typically within 41 days. In contrast, for claims for the recovery of damages and debts, which is the most common of the categories of cases received, the average duration of consideration is 169.1 days, typical - 123 days³³⁶. Applications for temporary protection against violence account for 5.1% of civil cases received in 2021-2024 - the second most common civil case. Given the relatively high number of priority cases (several applications are received every day during the year), judges have to postpone other civil cases, such as claims for damages and debt recovery, which significantly lengthens the duration of their hearing.

The budget requests of the Ministry of Justice for the period 2018-2024 have accumulated several dozen performance indicators of the judicial system (see Annex III). **Annex 9**, which covers various aspects of the activities and proceedings of district (city) courts and district courts. The analysis of the achievement of the performance indicators accumulated in the budget explanations shows that, as a rule, not all planned indicator values are achieved.

One of the assumptions why the achievement of the set result indicators is not as successful as planned could be due to the fact that the target values to be achieved are set and monitored separately from the performers of the duty of litigation.

The presidents of the courts and the secretariat of the Council for the Judiciary have access to all the necessary data compilations, but there is no evidence that the achievement of the objectives would be cascaded to the level of a judge or judicial authority. As a result, the goals set have not become a stimulus for the efficiency of the judge's own work, but seemingly serve

³³¹ Likuma "Par tiesu varu" 2. panta otrā daļa.

³³² Sabiedriskās politikas centrs PROVIDUS. Tiesu apmeklētāju anketu apkopojums 2022-2023.gads. Pieejams: <https://providus.lv/wp-content/uploads/2023/09/Apkopojums.pdf>.

³³³ Civilprocesa likuma 46. panta pirmā daļa.

³³⁴ Civilprocesa likuma 250.⁵⁸ panta 1. punkts, 140. panta 1. punkts.

³³⁵ Civilprocesa likuma 270.¹¹ panta 1. punkts.

³³⁶ Balstoties uz Tiesu administrācijas sniegtajiem datiem.

as a control tool. In order for the results to be an indicator of how effective the efforts of judges are, it is recommended that judges themselves agree on a narrower range of performance indicators, either at judicial or judicial level. The achievement of a certain result should become an objective for which judges take responsibility, independently monitor, discuss the causes of its non-compliance and look for solutions to increase efficiency.

The issue of the establishment of an *amicus curiae* institute has already been discussed in the judiciary before. This is a circle of neutral experts, from which the court can select a person who is not involved in the legal proceedings as a party, but who is authorized usually *pro bono*, to provide expert assistance, opinion, information, other nationals. As a rule, such experts are sought to be involved in cases affecting the general public interest

5.4. Productivity and efficiency of the use of human resources

Currently, trends in the number of cases are mainly used as an indicator of effectiveness in evaluating the work of judicial authorities, which can create a misconception of the judicial system, where the increasing complexity of the regulatory framework or the frequency of changes in legislation can have a significant impact on the duration of the proceedings. Indicators of this type must be interpreted carefully so that the compromise between efficiency objectives and judicial fairness is not unjustified, ignoring the impact of these changes on the legal process.

A comparison of the total time limits for hearing all cases received in court in different courts does not give an objective overview of the effectiveness of the courts. The timing of cases is influenced by too many variables that differ from one judicial authority to another, such as the time to be invested in hearing a single case depends on the degree of complexity of the case, the number of persons involved and the number of contested episodes, the existence of precedents in similar cases, the degree of cooperation or retaliation between the parties involved, and other factors.

It is advisable to use the most frequently used statistical indicators below to assess the performance of judicial authorities in order to ensure that decisions in court cases are taken within a reasonable timeframe. The indicators indicated in paragraphs 3-8 of the table are not analysed separately in Latvia, but most cases should be obtained from the accumulated data (see Annex III). Table 18).

18. table. Examples of statistical indicators for assessing the effectiveness of judicial decision-making.

Statistical indicators to ensure that decisions are taken within a reasonable timeframe ³³⁷	Result indicator to increase efficiency
1. Average length of court proceedings by judicial authority 2. Average duration of civil/criminal/administrative/other cases/investigative actions by judicial authority 3. Average age of accrued cases by judicial authorities 4. Average time for a decision in which enforcement is determined 5. Average time from the completion of pre-trial proceedings in a criminal case to the inclusion of information on persons convicted of a criminal offence in the register of persons convicted of a criminal offence 6. Number of requests for interpretation of a decision or correction of errors or omissions 7. Number of cases dealt with by a judge (full-time equivalents, PLE) 8. Number of cases dealt with by a civil servant (PLE)	Improve and diversify the speed of the criminal justice system's response to crime: • The speed of the reaction of the criminal justice system • Proportion of alternatives to imprisonment (other than simple remarks) Improve decision execution: • Proportion of enforcement in criminal matters • Average lead time Manage the increase in the cost of litigation in criminal cases: • Average costs of proceedings per case dealt with by the criminal justice system

³³⁷ David Webber. Good Budgeting, Better Justice: Modern Budget Practices for the Judicial Sector. 24.lpp. Pieejams: <https://documents1.worldbank.org/curated/en/225991468167380812/pdf/394770LDWP31BudgetPractices01PUBLIC1.pdf>.

In turn, in order to assess efficiency in the budgeting process³³⁸, it is recommended to use the following three efficiency criteria in distribution among stakeholders, each with its own objective:

47. picture. Three criteria for evaluating efficiency that are used in the process of forming the state budget.

 Residents	 Users	 Taxpayers
Social and economic efficiency	Service quality	Productivity

Examples in other countries show that for the targeted development of judicial institutions, court development strategies are being developed, where the performance indicators set can be discussed at annual working meetings of court judges or in individual development negotiations between the president of the court and the judge (see possible tools and control issues to be used below).

19. table. Tools and control questions to be used to assess effectiveness.³³⁹

Area	Control questions
1. Tracking of daily workload on human resources (standardized reporting and visualization of time spent at each level, detection of deviations)	• Development of benchmarks, such as key performance indicators (KPIs) and data visualization tools to use analytics and identify key trends³⁴⁰ • Type of resource and cost: estimating the cost of processes • Assessment of productivity of labor segments according to the duration of experience (optimal or suboptimal)
2. Assessment of the efficiency of the use of existing resources	• Are judges effectively managing their available time – could a change in performance reduce the number of judges in the court, or is there evidence that the court needs additional judges? • Is there an appropriate type and level of support so that judges are not forced to perform certain tasks that could be delegated to qualified support staff? • What is the feedback from other stakeholders – members of the Bar Association, professionals who are aware of the functioning of this court? • Are there other ways to reduce costs and ease the burden of litigation? • Is there underutilization of capacity somewhere and how is it being diverted? • Is there a turnover of employees and does it exceed 10% per annum? • Who checks productivity and optimizes judge capacity and how? • Is it possible to improve processes, for example, by eliminating repetitive / manual tasks?
3. Standards of working hours for hearing cases and checking the workload of existing judges and court support staff	The rules governing the functioning of the courts must lay down: • that courts should regularly provide the data necessary to assess the required number of judges and court support staff • a clear definition and data elements necessary for the preparation of the assessment:

³³⁸ David Webber. Good Budgeting, Better Justice: Modern Budget Practices for the Judicial Sector. 22.lpp. Pieejams: <https://documents1.worldbank.org/curated/en/225991468167380812/pdf/394770LDWP31BudgetPractices01PUBLIC1.pdf>.

³³⁹ Dažādos avotos minēto rādītāju apkopojums.

³⁴⁰ Tiesu administrācija nodrošina informācijas apkopojumus un datu vizualizācijas.

Area	Control questions
	○ The time of hearing a case is defined as the time between the submission of a case and its completion by a judicial authority ○ The resources of judges and judicial support staff are assessed in standard year and full-time equivalent hours per day. ○ The number of weighted applications based on a qualitative assessment (not necessarily determined as the best direct indicator of demand for the number of judges and court support staff). ○ On-the-spot verification of qualitative adjustments to the quantitative criteria used to assess the need for a certain number of judges and court support staff. ○ If, following on-the-spot checks, the criteria need to be adjusted frequently, it may be necessary to change the quantitative criteria. ○ Total hours by type of activity • The court, which ostensibly needs additional judges, is required to conduct an independent inspection/audit • Feedback must be obtained from other stakeholders – members of the Bar Association, local representatives and knowledgeable citizens – on the functioning of this court

5.4.1. Purposeful case flow management



In order to facilitate the earliest possible decision of the court in the case, to make the process fairer to all parties involved and to respect the deadlines provided for in the case hearing plan, the following aspects of effective case flow management should be more clearly highlighted in the work organisation: identifying and excluding aspects that hinder the proceedings on the merits; strengthening the discipline of compliance with the deadlines for hearing the case; development of a policy for the continuation of the review of the case in court; facilitating the timeliness of preparation by all parties and stricter rules for the submission of new applications or documents after the deadline set by the court and monitoring compliance with them; monitoring the proportion of stuck, pending cases.

In order to professionally manage the flow of cases and the related problem situation, the most appropriate solution is to specialise court staff in this area and to give them the appropriate powers to monitor the flow of cases.

It is advisable to encourage judges to make more active use of the institute of preparatory hearings, within the framework of which the judge could decide on the requests of the parties and prevent the submission of new requests.

It is advisable to reassess the effect of the amount of the procedural penalty for malicious delay of proceedings, whether it is sufficient to deter abuse and possibly decide on an increase in its level.

20. table. Aspects of managing the flow of things efficiently.³⁴¹.

1

Identification and exclusion of aspects hindering proceedings on the merits as a process led by the composition of the court.

³⁴¹ National Center for State Courts. Delivering Timely Justice in Criminal Cases: A National Picture. Pieejams: https://www.ncsc.org/_data/assets/pdf_file/0017/53216/Delivering-Timely-Justice-in-Criminal-Cases-A-National-Picture.pdf.

2	Strengthening the discipline of adherence to the deadlines for hearing a case , including the development of a policy of postponing or mitigating the postponement of a hearing (e.g. development of decisions on the future tactics of the hearing in court, also notifying lawyers' organisations and the local prosecutor's office).
3	Development and communication of a policy for the continuation of the review of the case in court to reduce abuse in court and communication to typical partner organisations.
4	Facilitating the timeliness of preparation by all parties and stricter rules for the submission of new applications or documents after the deadline set by the court and monitoring their compliance. Commitment by all parties to respect the planned duration of the proceedings, planning of additional documents or hearing time.
5	Monitoring the proportion of stuck, pending cases.

In interviews, it has been repeatedly pointed out that the process that the judge is the head of the judicial process is apparently insufficiently effective in Latvian courts. This is evidenced by the relatively high proportion of postponed or missed hearings. The interviewees point out that the postponement of cases is facilitated by the judges' overly lenient attitude to the requests of the parties to the case. In Latvia, too little use is made of the preparatory institute of hearings, within the framework of which the judge could decide on the requests of the parties and restrict the provision of new requests in a preventive manner. In the interviews, it was also pointed out that there is a relatively poorly developed notification system in cases where a hearing is postponed on the initiative of a judge, and low procedural penalties for abusive delay in the proceedings.

Administrative proceedings are prolonged by the fact that, when applying the principle of impartial investigation, courts tend to resume the hearing of the case

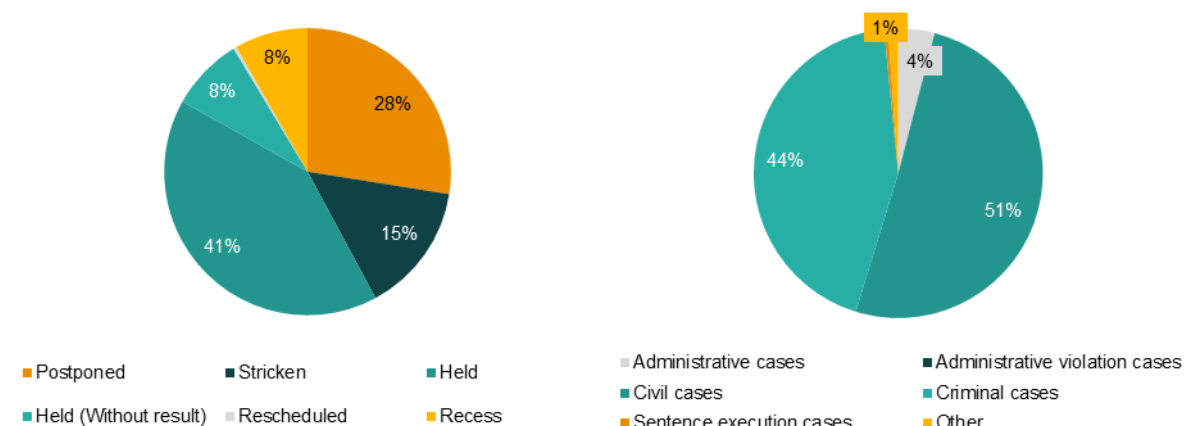
on the merits and ask the parties to provide additional evidence.

A study in U.S. courts found that the number of hearings and postponements of hearings are the most important factors influencing the length of a case. On average, each hearing extended the duration of the hearing by two weeks, each postponement of the hearing by three weeks³⁴².

Appearing at a hearing is an obligation for any person summoned to it to ensure a fair and efficient trial. However, hearings are often postponed because one of the persons involved in the proceedings has not appeared at the hearing. In Latvia, 28% of the hearings scheduled for 2023 were postponed. The majority of adjourned hearings are in criminal (44%) and civil (51%) cases (see photo). Figure 48) The proportion of postponed hearings in 2023 was slightly higher than in 2022 (27% of postponed hearings) and 2021 (25% of postponed hearings).

³⁴² National Center for State Courts. Delivering Timely Justice in Criminal Cases: A National Picture. Pieejams: https://www.ncsc.org/_data/assets/pdf_file/0017/53216/Delivering-Timely-Justice-in-Criminal-Cases-A-National-Picture.pdf.

48. picture. Breakdown of the status of hearings scheduled for 2023 and breakdown of adjourned hearings by main types of cases.³⁴³



There are certain reasons why a party cannot appear at the hearing, but in such cases it is necessary to notify the court in good time by submitting evidence. If a party to the civil procedure who has not appeared at the hearing has not notified the court, the court may impose a fine of up to 80 euros. If the participant fails to appear in court for reasons that the court finds unjustified, the court may impose a fine of up to 150 euros³⁴⁴. The court may also impose a fine on those accused in criminal proceedings³⁴⁵. In 2023, fines totalling €39,335 were imposed on persons who did not appear at the scheduled hearings. Of these, most (€36 785) relate to postponed hearings. Penalties for failure to appear have been imposed at 238 hearings³⁴⁶.

Representatives of the Latvian judicial system acknowledge the problem of postponement of court hearings, pointing out that ideally court hearings would be postponed very rarely and all those involved in the proceedings should show respect for the trial. A possible solution to postpone hearings could be a higher fine to ensure discipline.

In comparable countries, national court administrations monitor the described work organisational techniques for ensuring a targeted flow of cases much more strictly than in Latvia. Firstly, such a task is laid down in the law, secondly, the administrative heads of the courts themselves are much more involved in such proceedings than in Latvia and solve the current problems in the judicial institution in cooperation with the president of the court.

The available information **on the organisation of court work does not indicate that in Latvia the president of the court has sufficient support in diagnosing and preventing delays in the examination of cases in the judicial institution. The supervision duty lies with the president of the court, but usually the president of the court might lack the capacity to trace detailed information.**

It is therefore essential from the point of view of administrative management **that administrative staff are appointed to the judicial authorities** with clearly defined responsibility for detecting and preventing unjustified delays. **This may be a specific official or unit** responsible for monitoring **the flow** of **specific processes** and finding delays in order to reduce them, regardless of the stage of the proceedings (first instance, appeal, cassation); the responsible person or **unit** is obliged to report **unjustified delays** to the court, judge or court management.

³⁴³ Tiesu administrācija. Tiesas sēdes 2023.gadā. Pieejams: https://data.gov.lv/dati/lv/dataset/nozimetas-sedes/resource/257e94ce-0c52-4126-89c1-0d6d839e7499?view_id=e2adc0e3-950f-4b45-bbca-180556f4b269.

³⁴⁴ Civilprocesa likuma 156. panta 2. un 3. punkts.

³⁴⁵ Kriminālprocesa likuma 463. panta 3. punkts.

³⁴⁶ Tiesu administrācija. Naudas sodi personām, kas neieradās uz tiesas sēdi 2023.gads. Pieejams: <https://data.gov.lv/dati/eng/dataset/naudas-sodi-personam-kas-neieradas-uz-tiesas-sedi/resource/04f7a747-8a2b-457a-94b6-cb82ad4654f0>.

Such a body, which is responsible for the appropriate duration of legal proceedings, must also be at national level. It must have a certain amount of powers, so that **it has** the right to take action if a delay is observed.

In interviews, it was repeatedly pointed out that in order for appeal to a higher court to not be used as a tactic to delay the entry into force of a court judgment, it would be necessary to review the range of cases or claims in terms of size or type in which an appeal would not be allowed.

5.4.2. Capacity, workload and institutional capacity of court staff

Court staff³⁴⁷ are assistant judge, court adviser, head of registry, clerk of court hearings, court interpreter, court administrator, advisory analytical staff. Court employees are administrative officials within the meaning of the State Administration Structure Law³⁴⁸, since their employment relationship with the Court Administration is established on the basis of professional criteria. The main duties of court staff and their job descriptions shall be approved by the Court Administration.³⁴⁹

Support staff, such as the Assistant President of the Court and the Assistant Judge, make a significant contribution to the work of the court by conducting legal research, preparing documents and helping to organise court cases. It is worth noting that it is the position of assistant judge that has the largest number of employees in the court system (see photo). Figure 50). Court clerks and court interpreters ensure operational work at court hearings and take care of the quality of the organisation of the proceedings.

In administrative positions, such as the head of the registry and his deputy, the staff performs record-keeping functions, takes care of the maintenance of court records and the management of cases in information systems. The judicial system is also complemented by positions of technical staff, such as cleaner, car driver and handyman who ensure the maintenance of court buildings and the execution of technical work. For a detailed list of posts in the judicial system and the number of staff, see [Annex 6](#).

Statistics relating to non-judge court staff are difficult to assess in comparison with other countries. This is due to the fact that their number varies depending on what functions these employees have to perform, as well as whether judges themselves perform any administrative tasks in the judicial system, and whether what administrative duties are delegated to non-judicial units (for example, Court Administrations).

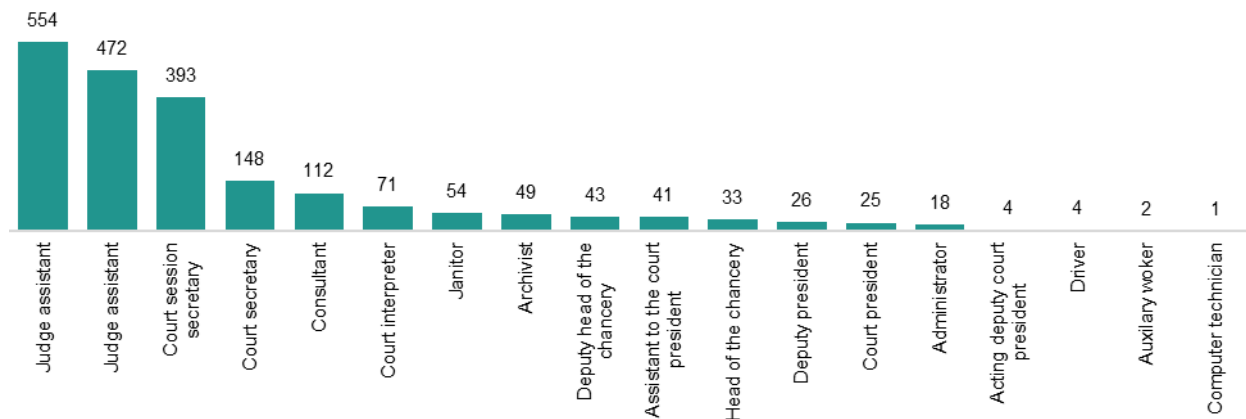
If we distinguish these employees by specialization – direct judicial assistants, administrative staff and technical staff – in Latvia and Lithuania, about half of the employees belong to the first category (special indicators range from 40% to 65%), while the rest of the court staff who are not judges fall into the category of administrative and technical staff. The situation is significantly different only in Estonia, where the ratio of direct court legal assistants to administrative and technical staff is the opposite – only 23% of employees belong to the first category, while administrative and technical staff account for 3/4 of all court staff.

³⁴⁷ Likuma "Par tiesu varu" 16. nodaļa.

³⁴⁸ Valsts pārvaldes iekārtas likuma 1. panta 10. punkts.

³⁴⁹ Likuma "Par tiesu varu" 107.¹ panta otrās daļas 7. punkts.

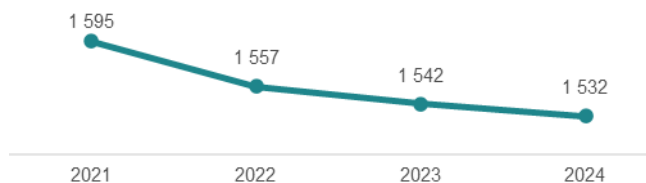
49. picture. Judicial system posts and number of staff in courts of first instance and appeal (20.09.2024).³⁵⁰



The report of the State Audit Office of the Republic of Latvia "Access and Development of Human Resources in Latvian Courts" and interviews with participants of the judicial system repeatedly highlight the issue of planning of court employees.

Primarily, court employees fall into two groups: clerical staff and physical workers. For a detailed list of all court staff positions, see [Annex 6](#). This study provides a detailed look at clerical staff whose functions directly affect the efficiency of the judicial system. In turn, other court employees, including physical workers, are viewed at a high level within the framework of the budget and funding analysis.

50. picture. Average number of court staff from 2021 to 2024.³⁵¹



According to data provided by the Court Administration on court staff, the total number of court staff has decreased by 3.9% between 2021 and 2024.

The report of the State Audit Office of the Republic of Latvia "Access and Development of Human Resources in Latvian Courts"³⁵² indicates that the determination of the number of court

employees is not based on a clear assessment that would justify the number of court employees required for each court.

Interviews have indicated that by reviewing the number of clerks at court hearings, it would be possible to create a better paid system for assistant judges and clerks of court hearings. Discussions with representatives of the judicial system indicate that a review of the positions and functions of court staff is currently being carried out with the aim of optimising the organisation of judicial work. The possibility is being discussed that in the future the duties of the clerk of the hearing could be restructured to give him the functions of an administrative assistant to a judge, while the assistant judge could be renamed and defined as a legal assistant to a judge, thus more accurately reflecting his role in court proceedings. In addition, the creation of a centralised scientific-analytical department is being considered, which would provide a common approach to the analysis of case law, the evaluation of legislative changes and the conduct of legal research, thus contributing to the efficiency and quality of the judicial system.

The results of the "Judicial Survey 2024" conducted by the Secretariat of the Council of the Judiciary in the satisfaction of judges with the support staff are generally positive, except in the

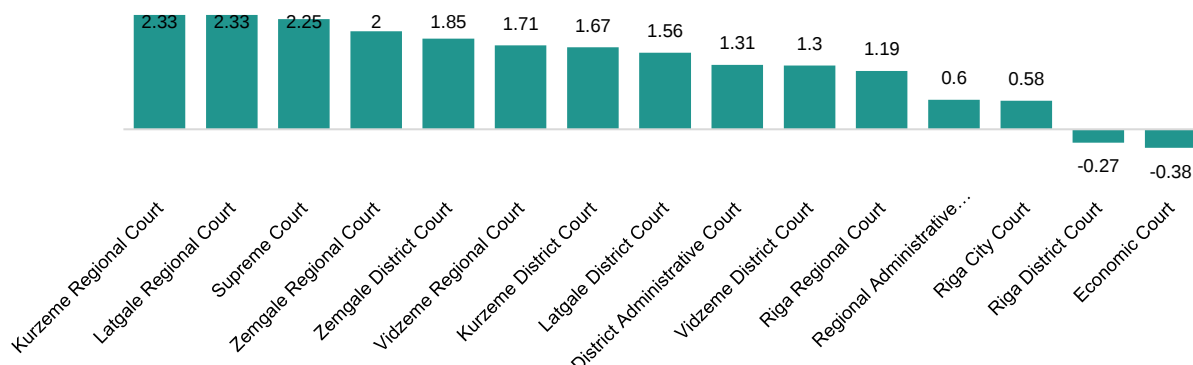
³⁵⁰ Tiesu administrācijas sniegti dati (dati par 2021., 2022. un 2023. gadu sniegti uz 31.12, dati par 2024. gadu sniegti uz 30.09.).

³⁵¹ Tiesu administrācijas sniegtie dati.

Latvijas Republikas Valsts kontrole. (2024). Cilvēkresursu pieejamība un attīstība Latvijas tiesās. Pieejams: https://lrvk.gov.lv/lv/getrevisionfile/29740-YyB8Pd_bKgizFid2Q1YedWrpblraPIED.pdf.

Economic Court and the Riga District Court, where they are negative. It should be noted that the comments of the survey also criticise the insufficient support staff and its frequent turnover.³⁵³

51. picture. Satisfaction of judges with support staff.³⁵⁴



5.4.3. The role of assistant judges and the cost-effectiveness of its shift



In order to raise the salary group of an assistant judge from group 9 to group 10, amendments to the law "On the Judiciary" are necessary, where the established job description of an assistant judge does not provide for a sufficiently high level of responsibility to be able to increase his remuneration accordingly.

Simultaneously with increasing the scope of responsibility of the position of assistant judge, it is necessary to foresee an increase in the productivity of the judge. A more qualified assistant judge will relieve the judge of performing less important tasks and, consequently, an increase in the return of one judge must be planned. As a result, as the proportion of legal assistants increases, the number of judges must decrease.

According to the report of the State Audit Office of the Republic of Latvia "Access to and Development of Human Resources in Latvian Courts" and the information provided in interviews, the development of the Institute of Assistant Judges is an acute and systematic problem of the judicial system, which affects the efficiency of the work of judges and, accordingly, complicates the attraction of sustainable and independent court support staff.³⁵⁵ The law regulates court employees in general and does not lay down requirements for the qualification of an assistant judge.³⁵⁶ Interviews have repeatedly highlighted the fundamental difference between the different judicial assistants and their competences. The Judicial Council has pointed out that the increase in the remuneration of court staff should be aimed at linking the monthly salary of the assistant judge to the remuneration of the judge's office and should reach at least 50% of it in the near future.³⁵⁷

The³⁵⁸ powers required by law for an assistant judge are mainly of a technical nature. In addition, in the Cabinet Regulation No. 262 "Catalogue of positions of state and municipal institutions, procedures for the classification of positions and the development of a job description", the³⁵⁹

³⁵³ Tieslietu padomes sekretariāta veiktās "Tiesnešu aptaujas 2024" rezultāti.

³⁵⁴ Tieslietu padomes sekretariāta veiktās "Tiesnešu aptaujas 2024" rezultāti.

³⁵⁵ Tieslietu padome. (2024). Tieslietu padomes stratēģijas 2021. - 2025. gadam 3. rīcības virzienā "Efektīva un kvalitatīva tiesu vara" minēto uzdevumu īstenošanai. Par zemesgrāmatu lietu specializāciju tiesās. Pieejams: <https://www.tieslietupadome.lv/lv/media/9019/download?attachment>.

³⁵⁶ Likuma "Par tiesu varu" 99. pants.

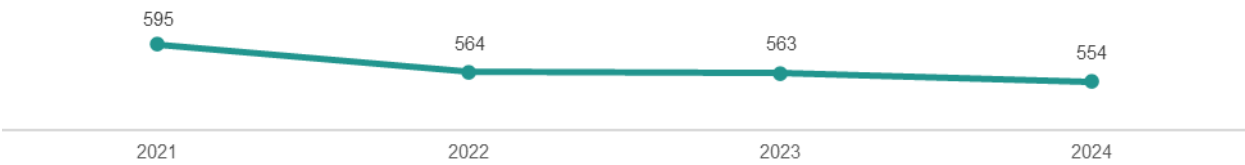
³⁵⁷ Tieslietu padome. Tieslietu padome: paredzētais mēnešalgu palielinājums tiesu darbiniekiem 6 % apmērā nenodrošinās konkurētspējīgu atlīdzību juridisko profesiju tirgū. Pieejams: <https://www.tieslietupadome.lv/lv/jaunums/tieslietu-padome-paredzetais-menesalgu-palielinajums-tiesu-darbiniekiem-6-apmera-nenodrosinas-konkuretspejigu-atlīdzibu-juridisko-profesiju-tirgu>.

³⁵⁸ Likuma "Par tiesu varu" 99. pants.

³⁵⁹ MK noteikumi Nr. 262 "Valsts un pašvaldību institūciju amatu katalogs, amatu klasifikācijas un amatu apraksta izstrādāšanas kārtība".

content and level of responsibility of the assistant judge position, in comparison with the assistant prosecutor, is low and does not give grounds for raising the monthly salary group. Currently, the standard of a legal assistant is applied to the position of a judge's assistant, but the competence requirements for a judge's assistant are lower than in the standard of a legal assistant and the standard of the legal profession mentioned.³⁶⁰ At the same time, it should be noted that, for example, in Estonia, there are clear competence requirements for a court clerk, which, among other things, also includes a clause on the remuneration of a court clerk: the salary of a court clerk may not exceed the salary of a judge of the court of first instance and, after the end of the probationary period, it may not be less than half of the salary of a judge of the court of first instance.³⁶¹

52. picture. Number of assistant judges in courts of first and second instance (20.09.2024).³⁶²



The Judicial Council's Working Group on Strengthening the Efficiency of Courts has developed the following proposals for the development of the Assistant Judge Institute:

21. table. Proposals for the development of the Assistant Judge Institute.³⁶³

	Change of work organisation in the courts so that the duties of the position of assistant judge include predominant substantive, legal duties		Development of criteria on the composition of support staff objectively necessary for the courts, as well as the establishment of a centralised corps of court support staff
	Elimination of overlaps in job descriptions of different court staff		
	Review of the procedure for the evaluation of judicial staff		
	Establishment of a centralised selection procedure for candidates for the post of assistant judge		Assistant Judge Training, the introduction of which before starting work
	Development of the procedure for determining individual remuneration		Making higher legal education a mandatory requirement for the position of assistant judge

The implementation of the recommendations of the working group of the Council for the Judiciary on how to raise the level of responsibility and remuneration of the position of assistant judge is limited by the duties of the assistant judge laid down by law, which are administrative and technical - reception of visitors, processing of applications and taking measures in connection with the preparation of cases for consideration at the court hearing, as well as the performance of other tasks given by the judge.³⁶⁴ Similar job responsibilities are also included in the job catalog.³⁶⁵ As indicated by the representatives of the State Chancellery in an interview³⁶⁶, a

³⁶⁰ Tieslietu padomes Darba grupas. Tiesu efektivitātes stiprināšanai ziņojums "Par tiesneša palīga institūta tālāko attīstību". Pieejams: <https://www.tieslietupadome.lv/lv/media/8859/download?attachment>.
³⁶¹ Igaunijas Tiesu likuma 125. pants. Pieejams: <https://www.riigiteataja.ee/en/eli/514022014001/consolide>.
³⁶² Tiesu administrācijas sniegtie dati.
³⁶³ Tieslietu padomes Darba grupas Tiesu efektivitātes stiprināšanai ziņojums "Par tiesneša palīga institūta tālāko attīstību". Pieejams: <https://www.tieslietupadome.lv/lv/media/8859/download?attachment>.
³⁶⁴ Likuma "Par tiesu varu" 99. pants.
³⁶⁵ Ministru kabineta 26.04.2022. noteikumi Nr. 262 Valsts un pašvaldību institūciju amatu katalogs, amatu klasifikācijas un amatu apraksta izstrādāšanas kārtības 115.4. apakšpunkts. III A līmenis (tiesneša palīgs rajona (pilsētas) tiesā, apgabaltiesā).
³⁶⁶ Intervija 28.11.2024. ar Ēriku Gromuli, Valsts kancelejas Valsts pārvaldes politikas departamenta Valsts pārvaldes cilvēkresursu nodaļas vadītāja, un Lailu Ruškuli, Cilvēkresursu politikas departamenta konsultante.

systemic approach is used in determining the remuneration of officials (employees) included in the Catalogue of Positions of State and Local Government Institutions (hereinafter - the Catalogue of Positions), where equivalent remuneration is ensured for positions of similar value throughout the public sector. It can only be changed if both the level of responsibility and the duties of the position change, which require a different level of professional knowledge and competence.

For example, when comparing the duties of the position of assistant judge, which are set out in the catalogue of posts and in the Law on the Judiciary, with the position of "legal assistant" in the 24th family of the catalogue of positions, it can be seen that the requirements for the position of level III A (assistant judge) are lower than those of level I (legal assistant) (see Annex III). **Annex 15**). For example, a legal assistant in public administration must be able to assess the quality of documents prepared by the institution or specialists of other institutions from a legal point of view and their compliance with the tasks specified in legal acts and decisions of officials, while an assistant judge is not entrusted with the duties of office to provide an assessment from a legal point of view.

Already, the assistant judge has a higher monthly salary group than that of a lawyer's assistant and is equal to that of an assistant prosecutor, while not assuming as much responsibility. For example, in Estonia, there are significantly higher qualification requirements for court legal assistants (Estonian *kohtunikuabi*), including higher education in law and the need to complete the preparatory service plan of a judicial assistant, so the scope of responsibility for Estonian judicial assistants is much broader – they manage applications and make entries in registers in land registers, registration and payment departments. Accordingly, the position of legal assistant of the Estonian court is not comparable to that of Latvia. The position of an Estonian court official/senior court official (Estonian *kohtujurist ja vanemkohtujurist*) is more similar to the current position of a Latvian assistant judge, but they also have higher qualification requirements and areas of responsibility as for the current Latvian model.

The exclusion of the position of assistant judge from the catalogue of posts is pointless, because when handling public resources responsibly, a reference point - a benchmark - is still necessary and it is necessary to prove why the position of assistant judge requires and corresponds to the specific monthly salary group.

Currently, the ³⁶⁷ statutory requirements for the position of assistant judge are low and do not justify the need to raise a monthly salary group. In order to provide sufficient justification for raising the group of the monthly salary of the assistant judge, it is first necessary to amend the statutory one: "The assistant judge accepts visitors, their applications, takes measures in connection with the preparation of cases for consideration at the hearing, as well as performs other tasks given by the judge" and a new job description should be drawn up, which determines a higher duty and level of responsibility for the assistant judge (for a detailed comparative table, see the comparative table). **Annex 15**). For example, the assistant judge should be obliged to conduct research and analyse the legal framework applicable to the case, to participate in the preparation of the case for consideration and in ensuring its consideration, to prepare other procedural decisions and draft documents, as well as a draft of the descriptive part of the judgment and, in accordance with the instructions of the judge, to draw up a draft part of the motives of the judgment, etc. For example, in the Netherlands and Finland, the conditions for the remuneration of an assistant judge are aligned with those of the civil service.

The job descriptions developed by the judicial administration (for example, assistant judge of the district court and district court, as well as assistant judge in land registry cases) indicate that 70% of the most important duties include the management of court cases, participation in the preparation of the case for consideration and ensuring its consideration, conducting research

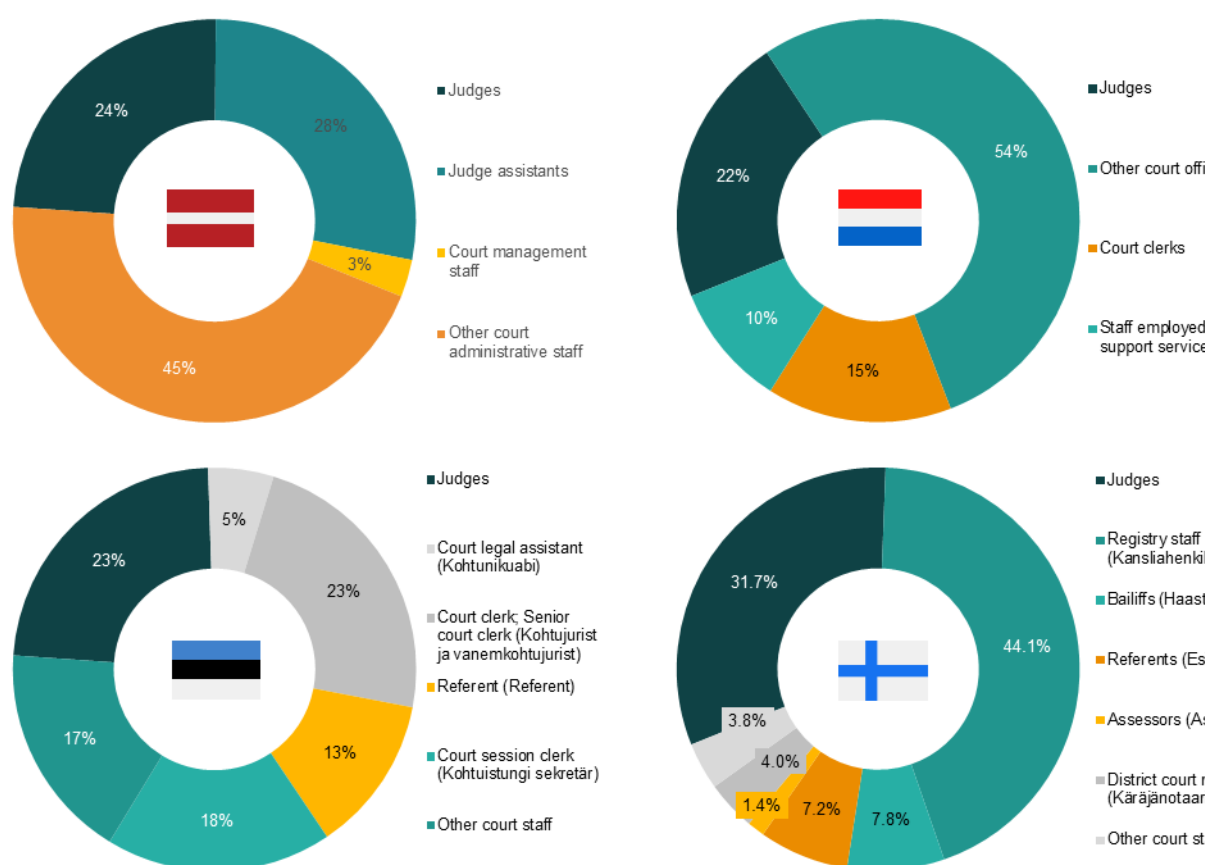
³⁶⁷ Likuma "Par tiesu varu" 99. pants.

and analysis of the legal framework, preparation of procedural decisions and documents requiring certain legal competences.³⁶⁸

The Court Administration has updated the job description of an assistant judge in accordance with the recommendations of the Council for the Judiciary, including a requirement for higher education in law, preferably with a lawyer's qualification³⁶⁹. However, the job description of the assistant judge included in the Law On the Judiciary and Cabinet regulations is not coordinated with the changes in the level of responsibility of the position included in the advertisements, which would be the basis for raising the salary group.³⁷⁰, limiting the possibilities to request additional funding and to increase the remuneration of assistant judges. This makes it difficult to attract qualified employees with a master's degree in law.³⁷¹

Interviews have highlighted the high turnover rate of assistant judges as a significant factor in reducing the efficiency of the courts. This places an additional burden on judges, who often have to train new assistants. In addition, assistant judges play a key role in the formation and renewal of the judicial corps, accounting for around 70% of the new judges. This testifies to the great importance of the Institute of Assistant Judges in the development of the judicial system. The State Audit Office's report "Access and Development of Human Resources in Latvian Courts" also highlights the career development of vaguely defined assistant judges, pointing out the need to strengthen these opportunities.

53. picture. Proportion of the number of judges from the composition of employees employed in the judicial system in Latvia and foreign practice countries.



³⁶⁸ Tiesu administrācijas sniegtā informācija – tiesneša palīgu amata apraksti.

³⁶⁹ Tiesu administrācijas sniegtā informācija – tiesneša palīgu amata apraksti.

³⁷⁰ Ministru kabineta 26.04.2022. noteikumi Nr. 262 "Valsts un pašvaldību institūciju amatu katalogs, amatu klasifikācijas un amatu apraksta izstrādāšanas kārtība" 115.4. punkts.

³⁷¹ Likuma "Par tiesu varu" 99.pants.

Remuneration of court staff³⁷²

The issue of the remuneration of judicial staff, in particular the remuneration of judicial assistants, is topical. In Latvia, matters related to court employees and their remuneration are the responsibility of the Court Administration. The remuneration of court employees is determined in accordance with the Law on Remuneration of Officials and Employees of State and Local Government Authorities.

Interviews indicate that the remuneration of an assistant judge is not competitive, so judicial authorities face difficulties in attracting competent staff. The remuneration of assistant judges in 2024 ranged from €1,158 to €1,779.³⁷³ For a detailed list of posts for court staff, with the corresponding family of posts, grade, monthly salary group and monthly salary, see [Annex 6](#).



5.5. Specialised courts



The judiciary should plan measures so that, in accordance with best practice, the average duration of proceedings before specialised courts does not exceed the average duration of proceedings before the court of the relevant instance by more than three months or another specified period.

5.5.1. Economic Court

For the examination of cases specified in the Civil Procedure Law and the Criminal Procedure Law, the Court of Economic Affairs was established in the first instance, which is located in Riga and the territory of operation of which is the entire territory of the Republic of Latvia.³⁷⁴ **The Economic Court is a specialised court whose jurisdiction covers specific commercial disputes and criminal matters relating to particularly serious and serious crimes³⁷⁵** causing serious damage to the business environment and economic development. The general objective of its establishment³⁷⁶ is to promote the long-term growth of the investment and business environment by ensuring both fast and efficient resolution of commercial disputes in civil law in a complex manner. The decisive influence on the decision to establish the Court of Economic Affairs was³⁷⁷ the 5th round assessment report of Moneyval on the Latvian system for preventing and combating money laundering and terrorist financing, adopted in 2018.³⁷⁸

The conceptual report predicted that the court's workload would consist of 350 cases, of which 200 would be civil proceedings and 150 would be criminal proceedings. It is also concluded that provisionally there should be no less than 5 judges in the court, but not more than 10, who should

³⁷² MK 12.04.2016. noteikumi Nr. 225 "Informācija par amatpersonu un darbinieku mēnešalgas apmēru sadalījumā pa amatu grupām (bruto, eiro)". Pieejams: <https://www.ta.gov.lv/lv/media/61/download?attachment>.

³⁷³ Tiesu administrācijas sniegtie dati (30.06.2024.).

³⁷⁴ Likuma "Par tiesu varu" 29. panta pirmā daļa.

³⁷⁵ Sk. Kriminālprocesa likuma 442. pantu un Civilprocesa likuma 24., 250.²⁸, 250.⁶⁵ pantu. Pieejami: <https://likumi.lv/ta/id/107820-kriminalprocesa-likums> un <https://likumi.lv/ta/id/50500-civilprocesa-likums>.

³⁷⁶ Ministru kabineta 22.08.2019. rīkojums Nr. 407 "Par konceptuālo ziņojumu "Par ekonomisko lietu tiesas izveidi". Pieejams: <https://likumi.lv/ta/id/308908-par-konceptualo-zinojumu-par-ekonomisko-lietu-tiesas-izveidi>.

³⁷⁷ 23.08.2018. oficiāli publicēts Eiropas Padomes Moneyval komitejas savstarpējās novērtēšanas 5. kārtas ziņojums par Latviju, kurā novērtēti valstī īstenotie pasākumi noziedzīgi iegūtu līdzekļu legalizācijas un terorisma finansēšanas novēršanā.

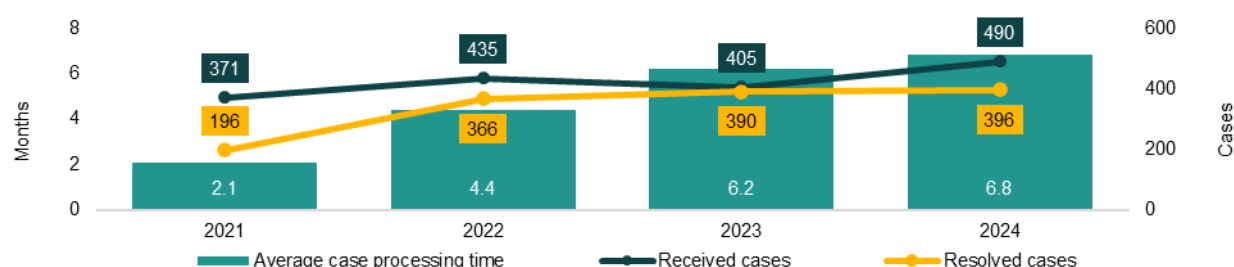
³⁷⁸ Citēts no Ministru kabineta 22.08.2019. rīkojuma Nr. 407 "Par konceptuālo ziņojumu "Par ekonomisko lietu tiesas izveidi". Pieejams: <https://likumi.lv/ta/id/308908-par-konceptualo-zinojumu-par-ekonomisko-lietu-tiesas-izveidi>.

hear specialized cases³⁷⁹. After the first year of operation of the Economic Court, it was assessed that in the next 3-5 years, namely in 2025-2027, an extension of its competence would be feasible, which would require at least 5 judges in addition³⁸⁰.

Feedback from entrepreneurs on the establishment and operation of the Court of Economic Affairs has been positive, and foreign investors and entrepreneurs have high hopes for the court. The OECD Economic Report on Latvia, published in 2024, welcomes the court's influence in the fight against corruption and money laundering³⁸¹. The average time limits for hearing cases have been significantly faster than similar cases in district (city) courts of general jurisdiction. The stability rate of the decisions of the Court of Economic Affairs has also been above average compared to district courts of general jurisdiction³⁸².

In the following years of operation, the number of cases pending before the Court of Economic Affairs has increased slightly, but the average time limits for hearing cases have also increased, which in 2023 and 2024 were longer than in most courts of general jurisdiction of first instance. Comparing 2022 and 2024, the deadlines for dealing with pending cases have increased by 54% (see photo). Figure 54). The increase in the average time frame for hearing cases could be attributed to an increase in the complexity of cases – which in 2023, the president of the court, Miķelis Zumbergs, points out that, compared to the first year of the court's operation, cases have become more complex and require a great deal of competence and depth of judges.³⁸³

54. picture. Average duration and number of cases at the Economic Court in 2021-2024.³⁸⁴



The results of the economic court's work, the number of cases closed per year and the fact that cases are generally heard in court for twice as long as in courts of general jurisdiction, but cases of the same categories of cases that are dealt with by other courts, perhaps even significantly longer, suggest that the efficiency objectives set may not have been achieved. For a more objective analysis, it is necessary to carry out an independent ex-post assessment of the situation and to develop proposals for improvement, since it is not possible to obtain information from the currently available data on indicators that would indicate an increased degree of complexity of the cases before the Economic Court.

At the same time, it is necessary to improve the accounting of the Economic Court's data, which must be supplemented by datasets that identify the complexity of the handling of the case, such as the factors mentioned in the description of the Case Weighing Model.

The Economic Court has the longest time limits for hearing criminal cases compared to other courts of first instance – especially in cases of property crime, where the average duration of

³⁷⁹ Tieslietu ministrija. Konceptuālais ziņojums "Par ekonomisko lietu tiesas izveidi".

³⁸⁰ Tieslietu ministrija. Informatīvais ziņojums "Par Ekonomisko lietu tiesas darbības pirmā gada rezultātiem un tālāko attīstību".

³⁸¹ OECD. (2024). OECD Economic Surveys: Latvia 2024. Pieejams: https://www.oecd.org/en/publications/oecd-economic-surveys-latvia-2024_dfeae75b-en.html.

³⁸² Tieslietu ministrija. Informatīvais ziņojums "Par Ekonomisko lietu tiesas darbības pirmā gada rezultātiem un tālāko attīstību".

³⁸³ I. Helmane, A. Nulle. (2023). Ekonomisko lietu tiesai virzība uz plašāku kompetenci. Pieejams: <https://lvportals.lv/skaidrojumi/350213-ekonomisko-lietu-tiesai-virziba-uz-plasaku-kompetenci-2023>.

³⁸⁴ Tiesu administrācijas tiesu darbu datu portāls. "03.03. Lietu izskatīšanas termiņi", "01. Lietu skaits". Pieejams: <https://dati.ta.gov.lv/MicroStrategy/asp/Main.aspx>.

hearing of 7 cases that have been in the court's portfolio has been 627 days. Comparatively, in courts of general jurisdiction, the average duration of hearing cases for criminal offences against property has been 129 days, where the most time was needed in the Riga City Court and the Riga District Court (170 or 166 days), but the least – in the Vidzeme District Court (112 days). The shortest time limits for hearing in the Economic Court – on average 185 days – were for the category of cases most frequently heard in court: cases of criminal offences in the national economy (in 2021-2024 there were 288 cases in this court), but cases in this category of cases are also considered a little faster by the other district courts – on average 169 days.

It is not possible to correctly estimate the average length of proceedings of the Court of Economic Affairs by category of cases, since in the statistical data 49% of the total number of cases heard by the Court of Economic Affairs in the period 2021-2024 (779 cases) are not classified, thus making the assessment by category of cases inaccurate. The Economic Court, in cooperation with the Court Administration, urgently needs to prevent the occurrence of such a data entry error.

Below is a snapshot of the available statistics on the activities of the Court of Economic Affairs compared to other courts.

22. table. Comparison of the deadlines for hearing economic court cases with other courts in the period from 2021 to 2024.

Observation	Comment
1: In the categories of cases that are also heard by other courts of first instance, the duration of the hearing of cases of the Court of Economic Affairs (initiation of a case – referral of the case to the registry) is at least 2 to 4 times longer.	- On average, criminal offences in the service of state institutions are examined twice as long (in 422 days) as in other courts of first instance (from 95 to 272 days); - On average, offences against general security and public order are dealt with twice as long (383 days, while in courts of general jurisdiction – from 112 to 192 days); - On average, crimes against property are dealt with in the Economic Court for more than four times longer (627 days) than in other courts of first instance (from 100 to 170 days). There are several possible reasons for such a difference, for example, the Court of Economic Affairs in these categories has an 18-33% higher number of participants than other courts of first instance.³⁸⁵
2: In assessing the actions taken in the cases, the Economic Court must: The highest proportion with the adjournment of the case – 17%. Higher number of actions per case – 8.7 actions versus 5.7 average in all courts.	- In other courts of first instance, it ranges between 5-8%, in appellate courts – 3-6%. - A look at the actions taken in individual cases shows that often postponed hearings are postponed, removed from the hearing or adjourned in the case, which can have a significant impact on the duration of the hearing³⁸⁶.
3: Exclusive jurisdiction of the Economic Court in civil law cases: The shortest time limits for handling cases are claims arising from the legal relations of groups (on average 185 days) The longest – claims arising from contracts for investment services	- Compared to other courts of general jurisdiction of first instance, the time limits for hearing cases of the Economic Court appear to be very high, but relatively similar compared to the other specialised court, the Administrative District Court (with some exceptions, the maximum time limit for hearing cases in the Administrative District Court is 485 days and 707 days in the Economic Court). - The practice of other countries analysed shows that criminal cases with the examination of evidence always require more time and more court hearings than civil cases.

³⁸⁵ Balstoties uz Tiesu administrācijas datiem par tiesās izskatītajām lietām 2021.–2024. gadā.

³⁸⁶ Balstoties uz Tiesu administrācijas datiem par izskatītajās lietās veiktajām darbībām 2021.–2024. gadā.

Observation	Comment
or investment side services (707 days). On average, the other categories of cases are processed within 200 to 400 days.	At the same time, an analysis of the relationship between the number of cases received in court and the time of hearing shows that the Economic Court deals more quickly with those cases that are repetitive and in which judges may already have experience. For example, cases that have been no more than 7 in five years have been viewed for more than 600 days. On the other hand, the number of cases in the Court of Economic Affairs exceeds 190 – judges in this court have heard from 185 to 220 days.

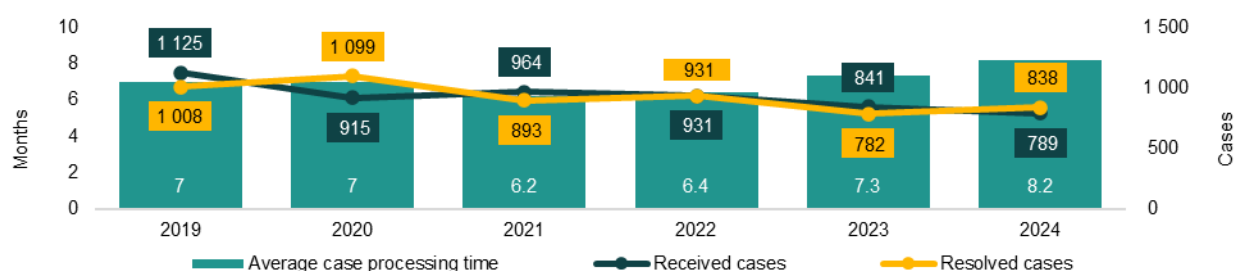
5.5.2. Administrative Court

On 25.10.2001, the Administrative Procedure Law was adopted, which came into force on 01.02.2004. Although it was not initially envisaged to set up specialised administrative courts, the discussions recognised that the objectives of the administrative procedure would be achieved more effectively if specialised administrative courts, the Administrative District Court and the Administrative Regional Court, were set up. On 02.02.2004 they started their work³⁸⁷.

At the start of its activities, the Administrative District Court had 10 judges for 20 posts, and the Administrative Regional Court had 5 judges for 10 posts. **At present, the number of posts in the courts has doubled** – 42 in the Administrative District Court and 22 in the Administrative Regional Court. Contrary to what was intended, the administrative process in the courts was not fast and efficient, since a large number of cases were received in relation to the number of judges and a backlog of cases was formed. In an effort to address the issues of the workload of judges and to make the Administrative District Court more accessible³⁸⁸, on 05.01.2009 its courthouses in Jelgava, Liepāja, Rēzekne and Valmiera began to operate.

When looking at the performance indicators of administrative courts, the average time limits for hearing cases of both the Administrative District Court and the Administrative Regional Court are much higher than in other courts, but this could be due to the specificity and complexity of cases, which differ in administrative courts. Compared to other foreign practice countries, it can be seen that everywhere administrative cases are viewed relatively longer than other categories of cases. For example, between 2019 and 2024, the average time limits for hearing cases before the Administrative Regional Court have increased despite a decrease in the number of cases received and dealt with (see Annex III). Figure 55).

55. picture. Average time limits for hearing cases of the Administrative Regional Court, cases received and cases pending.³⁸⁹



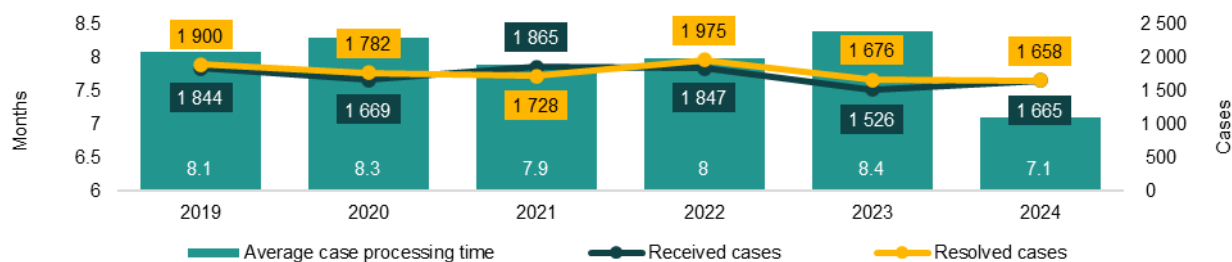
In contrast, in the Administrative District Court, both the average duration of the hearing of cases and the number of cases received and heard are more variable (see Annex III). Figure 56).

³⁸⁷ Veronika Krūmiņa. (2017). "Administratīvais process – pirmsākumi, attīstība un tendences". Augstākās Tiesas Biļetens Nr. 16. Pieejams: <https://www.at.gov.lv/lv/par-augstako-tiesu/augstakas-tiesas-biletens/augstakas-tiesas-biletens-nr-16/administrativais-process-pirmsakumi-attistiba-un-tendences#administrativo-tiesu-iekarta>.

³⁸⁸ Latvijas Republikas Saeima. Likumprojekta "Grozījumi Administratīvā procesa likumā" anotācija. Pieejams: <https://titania.saeima.lv/LIVS/SaeimaLIVS.nsf/0/9B651997E261A3D7C22574DA00457AEE?OpenDocument>.

³⁸⁹ Tiesu administrācijas tiesu darbu datu portāls. "03.03. Lietu izskatīšanas termiņi", "01. Lietu skaits". Pieejams: <https://dati.ta.gov.lv/MicroStrategy/asp/Main.aspx>.

56. picture. Time limits for hearing cases, cases received and heard in the Administrative District Court in 2019-2024.³⁹⁰



6. Effective information communication technologies and digitalisation of the judicial process



The use of any form of automation solutions or artificial intelligence tools should be introduced as a priority for increasing the productivity of handling land register cases, non-contentious cases and claims for loss and debt recovery.

In Latvia, the ICT provision of the judiciary has already been significantly developed, a large amount of data has been accumulated and a good level of support in the use of systems. However, given the long-standing operation of the systems and the limited investments, further modernisation is needed, and the Court Administration is already working on updating the versions of the systems and a diverse plan to improve technological support for judges. Currently, two main information systems (IS) are used: TIS and e-case.

6.1. Court information system

TIS ensures the collection and processing of data on cases and case files pending in proceedings. However, the functionality of TIS is limited, performance is insufficient, and – at least initially – there was a lack of full interoperability with the e-case platform. In interviews, it has been repeatedly pointed out that TIS is not user-friendly, often does not work fully and requires significant improvements.

The Case Weighing Working Group stressed that it is currently not possible to use the new categories of cases or to develop new ones that meet the identified needs as this is limited by the functionality of the TIS system. As a result, cases are still classified according to outdated categories that no longer correspond to the current situation, and the development and implementation of the case weighing model is practically impossible, thus significantly delaying.

However, a full implementation of TIS2 is planned, which could potentially address most of the shortcomings currently identified in TIS and significantly improve data collection and processing processes.

6.2. The e-case platform and its components

The e-case system consists of several components:

³⁹⁰ Tiesu administrācijas tiesu darbu datu portāls. "03.03. Lietu izskatīšanas termiņi", "01. Lietu skaits". Pieejams: <https://dati.ta.gov.lv/MicroStrategy/asp/Main.aspx>.

	E-case portal	provides the involved parties with the ability to submit and receive e-case data, if permitted by regulatory acts
	Electronic case catalog	facilitates data exchange between the information systems of the involved institutions
	Unified calendars	Inform about the availability of persons (judges, prosecutors, lawyers, etc.) and resources (courtrooms, detention facilities)
	Common registers and classifiers	necessary for data processing in an electronic environment
	Shared support tools	for example, audio and video tools, court judgment anonymization tool, document scanning application

At the first stage of the introduction of the e-case, a decision was made on the parallel storage of the case file in paper format, taking into account the limited functionality of the TIS and the technical equipment of the court. Currently, the e-file, "My Court" and the paper format complicate the right of the parties to receive and work with the file, especially in large-scale cases and cases involving foreign actors in a foreign language. The goal is to ensure that 100% of cases are processed digitally by May 2026.³⁹²

In the first and second phases of the introduction of the e-file, significant delays have been identified related to the interoperability of the systems, as well as problems with other related systems.

The training of judges and court staff on digital skills and the use of e-case has not been systematic and sufficient. Changing working methods takes time and requires a change of thinking about the digitalisation of courts and active involvement in improving the Information System (IS). Appropriate training and mastery of systems are essential.

6.3. MicroStrategy Business Intelligence Tool³⁹³

In order to constantly analyze the work of the courts, the Court Administration uses the business intelligence platform *MicroStrategy*. Within the framework of it, data from the Court Information System, the State Unified Computerized Land Register, resource management system (financial and personnel data), as well as other information systems are processed.

For the evaluation of court work, CEPEJ's recommendations are taken as a sample and almost all the most important indicators of judicial work evaluation recommended by CEPEJ are available: case throughput, case turnover rate, disposition time, efficiency indicator, case balance indicators, balance reduction indicators. Up-to-date data are used on: courts, judges, court staff, basic types, types and categories of cases, hearing times, stability of decisions, as well as applications, rulings and actions registered in cases.

In order to ensure fast and accurate representation of data, the Court Administration has created and configured various specific collections of information, which are included in the so-called "judges' feedback dashboards", "court portraits", which are independently used by court presidents in order to be able to better organize the work of the court. Automated reports on the work of courts in a wide variety of sections are also regularly prepared and made available to stakeholders (court presidents, employees of the Ministry of Justice, etc.).

6.4. Use of ICT tools and efficiency indicators

Interviews have indicated that digital solutions are a key way to promote efficiency. For example, e-case is cited as the right direction, but the platform's operation at full capacity still requires

³⁹¹ 24.01.2023. Ministru kabineta sēdē valdība atbalstīja e-lietas otrā posma ieviešanu, kas paredz platformas koplietošanas risinājumu pilnveidošanu un jaunu E-lietas platformas koplietošanas risinājumu izstrādi.

³⁹² Latvijas Republikas Valsts kontrole (2020). E-lietas programmas vadības risku izvērtējums. Pieejams: <https://www.lrv.gov.lv/getrevisionfile/29451-ltgGSFfrrX10hQVILE4jizHEC4aWZlvu.pdf>.

³⁹³ Tiesu administrācijas tiesu darbu datu portāls. Pieejams: <https://dati.ta.gov.lv/MicroStrategy/asp/Main.aspx>.

significant improvements. The potential of the e-address has also not been fully exploited. Although the law imposes a mandatory obligation to use it, very many legal entities have not yet created e-addresses. The notification obligation imposed on courts would be much easier to fulfil using an e-address.

Although certain things such as land registers, etc. have been fully electronic for some time, but still many things are viewed in hybrid and semi-paper format.

In order to assess the use of modern technologies in courts, CEPEJ has developed indicators (indices) for the assessment of the degree of implementation and use of ICT tools. The problem described above is also reflected in Latvia's indicators. Latvia's ICT implementation index is 7.57 – one of the highest in CEPEJ's rating. Meanwhile, the ICT uptake rate is much lower at 5.12. In comparison, Estonia has both a high level of ICT uptake (7.86) and a high ICT use index (7.60). In Finland, ICT indicators are 6.15 in implementation and 5.95 in use, respectively. The Netherlands, on the other hand, has one of the lowest indices of ICT implementation and ICT use – 4.40 and 2.98³⁹⁴. Within the framework of this comparison, it can be seen that Latvia has strong integration in the implementation of ICT tools, however, it is necessary to focus on improving the shortcomings of tools in order to increase their usability and thus the efficiency of courts.

6.5. The potential for the introduction of artificial intelligence in the justice system

Artificial intelligence (hereinafter – AI) can significantly improve the functioning of the judicial system by ensuring more efficient information processing, automation of bureaucratic processes and support in legal decision-making. This speeds up work, reduces administrative burden and improves the accuracy of decisions.

One of the most significant benefits is the ability to automate repetitive tasks, such as document preparation and data entry. This reduces the amount of manual work and administrative burden, allowing you to focus on more complex legal issues. AI is also able to analyse and review large volumes of documents, highlighting key information and identifying inconsistencies that speed up document preparation and reduce the likelihood of errors.

For example, the Supreme Regional Court of Stuttgart in Germany has introduced a tool designed to deal with similar mass lawsuits. It helps to analyze and classify applications, and also allows judges and court staff to browse through a large number of court documents faster and select the necessary information from various documents using special search criteria. With such a tool, judges and other court employees were relieved of repetitive tasks and can focus on dealing with more complex issues.³⁹⁵ . . .

Similarly, in 2018, the U.S. Palm Beach County Courts introduced a tool that is used in court registries, converting unstructured court documents into structured data and automatically entering them into the case management system. The introduction of some such tools was equivalent to the work of 22 court staff, freeing up court resources and improving the efficiency and accuracy of courts.³⁹⁶ On the other hand, UK courts recommend that AI solutions also be used for administrative tasks such as preparing, compiling and sending emails, including drafting memoranda.³⁹⁷

A very useful solution in courts is the automated compilation of court minutes (transcripts). Such a solution has been introduced in Estonia, where an automatic voice recognition system allows

³⁹⁴ CEPEJ. (2024). European judicial systems CEPEJ Evaluation Report 2024 Evaluation cycle (2022 data). Pieejams: <https://rm.coe.int/cepej-evaluation-report-2024-general-analyses/1680b1e91d>.

³⁹⁵ IBM (2025). Judicial systems are turning to AI to help manage vast quantities of data and expedite case resolution. Pieejams: <https://www.ibm.com/case-studies/blog/judicial-systems-are-turning-to-ai-to-help-manage-its-vast-quantities-of-data-and-expedite-case-resolution>.

³⁹⁶ Joint Technology Committee (2020). Introduction to AI for Courts. Pieejams: https://www.ncsc.org/_data/assets/pdf_file/0013/20830/2020-04-02-intro-to-ai-for-courts_final.pdf.

³⁹⁷ Courts and Tribunals Judiciary (2025). Artificial Intelligence (AI). Guidance for Judicial Office Holders. Pieejams: <https://www.judiciary.uk/wp-content/uploads/2025/04/Refreshed-AI-Guidance-published-version-website-version.pdf>.

for the compilation of transcripts of court hearings both in real time and offline, greatly facilitating the work of court clerks³⁹⁸.

AI also offers useful capabilities such as data organization and centralized data management, integrating information from a variety of sources such as emails, legal documents, chats, and meetings, allowing court officers to quickly access the materials they need and search for information efficiently. Predictive analytics that allow to assess the outcome of proceedings and the risk of recidivism open up a wide range of possibilities, giving judges additional tools for determining sentences.

The introduction of AI tools in courts must ensure evidence-based principles that include fairness, impartiality and prevent bias in data and algorithms. AI solutions need to be transparent and traceable. It is essential to respect data protection and privacy by ensuring the processing of personal data in a secure and ethical manner³⁹⁹



Information systems make work more efficient - the development of information systems in the judicial system must be systematic and planned.

7. Scenarios for the future development of the resource management of the judicial system

7.1. Organisation and budget

7.1.1. Description of the recommended future regulatory framework and its justification

At the beginning of 2025, the Council for the Judiciary and the Minister of Justice have reached a conceptual agreement that the budgetary management and financial management issues of the judicial system will be transferred to the Council for the Judiciary. In order for such a transition to take place, respecting the principles of the independence of the judicial system and ensuring at the same time both the autonomy of the judiciary in administrative matters and avoiding the risk of absolute self-determination by isolating itself from the economic and social processes of the state, a number of organisational changes are necessary, including with regard to the scope and responsibilities of the Council for the Judiciary. They are included in Table 24.

³⁹⁸ Tilde (2024). Estonian Courts shift to automated transcription with Salme. Pieejams: <https://tilde.ai/asr-solution-for-estonian-courts/>.

³⁹⁹ Pēteris Zilgalvis (2024). Mākslīgā intelekta izmantošana tiesas spriešanā. Jurista Vārds. Pieejams: <https://www.rgsi.edu.lv/data/pdf-files/zurnals-maksliga-intelekta-izmantosana-tiesas-spriesana-jurista-vards.pdf>

23. table. Description of the recommended future regulatory framework and its justification.

Description of the recommended future regulatory framework	Explanation or justification
Composition and work organisation of the Council for the Judiciary (1) The Council for the Judiciary is a collegial decision-making body of the administrative administration of the judiciary which ensures the independence of courts and the implementation of the principle of good administration in the judiciary and is responsible for the strategic, administrative, economic and financial management of district (city) courts and district courts in accordance with the objectives laid down in law. (2) The Council for the Judiciary shall consist of 11 members, provided that officials of the judicial system form the majority of the total number of members of the Council for the Judiciary. 1) the composition of the Council of the Judiciary shall include the President of the Supreme Court, the President of the Constitutional Court, six judges elected by the Conference of Judges, one judge elected by the Plenum of the Supreme Court and two representatives delegated by the Saeima. 2) Members of the Council for the Judiciary shall be public officials. The term of office of a member of the Council shall be four years and not more than twice. (3) The work of the Chairperson of the Council for the Judiciary shall be remunerated. (4) The Council for the Judiciary shall operate on the basis of its by-laws. (5) The activities of the Council for the Judiciary shall be financed from the funds of the State budget.	• Determining that the Council for the Judiciary is responsible for the performance of the function of drafting a request for the budget of the district (city) and the district courts and monitoring the use of funds, it is necessary to review the composition of the Council for the Judiciary. • By composition, the Council for the Judiciary currently plays the role of an advisory body for the judiciary and representatives of persons belonging to the justice system and political officials. By contrast, according to the areas of responsibility, the functions of the Judicial Council are mostly related to determining the place of performance of the office of district (city) and district court judges, determining the number of judges, career organization, issues of organization of district (city) and district court work. • The multi-profile composition of the members of the Council for the Judiciary does not provide opportunities for district (city) and district courts to deal with internal administrative issues of the courts at least partially autonomous from the recipients of the judicial service – lawyers, bailiffs and prosecutors, on the one hand, and political officials on the other. • The responsibilities entrusted to the members of the Judicial Council are currently unbalanced. For example, the Prosecutor General, as a member of the Council for the Judiciary, has the power to decide on career matters for judges, but the Council for the Judiciary does not have the power to decide on career matters of prosecutors or the organisation of the work of the prosecutor's office or the budget request. The sole duty of the Council for the Judiciary, which applies to the Prosecutor's Office, is to evaluate the candidates for the position of Prosecutor General, to select the most suitable one and to direct it to the Saeima for appointment to the position of Prosecutor General.⁴⁰⁰ • The Council for the Judiciary also does not have the power to decide on the place of performance of the duties of lawyers, notaries, bailiffs, career issues or the organisation of the work of the bar, notary, bailiffs, however,

⁴⁰⁰ Likums "Par tiesu varu" 89.¹¹ panta ceturtā *prim* daļa.

Description of the recommended future regulatory framework	Explanation or justification
	representatives of these organisations, as members of the Council for the Judiciary, decide on career issues for judges. • The participation of political officials in the supervision of the functioning of the judiciary should be reduced as a matter of priority, since it is precisely the prevention of political influence on the functioning of the judiciary that is the primary objective of the establishment of the Council for the Judiciary. Therefore, the Judicial Council should not include members of the Saeima or ministers with voting rights. This practice exists in Estonia. In other comparable countries, the Council for the Administration of Courts does not have political officials, but in order to prevent the self-isolation of the judiciary and isolation from society or democratic processes, the composition of the councils shall include either officials of the executive branch or authoritative experts. • The Council, which consists of 15 senior officials, lacks administrative operativity and therefore recommends reducing the number of voting members of the Judicial Council. • Taking over the functions of drafting the budget request of the district (city) and district courts and overseeing the use of funds will increase the amount of work for the Council for the Judiciary, but in particular for the President of the Council for the Judiciary, therefore it is necessary that the position in question is a full-time job and that remuneration is provided for its performance. • In performing the functions of drafting the budget request of the district (city) and district courts and supervising the use of funds, all members of the Judicial Council must have the status of a public official after the reform in accordance with the law "On Prevention of Conflict of Interest in the Activities of Public Officials".
Competence of the Council for the Judiciary (1) The Council for the Judiciary shall: 1) approve the principles of administrative operation of district courts and district (city) courts, the development strategy and perform monitoring of the progress and quality of the implementation thereof;	• In order to be able to perform the functions of drafting the budget request of the district (city) and district courts and monitoring the use of funds, the competence of the Council for the Judiciary must be extended. • The Council for the Judiciary must be placed under the full responsibility of the approval of the annual and medium-term budget request of district courts and district (city) courts, including funding for priority measures,

Description of the recommended future regulatory framework	Explanation or justification
2) approve the request for annual and medium-term budgets of district courts and district (city) courts, the budget implementation plan (investment and procurement plan) and supervise that the utilisation of the State budget resources is efficient and rational in conformity with the intended objectives and the results to be achieved; 3) ensure the availability of information regarding the budget; 4) approve and supervise the remuneration and motivation policy of the human resources management staff of the court; 5) approve the by-laws of the Council for Justice and the by-laws of the Court Administration; 6) develop the procedures for the selection of the Director of Court Administration, organise the selection, appoint to and remove from office the Director of Court Administration, determine the work duties of the Director, remuneration and enter into an employment contract with the Director, evaluate the activities of the Director; 7) supervise the work of the Director and the administrative management team (deputies, responsible officials); 8) supervise the conformity of the operation of the Court Administration with laws and regulations, the operation of the internal control and risk management system, examine the reports of the Court Administration, approve the annual report of district courts and district (city) courts; 9) approve the conclusion of the transaction or give consent to the conclusion of the transaction, the amount of which exceeds EUR 100 000 (excluding value added tax). 10) the Judicial Council shall determine the procedures and time periods by which the Court Administration shall submit information to the Judicial Council regarding the number and composition of the court administration and court staff, the distribution of the State budget resources by judicial institutions, and receive a report on the utilisation of the State budget resources. 11) Once a year the Council for the Judiciary shall provide a report on its activities.	coordination of budget implementation plans (investment and procurement plans), supervision of the efficient and rational use of state budget funds in accordance with the intended objectives and the results to be achieved. • The Judicial Council also needs to take over other resource management issues – staffing, ICT and, possibly, judicial real estate management policies – in order to be able to increase the efficiency of the functioning of the justice system. Currently, in the executive-led model of court management, the management of the administrative functions of the courts is separated from the management of the judicial function, judges are not sufficiently involved in the planning of the court administration due to the lack of access to the analytical and business infrastructure that would allow for data collection, research, analysis, which is necessary to participate in decision-making in a meaningful way. As a result, there is a "mismatch" between the needs of the policy of the executive and the functioning of the court in the areas of judicial administration, budget, human resources, judicial management and case management. • The Council for the Judiciary should also be responsible for selecting the management of the Court Administration and evaluating the results of work, reviewing reports. In consultation with the presidents of the courts, the possibility of each court administering its own budget independently analogous to the experience of other countries was rejected, but there was a common belief that a centralised model of resource management of the judicial system, under the responsibility of the Director of Court Administration, should be maintained. Consequently, the Council for the Judiciary must be granted, like the councils of other organisations or the minister, with a function of close supervision over the use of the budget of the entire large judicial system, with regard to the management of subordinate institutions. • By ensuring the availability of information on the budget and the fact that all key budget reports must be published in a way that is easily understood by the public, the law must provide for the provision of a report on the implementation of the budget and results of the district (city) courts, annexed to which is also the report on the results of the work of the Council for the Judiciary.

Description of the recommended future regulatory framework	Explanation or justification
Transitional provisions: 1. To establish the budget programme of the Council for the Judiciary "Judicial System", the budget of which is the Judicial Administration. 2. The funding planned in the budget of the Ministry of Justice shall be reallocated in the budget programme 03.00.00 "Judicial System" from the budget sub-programmes - 03.01.00 "Court Administration" and 03.02.00 "District Courts and District (City) Courts" to the budget programme "Judicial System" of the Council for the Judiciary.	• From the point of view of budget management, it is necessary to create either a separate budget department, for example, the "Council of the Judiciary" or "District and district (city) courts" and a budget program of the same name, in which, in accordance with the appropriation provided for in the State Budget Law, appropriations would be allocated for expenditure on financing the activities of district and district (city) courts and for the administration of courts. • For the newly established budgetary programme, in order to provide more visible information on the objectives of the functioning of the justice system and the results to be achieved in accordance with the resources spent and the benefits to society, it is desirable to establish a more detailed breakdown into sub-programmes of the budget. For example, sub-programme 1 "District courts", sub-programme 2 "District (city) courts", sub-programme 3 "Council for the Judiciary", sub-programme 4 "Judicial administration".

7.1.2. Changes in the organisation of budget management

As the Judicial Council takes over the functions of drafting the budget request for the district (city) and district courts and overseeing the use of funds, there must also be a reorganization of the organization for the management of budget funds. The potentially most optimal scenario for the future is presented in Table 25.

24. table. The current situation and future scenario of the organization for the management of budgetary resources.

	Current situation	Future scenario (optimal option)	
Budget Department⁴⁰¹	19. Ministry of Justice	New department "District courts and district (city) courts" or "Council for the Judiciary"	19. Ministry of Justice
Executor of the budget⁴⁰²	Director of Court Administration	Director of Court Administration	-
Budget programme⁴⁰³	03.00.00 Judicial system	New programme "Judicial system"	-
Sub-programme⁴⁰⁴	03.01.00 Court administration	03.01.00 Court administration	-
Executor	Court administration	Court administration	-
Sub-programme	03.02.00 District courts and district (city) courts	03.02.00 District courts and district (city) courts	-
Executor	Court administration and courts.	Court administration	-
Sub-programme	03.03.00. Provision of legal aid	-	03.03.00. Provision of legal aid
Executor	Court administration	-	Ministry of Justice
Sub-programme	03.04.00. Conduct of forensic examinations	-	03.04.00. Conduct of forensic examinations
Executor	State Forensic Science Office	-	State Forensic Science Office
Sub-programme	10.00.00. Confiscation Fund for Proceeds of Crime	-	10.00.00. Confiscation Fund for Proceeds of Crime
Executor	Ministry of Justice	-	Ministry of Justice
New sub-programme		Council for the Judiciary	-
Executor		Court administration	-

⁴⁰¹ Ministrija, cita centrālā valsts iestāde vai atsevišķi no ministriju vai citu centrālo valsts iestāžu budžetiem nodalīts resursu un izdevumu kopums, kam valsts budžeta likumā budžeta līdzekļus paredz tieši apropriācijas kārtībā. Likuma par budžetu un finanšu vadību I.daļa.

⁴⁰² No budžeta finansētu institūciju vadītāji, kuri ar asinājumu pilnvaroti izdarīt budžeta izdevumus vai uzņemties īstermiņa saistības, vai arī tiesīgi uzņemties ilgtermiņa saistības attiecībā uz budžetu. Likuma par budžetu un finanšu vadību I.daļa.

⁴⁰³ Savstarpēji saistītu, uz kopēju mērķi orientētu pasākumu vai pakalpojumu kopums, kurš tiek plānots, izpildīts, uzskaitīts un kontrolēts no budžeta finansētās institūcijās saskaņā ar šo likumu un par kura izpildi atbild budžeta izpildītāji. Likuma par budžetu un finanšu vadību I.daļa.

⁴⁰⁴ Budžeta programma var būt sadalīta apakšprogrammās. Likuma par budžetu un finanšu vadību I.daļa.

7.2. Processes

7.2.1. Recommendations for the development of a statistical model

The integration of statistical modelling in the courts provides an opportunity to ensure objective and data-driven decision-making regarding the determination of the number of judges and the optimal distribution of cases. In order to take advantage of statistical modeling and ensure the full operation of the statistical model, we have compiled the recommendations described in the table below.

25. table. Recommendations for the development of a statistical model.

1	Forecasting the number of cases using historical data (at least for the last five years), taking into account changes in regulatory enactments and recommendations of judicial cooperation institutions, such as the Prosecutor's Office of the Republic of Latvia.
2	Ensuring data quality to create a statistical model that is as accurate and reliable as possible: • The accumulated data is "cleaned", eliminating duplicates, inaccuracies and errors. • Certain data entry standards and formats are developed and implemented to prevent further inaccuracies and errors.
3	Conducting a workload time survey for judges and court staff with the aim of identifying the workload for different functions, categories of cases and processes in cases: • An analysis of the impact and role of the contribution of time of judicial assistants and court legal assistants in the formation of the judge's workload is carried out. In the statistical model's load sharing algorithm, the contribution of judges and assistant judges is evaluated and included as a separate component. • The time survey is periodically repeated and its performance is regulated by regulatory enactments. If necessary, clarifications of regulatory enactments are made in connection with the conduct of a time survey in order to ensure its compliance with the actual situation. • According to the results of the time survey, the useless actions of judges and other court employees in the process of hearing cases are identified and eliminated. At the same time, possible efficiency improvements are being assessed. • A specific working time (working hours) of the judge is determined, providing an opportunity to conduct a qualitative analysis of the workload and identify the real workload.
4	Clarification of the case category weighing model based on the results of the time measurement survey: Reassessment of inaccurately assessed categories of cases: • Case weighing categories with an unreasonably high or low number of points are identified and reassessed. • The points awarded to appellate courts are evaluated, taking into account that the practice of other countries does not indicate that a higher instance would be more time-consuming than a lower instance. Introduction of new categories for weighing cases: • The case weighing model also includes administrative cases, applying to them case weights/points comparable to other basic types of cases. • A more detailed breakdown of criminal cases is introduced in order to make it possible to more correctly assess the complexity and time consumption of different types of criminal cases.

- The case weighing model includes the most common categories of cases, accounting for at least 80% of all cases received by 01.01.2026.
- The case weighing model clarifies and complements the factors that complicate the case, taking into account the good practices of other countries .

Citi factor:

- The statistical model includes various strategies for building judge teams, adapting the model of cooperation between the judge and the assistant judge or the legal assistant of the court depending on the complexity of the case and the specifics of the process. For example, to provide a flexible cooperation structure, where the judge works not according to a fixed 1:1 model (each judge has its own assistant judge), but one assistant can work simultaneously with several judges (for example, a 1:5 model). The application of different team configurations allows you to plan resources more efficiently and improve the efficiency of court proceedings.
- Given that the number of cases received is the main indicator of the workload, the weighted number of cases provides a more accurate calculation of the workload, allowing for an optimal forecast of the number of judges required based on a comparison of these data.

5 Improvement of the IT systems used:

- The categories defined in the case weighing model and the case categories used in the TIS are aligned.
- IT systems are provided with flexibility with regard to changes in legislation, case-law or procedural activities, for example by adding new categories.

6 Integrating the case weighing model into the case allocation process:

- The possibility of clarifying the weight of the case is introduced after full familiarity with the case and during its hearing.

7 Reassessment and verification of the results obtained by the statistical model in order to avoid erroneous assumptions:

- Elements of cross-checking are introduced and identified, such as a comparison of the actual case handling time and the projected case handling time of the case weighing model.

7.3. People

7.3.1. Assessment of the cost-effectiveness of models for financing changes in the requirements of the position of assistant judge

The course of action of the Council for the Judiciary "Optimal and effective staffing model of the judicial system" pays particular attention to strengthening the position of assistant judge in the future. According to the observations of the Task Force on Strengthening the Efficiency of Courts, the information expressed in [interviews and the conclusions drawn in Section 5.4.3](#), there are three possible scenarios for the further development of the Judicial Assistant Institute: 1) to maintain the current situation; 2) to increase the remuneration of all assistant judges; 3) to differentiate the position of an assistant judge.

In discussions with representatives of the judiciary, the creation of positions of court lawyers of various levels is indicated as the most optimal solution.

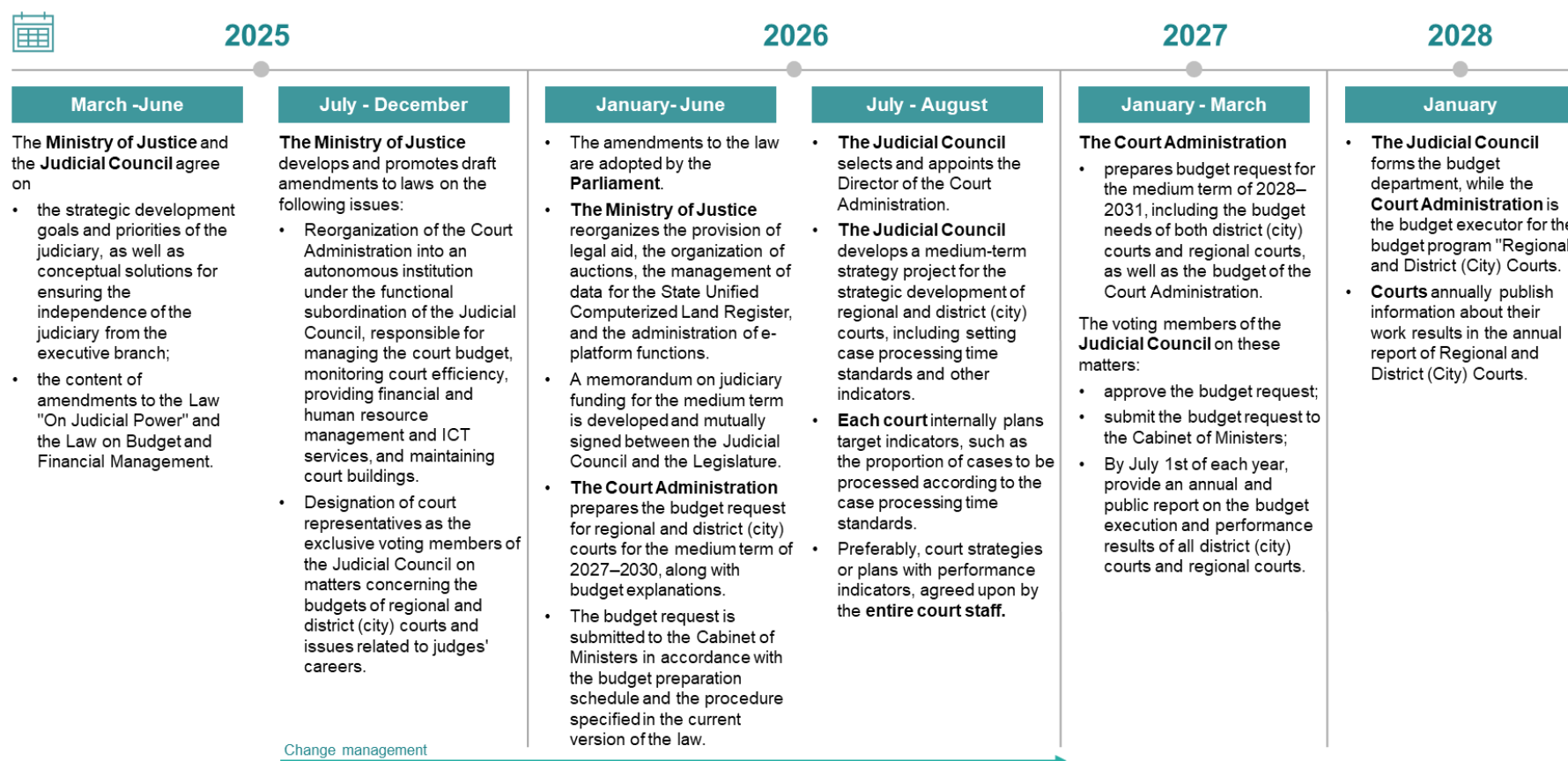
26. table. Scenarios for the development of the Assistant Judge Institute.

		Scenario 1	Scenario 2	Scenario 3	
Influence	Changes	Maintaining the current situation The duties and level of responsibility currently laid down by law of the assistant judge are maintained. There is a risk that there are no applicants for the position of assistant judge or that they have an insufficient level of qualification.	Increase in remuneration for all assistant judges - The duties of the position of assistant judge are amended and a higher level of responsibility is established according to the 10th monthly salary group. - It is stipulated that the position of assistant judge requires a master's degree in law. The monthly salary of assistant judges is set at 50% of the monthly salary of a district (city) judge.	Differentiation of the position of assistant judge by creating two positions of court lawyer of different levels with a salary of 50% or 60% of the monthly salary of a district (city) judge and by retaining the existing status and group of posts for some assistants. For the position of assistant judge, the need for a bachelor's degree in law is determined. The position of a court lawyer is created, who is required to have a master's degree in law and who performs the duties of a judge with a specialization in Land Register and non-contentious cases, as well as provides support to judges in complex cases (with a salary of 60% of the salary of a district (city) judge according to the 11th monthly salary group).	
	Number of judicial assistant posts	554	554	485	25-30 positions of a court lawyer
	Average monthly salary	1638.43 euro	EUR 1 929 (50% from 3,858 euros)	1,929 (50% from 3,858 euros)	2,315 (60% from 3,858 euros)
Cost / efficiency	Total annual costs (t.sk., SSIA employer's share)	EUR 13 506 430 / year	EUR 15 901 750 / year	EUR 14 782 387 / year (if 25 court lawyer positions) EUR 14 954 623 / year (if 30 court lawyer positions)	
	Cost changes		Additional required EUR 2 395 320 / year	Funding for the position of court lawyer has been achieved by reducing the number of posts (vacancies) of judges that have not been filled for a long time and the posts of assistant judge and clerk of court hearings under their jurisdiction. ⁴⁰⁵	

⁴⁰⁵ Scenārijā tiek pieņemts, ka tiek samazināts tiesnešu amatu vietu skaits par 69. Pieņemot, ka rajona (pilsētas) tiesnesim atlīdzība ir 3858 euro mēnesī, savukārt apelācijas rīšanas tiesnesim 4330 euro, kā arī piemērojot darba devēja VSAOI 23.59 % apmērā.. Tā kā katram tiesnesim ir palīgs un tiesas sēžu sekretārs, tiek samazināts arī šo amatu skaits. Ietaupījums no 69 tiesnešu palīgu amatu vietām (atalgojums 1638.43 euro / mēnesī + darba devēja VSAOI), bet no 70 tiesas sēžu sekretāru amatu vietām (atalgojums 1240.76 euro / mēnesī + darba devēja VSAOI) – 1 288 102.44 euro / gadā. Kopējais ietaupījums par visām vakancēm ir 6 994 254.22 euro / gadā.

Implementation/change plan

58. picture. A roadmap for changes in the budget management process - implementation plan.



9. Analysis of foreign practice

In order to ensure the effectiveness and topicality of the study, a list of countries to be used for analysis was drawn up on the basis of the demand for the service and selection criteria, which were compared according to their importance, evaluating their comparability with Latvia.

59. picture. Criteria for the selection of countries for international good practice.

Selection criteria		Preliminary countries selected
	Structural and Institutional Similarities Countries with judicial structures comparable to Latvia , ensuring the feasibility of implementing similar practices	 Estonia  Lithuania
	Efficiency in judicial processes Countries with high efficiency in handling judicial cases , as evidenced short case durations and effective resource utilization	 Germany  Finland
	Data Collection and Analysis Countries employing robust statistical methodologies for evaluating judicial workload and performance	 Netherlands

As a result of the initial study and after coordination with the parties involved, 3 countries were selected for in-depth analysis: **Estonia, Finland and the Netherlands**. The countries of international good practice were selected on the basis of their structural and institutional similarity with Latvia, as well as taking into account the efficiency of court proceedings, data collection practice and competence of the Council for the Judiciary. The selection was based on a summary of the analysis carried out in the Introductory Report. In the light of that analysis, which is reflected in Annex 3 to the Introductory Report, the three most relevant countries were identified and approved at the meeting with the Council for the Judiciary. To assess **the structural and institutional similarities** between the selected countries, the expertise of PwC's international experts was used to conduct an initial high-level analysis based on PwC's experience and data from the Council of Europe to provide a brief overview of the proposed countries. The structural comparison was made using both qualitative and quantitative data. In order to objectively compare the **effectiveness of judicial processes** in different countries, extensive research was carried out, looking separately at different levels of the judicial system and different types of cases, using customized indicators for measuring functions.

9.1. Summary of foreign experience in issues specific to Latvia

The composition of the analyzed countries and the Latvian Judicial Council differs significantly, although the functions are quite similar. More than half of the members of the Latvian *Council of the Judiciary* are *ex officio* members who are not employed in the courts of first instance and appeal.

27. table. Comparison of the composition of the members of the Judicial Council in Latvia and abroad.

Comparison of the composition of the Judicial Council in Latvia and abroad			
Latvia 	Judicial Council - The Judicial Council consists of 15 members in total: 8 permanent members: Chief Justice of the Supreme Court, President of the Constitutional Court, Minister of Justice, Chairperson of the Legal Affairs Committee of the Parliament, Prosecutor General, Chairperson of the Council of Sworn Advocates, Chairperson of the Council of Sworn Notaries, Chairperson of the Council of Sworn Bailiffs. 7 elected members: A senator of the Supreme Court elected by the Plenary Session of the Supreme Court, 2 judges of regional courts, and 4 judges of district (city) courts elected by the Judges' Conference.	Netherlands 	Judicial Council - The Judicial Council consists of 3–5 members, with more than half being judges. All members are salaried employees. The Judicial Council has a secretariat. - The work of the Judicial Council is overseen by the Council of Delegates. The Council of Delegates includes representatives from the courts, the Central Appeals Court for Public Service and Social Security Matters, and the Trade and Industry Appeals Tribunal.
Estonia 	Council for Administration of Courts - Consists of 11 members: The Chief Justice of the Supreme Court, five judges elected by the Court en banc, two members of Parliament, the Prosecutor General or a prosecutor appointed by him, a sworn advocate appointed by the Council of the Bar Association, and the Ombudsman or a representative appointed by him. The Minister of Justice or his representative participates in the work of the Council without voting rights. - The Council is chaired by the Chief Justice of the Supreme Court.	Finland 	Board of Directors of the National Courts Administration - The highest decision-making body of the National Courts Administration of Finland is the Board of Directors, which consists of 8 members: six judges or court presidents, one representative of other court staff, and one representative of a state administrative body appointed by the Ministry of Justice. - The Board of Directors appoints the Director-General of the National Courts Administration, who decides on matters not directly within the competence of the Board. The National Courts Administration employs approximately 60 people.

The number of cases heard in courts of first and second instance per judge in foreign practice countries is higher than the Latvian indicator.

Court staff

When performing a comparative assessment of the selected foreign good practice with Latvia, it can be observed that the structure of justice systems and the structure of employees therein have both common and different features. The common structures and job titles indicate a single basic structure of the judicial system in Europe, but the differences indicate a unique approach to the legal organisation in each country:

Common features	The activities of each court are supported by administrative staff, t.sk. court clerks, court clerks, court interpreters, archivists and heads of administration. These positions are present in all the countries analyzed and their main purpose is to ensure the operational organization of the work of the court.
Distinctive features	In Latvia, an assistant judge has significantly lower qualification requirements and competences than, for example, a court legal assistant or a court clerk in Estonia. In Latvia, there is a position of the Land Register Division - a judge specializing in land register cases. In Estonia, for example, the Land Registry Department mainly consists of a court legal assistant, a director of the Land Registry Department and a Land Registry Secretary.

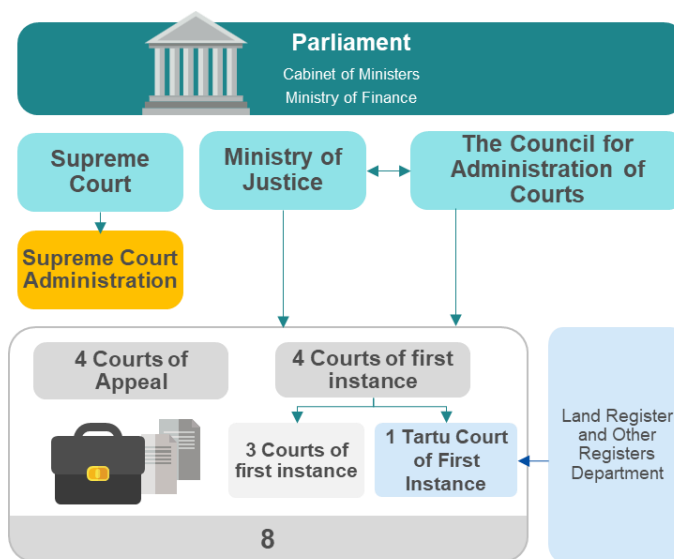
For a detailed table of comparisons of foreign good practice countries and Latvian court staff, see [Annex 8](#).

In foreign practice countries there is a greater diversity of positions of judges and court officials than in Latvia. In foreign practice countries there is a greater variety of judicial positions than in Latvia - for example, an apprentice judge, a temporary judge, a court legal assistant. This addresses the problem of temporary overload of judges and reduces the risk of the judicial system at some point overrunning the number of judges appointed for life. In the Netherlands, the Cabinet of Ministers appoints the holders of these posts in the same way as judges. In Finland, permanent judges of first instance and appeal are appointed by the President of the Republic on a proposal from the Government, on the basis of an assessment by the Council for the Appointment of Judges.

9.2. Estonia

The Estonian judicial system consists of four district courts (ang. *County Courts*), two administrative courts, two district courts (Ang. *circuit courts*) and the Supreme Court, which simultaneously performs the functions of the highest court of general jurisdiction, the highest administrative court and the constitutional court. There is no separate Constitutional Court in the Estonian judicial system.⁴⁰⁶ In addition, there are five self-governing bodies for judges in Estonia: the Court *en banc*, the Council for the Administration of Courts, the Disciplinary Board, the Judicial Examination Commission and the Council for the Training of Judges.

60. picture. The structure of the Estonian judicial system.⁴⁰⁷



The structure of the Tartu Regional Court also includes (1) the Land Register Department, which maintains the Land Register, the Matrimonial Property Register and the Ship Register; and (2) the Department of Registers, which maintains the Commercial Register, the Register of Associations and Foundations, and the Register of Commercial Pledges. The Pärnu Regional Court, on the other hand, has a Payment Orders Department, which examines enforcement procedures.

Organisation of the work of courts

Matters of judicial administration fall within the competence of Parliament, the Supreme Court and the Ministry of Justice. Issues of judicial administration are not completely independent and separate from the executive - courts of first and second instance are managed in cooperation between the Ministry of Justice and the Council of Court Administration. All major decisions on the justice system and the administration of justice are first discussed and approved by the Council of the Court Administration. **To date, no specific state or administrative authority has been established in Estonia responsible for the judicial administration as a whole**

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The Minister for Justice shall determine the territorial jurisdiction and location of the courts of first instance and appellate, as well as determine the total number of judges in each of those courts, as well as appoint the presidents of the district and district courts, with the approval of the Council for the Administration of Justice. The Ministry of Justice has the right to conduct an audit of the organisational and financial activities of courts of first instance and appellate instance.⁴⁰⁹

⁴⁰⁶ Igaunijas tiesas. Igaunijas tiesu sistēma. Pieejams: <https://www.kohus.ee/en/estonian-courts/estonian-court-system#:~:text=The%20Estonian%20court%20system%20has%20three%20instances,-The%20Estonian%20court&text=District%20courts%20and%20administrative%20courts,the%20court%20of%20constitutional%20review.>

⁴⁰⁷ Supreme Court of Estonia. The judicial system. Available: <https://www.riigikohus.ee/en/estonian-court-system>.

⁴⁰⁸ Igaunijas tiesas. Igaunijas tiesu sistēma. Pieejams: <https://www.kohus.ee/en/estonian-courts/estonian-court-system#:~:text=The%20Estonian%20court%20system%20has%20three%20instances,-The%20Estonian%20court&text=District%20courts%20and%20administrative%20courts,the%20court%20of%20constitutional%20review.>

⁴⁰⁹ Igaunijas Augstākā tiesa. Tiesu administrēšana. Pieejams: <https://www.riigikohus.ee/en/estonian-court-system/administration-courts>.

The Supreme Court performs the following functions in the administration of the lower courts:

1	2	3
Reviews applications from candidates for the position of judge and makes recommendations on the promotion candidacy	Appeals lodged against decisions of the Judicial Examination Board and the Disciplinary Board shall be examined	Decides on the initiation of disciplinary proceedings against the president of the Supreme Court

The Supreme Court is responsible for ensuring the proper administration of the judicial system, in particular by organising the work of self-governing bodies of judges, which play an essential role in the development of the judicial system in taking decisions affecting the development of the judiciary. In Estonia, most self-governing bodies operate with the administrative support of the Supreme Court.⁴¹⁰

The Council for the Administration of Courts is an advisory body that manages the courts of first and second instance in cooperation with the Ministry of Justice. The Council of the Court Administration gives its consent and opinions, as well as expresses its opinion on various legal issues related to the courts or topical ones. In addition, the Council of the Court Administration prepares guidelines and recommendations that help to ensure an orderly operation of judicial proceedings or a uniform judicial approach, organizing its work in situations not regulated by law. The Council of the Court Administration shall also:

- Provides an initial opinion on the principles for the establishment and amendment of the annual budgets of the courts, candidates for the vacant position of a judge of the Supreme Court, the release of a judge, as well as discusses the report that the President of the Supreme Court will submit to the Saeima on the administration of courts, ensuring legal protection and uniform application of legal norms, and other issues on the initiative of the President of the Supreme Court or the Minister of the relevant policy sector and determines the plan for the distribution of tasks of judges the basics of preparation.
- Approval is granted for determining the location of the judicial district, courthouses and courthouses, the number of judges, as well as the appointment and early release of court presidents, raising the maximum age limit for judges, determining the number of lay judges, determining the composition of the data in the IS register of courts and the procedure for submission, determining the amount of remuneration to be paid by lay judges and the procedure for payment, determining the additional remuneration of judges for on-call duty and the number of judges determining who are entitled to this additional remuneration.

The Council of Judicial Administration is headed by the President of the Supreme Court and consists of 11 members: the President of the Supreme Court, five judges elected by the plenum of the courts for a full term of three years, two members of parliament, the Prosecutor General or a prosecutor appointed by him, a sworn advocate appointed by the Council of the Bar Association and the Ombudsman or a representative appointed by him. The Minister for Justice or his representative shall participate in the work of the Council with the right of name (without the right to vote).⁴¹¹

⁴¹⁰ Turpat.

⁴¹¹ Igaunijas Valsts portāls. Tiesas. Pieejams: <https://www.eesti.ee/eraisik/en/artikkel/republic-of-estonia/court>.

The *en banc* or Conference of Judges is a comprehensive judicial self-governing body composed of all Estonian judges. The court *en banc* is headed by the President of the Supreme Court. The *en banc court hears*⁴¹² reports on the development of the law and judicial system, discusses problems of litigation and other issues affecting the work of courts and judges, approves the code of ethics, elects members and alternates of members of the Council of the Administration of Justice, members of the Disciplinary Board, members of the judicial examination commission, members and alternates of the training commission, as well as members of other committees of the judicial system from among judges.

Reforms implemented by Estonia in recent years to improve governance:

- **Translation Centre and Software:** In 2022, Estonian court interpreters and other stakeholders started using translation software, which significantly speeds up the translation process. The centralisation of the translation function made it possible to reduce the number of court interpreters required and to optimise the provision of their functions. Accordingly, funding was found to increase the salaries of court interpreters by almost half⁴¹³. The interview states that a centralised function can provide a wider range of translators and languages to be managed.
- **Court administration:** In Estonia, a change to the current model, which focuses on the executive, is being discussed. The separation of the judicial administration from the executive was provided for in the draft Judicial Law completed in 2009, but this did not happen, so the issue has been repeatedly raised with the aim of strengthening the independence of the judiciary and increasing its accountability, as well as ensuring a uniform and high-quality service of the judicial administration.⁴¹⁴

The judicial authority is headed in parallel by the president of the court and the director of the court, who are appointed by the Minister of Justice, but before appointing the president of the court, the opinion of the Supreme Court *en banc must be heard* and the consent of the Council for the Administration of Justices must be obtained.

Court president

He is appointed from among the judges of first and second instance for a term of seven years and is responsible for the proper functioning of the judicial process.⁴¹⁵ The President of the Court organises activities in the field of the administration of justice, approves the draft budget of the court prepared by the director of the court, monitors the proper functioning of the judicial process, takes decisions on the transfer of a judge, prepares a draft training plan for judges and submits it for approval to the general meeting, organises and monitors its implementation, as well as provides the general meeting with a report on the implementation of the plan at least once a year, and approves the schedule of duty of judges.

The president of the court may⁴¹⁶ set a reasonable time limit for the judge to carry out a procedural act or to complete the proceedings, taking into account the circumstances; to give the judge other organisational instructions on the conduct of proceedings, the organisation of work and working hours; to redistribute cases of proceedings between judges in accordance with the work-sharing plan; and, exceptionally, to deviate from the case-sharing plan, taking into account the specificities of the case, the specialisation of the judge and the different workload.

The presidents of the courts of appeal also supervise the judges of the courts of first instance.

The Minister for Justice supervises the performance of the duties of the presidents of courts of first and second instance and may request clarifications on the organisation of proceedings before the court.

⁴¹² Igaunijas Tiesu likuma 38. pants. Pieejams: <https://www.riigiteataja.ee/en/eli/ee/517032023014/consolide/current>.

⁴¹³ Tiesu gadagrāmata. Tulkošanas pakalpojums. Pieejams: <https://aastaraamat.riigikohus.ee/en/translation-service/>.

⁴¹⁴ Tiesu gadagrāmata. 15 gadus vēlāk: kārtējais mēģinājums mainīt tiesu administrāciju. Pieejams: <https://aastaraamat.riigikohus.ee/en/15-years-later-another-attempt-to-change-the-administration-of-courts/>.

⁴¹⁵ Igaunijas Tiesu likuma 12. pants. Pieejams: <https://www.riigiteataja.ee/en/eli/ee/517032023014/consolide/current>.

⁴¹⁶ Igaunijas Tiesu likuma 45. pants. Pieejams: <https://www.riigiteataja.ee/en/eli/ee/517032023014/consolide/current>.

Court president

Court Director

The administrative head of the judicial institution, who organizes the activities of the judicial institution, manages its property, prepares requests for the budget of the court, manages budget funds and ensures accounting. Court directors supervise the activities of land registry divisions, registration divisions and payment order divisions.

The structure of the district courts and the composition of judicial officials shall be determined by the director of the court, with the exception of functions related to judicial proceedings, where the structure of the court and the composition of court officials shall be determined by the president of the court.⁴¹⁷ According to the 2023 amendments to the Judicial Act, the position of head of the courthouse (ang. *manager of courthouse*) and the work is directed by the president or director of the court.

Full composition of the court⁴¹⁸

Makes decisions related to the administration of justice, approves the plan for the distribution of cases; gives an opinion on the appointment and removal from office of the President of the Court and makes recommendations on issues of work organisation.

Departments

In 2023, specialized departments – departments (civil and delinquent (ang. *offences*), as well as at the Tartu District Court - the Department of Insolvency and Commercial Register Proceedings, and at the Pärnu District Court - the Custody Supervision Department), which is based on the specialisation of judges.⁴¹⁹ The district courts have chambers for civil, criminal and administrative cases.⁴²⁰

The head of the department from among the judges of the department is appointed by the president of the court for a term of four years after hearing the opinion of the judges. The head of the department supports the provision of justice in accordance with the requirements and organizes the work of officials of the department, as well as organizes cooperation with departments and chambers of other courts. The head of the department may request explanations from judges and other employees of the department.

Estonia also has a quality management system in place to help judges, court presidents and other court staff to ensure the timeliness of the proceedings and the satisfaction of the participants in the proceedings. Although judges are independent in their judicial work, the President of the Court and the Board of Judicial Administration may exercise their administrative powers to ensure the quality and consistency of judicial proceedings.⁴²¹ The Judicial Law establishes the responsibility of the president of the court to ensure that judicial proceedings comply with the quality requirements, in order to ensure this, common quality standards have been established in various areas of responsibility.⁴²²

Judicial financing system

In Estonia, each judicial authority has its own budget.⁴²³ The funding of the court of first and second instance is part of the budget of the Ministry of Justice.⁴²⁴ The Minister of Justice is responsible for preparing the budget, defending it and submitting additional budget requests. The Minister shall approve the budgets of courts of first and second instance within two months after

⁴¹⁷ Section 9(4) of the Estonian Judicial Act.

⁴¹⁸ Igaunijas Augstākā tiesa. Tiesu sistēma. Pieejams: <https://www.riigikohus.ee/en/estonian-court-system>.

⁴¹⁹ Section 91 of the Estonian Judicial Act.

⁴²⁰ Section 241 of the Judicial Act.

⁴²¹ Management of quality criteria in the Estonian judicial system. Available:

https://www.kohus.ee/sites/default/files/tekstidokumentid/quality_management_in_the_estonian_court_system.pdf.

⁴²² Ibid.

⁴²³ Igaunijas Tiesu likuma 7.panta 2. daļa. Pieejams: <https://www.riigiteataja.ee/en/eli/ee/517032023014/consolide/current>.

⁴²⁴ Supreme Court of Estonia. Court administration. Available: <https://www.riigikohus.ee/en/estonian-court-system/administration-courts>.

the coming into force of the State budget, taking into account the opinion provided by the Council of the Court Administration on the drafting and sufficiency of the budget.⁴²⁵

The draft budget for next year is prepared by the Ministry of Justice in cooperation with the presidents of the courts and submitted to the Council of the Court Administration. The expenditure of the judicial budget for ensuring the judicial function is determined separately from the expenditure of the Land Registry Division, the Civil Registry Division, the Payment Orders Division, the Guardianship Supervision Division and the centralised support functions, the management of which falls within the competence of the Ministry of Justice. This expenditure includes funding for information technology systems, training, operating expenses of the Court Administration Council and other meetings/conferences.

The Supreme Court, as an independent constitutional body, provides its own administration.⁴²⁶ The Supreme Court has an independent budget, which is a separate budget line and is adopted in accordance with the procedure laid down in the State Budget Law.⁴²⁷ The Supreme Court is financed directly from the state budget and conducts negotiations directly with the Ministry of Finance.⁴²⁸

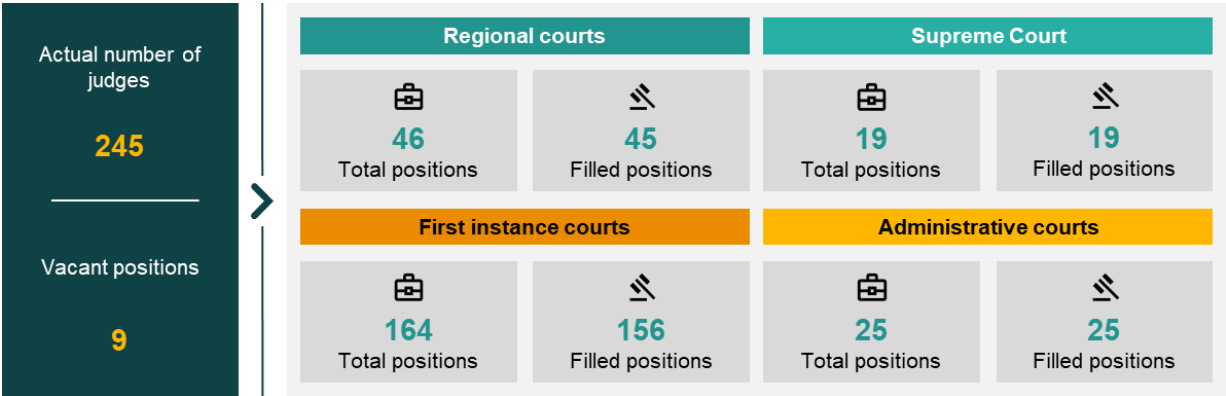
The salaries of judges and court presidents, as well as the minimum remuneration of court staff, are laid down by law, while the salaries of court officials are determined and approved by each court individually.

Each year, the judiciary prepares a digital consolidated annual report, which collects information on the performance indicators of the judicial system for the current year and current legal problems, as well as the activities of self-governments. **The courts of first and second instance submit a statistical report** on court cases to the Minister for Justice.

Judges and court staff

At the beginning of 2024, there were 256 judicial posts in Estonia, of which 246 were filled.⁴²⁹

61. picture. Distribution of judicial posts and posts filled among judicial authorities.⁴³⁰



⁴²⁵ Igaunijas Tiesu likuma 43. pants. Pieejams: <https://www.riigiteataja.ee/en/eli/ee/517032023014/consolide/current>.
⁴²⁶ Supreme Court of Estonia. The judicial system. Available: <https://www.riigikohus.ee/en/estonian-court-system>.
⁴²⁷ Igaunijas Valsts budžetēd the 35th panta 3. Pieejams: <https://www.riigiteataja.ee/en/eli/ee/516012019011/consolide>.
⁴²⁸ European Rule of Law Mechanism: Member States' contribution – Estonia. Available: https://commission.europa.eu/system/files/2020-09/2020_rule_of_law_report_-_input_from_member_states_-_estonia.pdf.
⁴²⁹ In the judicial yearbook for 2023. The judicial system in early 2024. Available: <https://aastaraamat.riigikohus.ee/kohtunikond-2024-aasta-alkuses/>.
⁴³⁰ In the judicial yearbook for 2023. The judicial system in early 2024. Available: <https://aastaraamat.riigikohus.ee/kohtunikond-2024-aasta-alkuses/>.

The President of the Supreme Court is appointed by the Parliament (Estonian *Riigikogu*) on a proposal from the President of Latvia. Supreme Court judges are appointed by parliament on a proposal from the President of the Supreme Court.⁴³¹ Judges of first and second instance are appointed by the President of Latvia on an *en banc* proposal from the Supreme Court.⁴³² The number of judges in each district court and their distribution shall be determined by the Minister, after hearing the views of the Presidents of the Court.⁴³³ The division of the positions of judges into divisions and specialization are described [in the plans for the distribution of judicial cases](#).

28. table. The most important HR management processes.

21.Area	22.Characteristics		
Appointment of judges	In Estonia, all judges are appointed through a public competition and before being appointed to office, judges must pass the judge's examination of the Judicial Examination Board.		
	The Judicial Examination Commission is composed of four judges of the Court of First Instance and four judges of the Court of Second Instance, four judges of the Supreme Court, a lawyer appointed by the Council of the Faculty of Law of the University of Tartu, a representative of the Ministry of Justice appointed by the Minister responsible for the field of politics, a lawyer appointed by the Board of the Bar Association and a public prosecutor appointed by the Chief Prosecutor.		
Working hours	The law ⁴³⁴ stipulates that judges independently organize their working time, performing their duties within a reasonable period of time and within the procedural time limits specified by law. Hearings are basically held on weekdays from noon to noon. 9:00 a.m. to 6:00 p.m., except in certain cases where a different period of time is required in the interests of the proceedings.		
	The annual leave of a judge is 35 calendar days, but additional holidays are granted for the time of service of the judge ⁴³⁵ :		
	Two calendar days if the length of service is five years	Four calendar days of service of 10 years	Seven calendar days if the length of service is 15 years
Training	The judge is obliged to regularly improve his knowledge and skills in the relevant specialization, as well as to participate in training. ⁴³⁶ The Council of the Court Administration, which consists of judges, as well as representatives of the Public Prosecutor's Office, the Ministry of Justice and the University of Tartu, is responsible for the training of judges. ⁴³⁷ A report on the training programme for judges is drawn up annually. ⁴³⁸ A judge training website has been set up for training .		
	Judicial training mainly includes legal training and skills development training. Legal training is shared by specialisation – for judges of civil, criminal and administrative law. Although judicial training is primarily conducted, judicial candidates, legal assistants and judicial advisers can also participate in the training.		

In total, **more than 900 employees work in the courts**.⁴³⁹ Judges in the courts of first and second instance occupy 235 positions, of which 226 are filled, while the rest of the posts are held by other court staff. From the review of posts, it can be seen that judges make up about 23% of the total composition of the judicial system⁴⁴⁰. For example, based on 2021 data^{441,442}, out of the

⁴³¹ Supreme Court of Estonia, Judicial System. Available: <https://www.riigikohus.ee/en/estonian-court-system>.

⁴³² Estonian courts. Estonian judicial system. Available: <https://www.kohus.ee/en/estonian-courts/estonian-court-system>.

⁴³³ 11 of the Estonian Judicial Act. Article.

⁴³⁴ Section 6 of the Estonian Judicial Act.

⁴³⁵ Section 84 of the Estonian Judicial Act.

⁴³⁶ Igaunijas Tiesu likuma 74. pants. Pieejams: <https://www.riigiteataja.ee/en/eli/513122021001/consolide>.

⁴³⁷ Supreme Court of Estonia. Referee training. Available at: <https://www.riigikohus.ee/en/training-judges>.

⁴³⁸ Ziņojums par tiesnešu apmācības programmu. Pieejams:

<https://www.riigikohus.ee/sites/default/files/distiplinaarasiad/Kohtunike%20kooolitusprogrammi%20aruanne2023.pdf>.

⁴³⁹ Everyman tiesa. Interesanti fakti par tiesām. Pieejams: <https://www.kohus.ee/eesti-kohtud/huvitavat-kohtutest>.

⁴⁴⁰ European Commission. The judicial system in Estonia at a glance. Available: <https://rm.coe.int/estonia-2021-data-1680ab89b5>.

⁴⁴¹ European Commission. Study on the training needs of judicial staff on EU law. Available at: https://commission.europa.eu/system/files/2021-06/2021-06-14_just2018jaccprcrim0131_study_annexes_final.pdf.

⁴⁴² Rules of Procedure of the District, Administrative and District Courts. Available: <https://www.riigiteataja.ee/akt/122012020007>.

other 744 employees employed in the judicial system, the largest positions of employees were: 226 court and senior court officials (Estonian *Kohtujurist ja vanemkohtujurist*), 176 court clerks (Estonian *Kohtuistungi sekretär*), 122 rapporteurs (Estonian *Referent*), 51 court legal assistants (Estonian *Kohtunikuabi*), 43 court guards and 34 interpreters.

Legal Assistant to the Court (in Estonian *kohtunikuabi*)

A court official, with a higher education in law (master's degree), who must complete a plan of service for the preparation of a court legal assistant before being appointed to a position. The main responsibilities, duties and tasks include specific competences in judicial decision-making, procedures, administration of applications, making entries in the Commercial Register, the Register of Non-Profit Associations and Foundations, the Register of Commercial Pledges (Registration Division), the Land Register and the Ship Register (Land Register Division), the examination of applications in an expedited procedure in relation to the order for payment and the expedited procedure for payment orders for maintenance claims, the development of cross-border enforcement documents, European order for payment procedure (Payments Department).

Court clerk / senior court official (Estonian *kohtujurist ja vanemkohtujurist*)

Public official, with higher education in law (master's degree). The main responsibilities, duties and tasks include participation in the preparation of cases for consideration and consideration, carrying out activities within the competence of legal assistants of the court and making decisions, preparing legal analysis, drawing up draft court decisions, issuing an order of an organizational nature, providing an opinion on the elimination of a legal problem, preparing a summary of the case and arguments of the parties, conducting research of case law.

A person who has worked as a court clerk for at least three years and passed the judge's examination is appointed as a senior court official.

Standards for the duration of proceedings, the distribution of cases and the workload of courts

The Council of Judicial Administration has approved the procedural objectives of the courts of first and second instance. In line with these objectives, it is essential that the performance of the courts as a whole over a three-year period is positive, i.e. the court must deal with at least as many cases during this period as it receives. It is also important that new cases are heard in no more than 365 days and that no more than 5-10% of cases exceed 365 days in court.

Each court submits a report to the Ministry of Justice once a month. Once a year, the president of each court of first and second instance shall provide a report to the Council of the Court Administration on the compliance of the court's activities with the requirements for ensuring legal order. In addition to this review, the judicial administration monitors the handling of cases that have been active for more than two years. The purpose of this review is to ensure that cases are not unduly delayed in legal proceedings. In cases where proceedings have lasted at least two years at the beginning of the accounting year, the president of the court monitors the proceedings in more detail, requiring the judge to submit an action plan for the conduct of the proceedings. A summary of this review is discussed in the Council of the Administration of Justice.⁴⁴³

Cases are allocated between judges at random between judges of courts of first and second instance in accordance with the case allocation plan, respecting the specialisation of judges and ensuring an equal workload.⁴⁴⁴ For example, in 2023, in Estonian courts, according to statistical data, the ⁴⁴⁵following were received:

⁴⁴³ European Rule of Law Mechanism: Member States' contribution – Estonia. Available: https://commission.europa.eu/system/files/2020-09/2020_rule_of_law_report_-_input_from_member_states_-_estonia.pdf.

⁴⁴⁴ Estonian Judicial Law.

⁴⁴⁵ In the judicial yearbook for 2023. Compendium of procedural statistics of district courts, administrative and district courts for 2023. Available: <https://aastaraamat.riigikohus.ee/maa-haldus-ja-ringkonnakohtute-2023-aasta-menetusstatistika-kokkuvote/>.

District courts

- **35,116 civil cases and 51,072 accelerated order for payment cases**, which show an increase compared to 2022. Civil claims in litigation were the most common cases involving loan and credit agreements (39.4% of the total number of cases) and alimony cases (10.4%), while in the post-claim proceedings, the largest number of cases were for the hospitalization of a person (18.5%). **The average time for civil cases was 106 days.** By nature (ang. *action-by-claim*) resolved 2649 civil cases with an average hearing time of 344 days, while the average hearing time for cases separately (ang. *action-by-petition*) was 70 days.
- **11,413 criminal cases**, including 3,369 criminal cases, which is less than in the previous year. The largest number were criminal offence cases, enforcement cases and cases of pre-trial investigating judges. District courts dealt with 270 general procedure criminal cases **with an average hearing time of 310 days.** Under the simplified procedure, 3 206 criminal cases were dealt with an average hearing time of 33 days.

Administrative courts

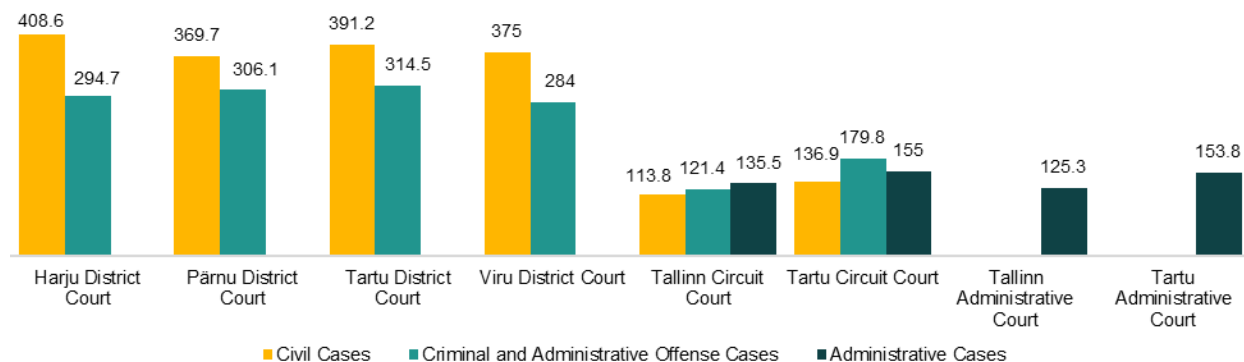
3,088 cases (11.5% more than in 2022). The average **processing time for cases was 162 days.**

District courts

- 2,580 civil cases and 2,656 cases were adjudicated. In appeal proceedings, civil cases were dealt with in an average of 239 days, and in proceedings on appeal of court decisions in an average of 90 days.
- 1,700 criminal cases and AP cases, of which 1,532 were criminal cases. District courts heard 268 criminal cases with an average hearing time of 85 days.
- 1 487 administrative cases, with an average hearing time of 296 days in appeal proceedings and 47 days in appeal proceedings.

In 2023, there were 7.6% fewer civil cases and 6.3% fewer criminal cases in the courts of appeal, while the number of administrative cases and AP cases was 8.9% and 14.3% higher, respectively.

62. picture. Average statistical workload of judges of district courts, administrative courts and district courts in cases received in 2023.⁴⁴⁶



Methodology and model for assessing the workload of the court

A unified methodology for the court workload was developed in 2007, and since 2017, the development of the methodology has been coordinated by the Ministry of Justice, involving court presidents and heads of departments. The methodology takes into account that the judge is supported by court staff during the hearing, but does not measure the total time required to hear each case, but only the time of the judge. In all types of litigation, it is assumed that there are 1,600 hours per year for hearing cases, assuming that the judge has 35–42 calendar days of

⁴⁴⁶ In the first and second instances, the 'statistical' load of the judge takes into account the specialisation of the sector, unfilled posts and longer periods of absence. The scope of the work of the district judge does not include participation in the composition.

leave per year and an average of 10–14 working days for self-growth.⁴⁴⁷ As part of the project, a time tracking measurement was carried out, within the framework of which judges voluntarily recorded information about the working time spent in each case considered for 1.5 years.

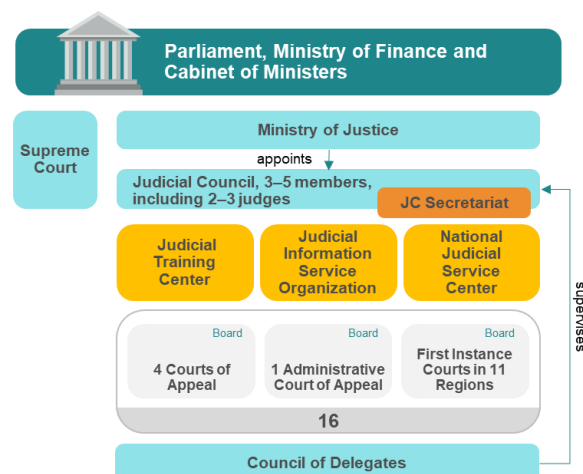
Criminal, civil and administrative cases have different formulas for measuring workload. The factors determining the working time of a judge in the handling of cases vary depending on the type of procedures.

9.3. The Netherlands

The Dutch judicial system is made up of 11 courts of first instance (cantonal),⁴⁴⁸ four courts of appeal⁴⁴⁹, two special chambers⁴⁵⁰ and four public services.

The functioning of the judiciary is assisted by national services: the Council for the Judiciary, the Centre for the Study of Justice, the Organisation of Judicial Information Services and the National Centre for Judicial Services.

63. picture. Structure of the Dutch judicial system.



Organisation of the work of the courts

In accordance with the principle of separation of powers, the judicial system has long been independent of the Ministry of Security and Justice (hereinafter - the Ministry of Justice). However, until 2002, the Minister for Security and Justice (hereinafter - the Minister) was directly responsible for aspects of the functioning of the courts. The Ministry of Justice and the courts discussed the required level of staffing, IT and funding. That changed in 2002 when the **Judicial Council** was created.

Since then, the Judicial Council has overseen the functioning of the courts, and there is no longer a direct link between the minister and the 16 independent courts. When it comes to judicial matters, the Minister only cooperates with the Council. The special situation of the judicial system is also reflected in the fact that, since 2002, it has had a separate position in the justice budget alongside the central ministry and administrations.

The work of the Judicial Council is supervised by the Council of Delegates⁴⁵¹. The Board of Delegates is composed of representatives of the courts, the Central Court of Appeal and the Commercial and Industrial Appellate Tribunal. The detailed rules on the composition and body of the Council of Delegates and the delegation of its members shall be laid down by order of the Council for the Judiciary. The task of the Council of Delegates is to make recommendations and advise the Council on the performance of the functions of the Council for the Judiciary. The Council for the Judiciary shall, at the request of the Council of Delegates, provide the information it needs for the performance of its duties.

⁴⁴⁷ Ministry of Justice, Methodology of the Court's workload. Information provided by the Estonian Council for the Administration of Justice.

⁴⁴⁸ Amsterdam Court, Hague Court, Gelderland Court, Limburg Court, Mid-Netherlands Court, North Holland Court, North Dutch Court, East Brabant Court, Overijssel Court, Rotterdam Court, Zeeland West Brabant Court.

⁴⁴⁹ Amsterdam Court of Appeal, Arnhem-Liwarden Court of Appeal, Court of Appeal in The Hague, Court of Appeal of Herzogenbosch.

⁴⁵⁰ The Council of State is the highest general administrative court. For example, it decides on zoning plans, gas storage in the ground and large wind farms. In addition, the Council of State hears immigration cases on appeal.

⁴⁵¹ Articles 90 to 92 of the Law on the organisation of the Dutch judicial system.

Responsibilities of the Judicial Council	Priority aspects
• prepare, in cooperation with the courts, a budget for the Council for the Judiciary and the courts; • To allocate budget funds from the state budget to the courts; • Support the operational operation of the courts; • Ensure monitoring of the implementation of the judiciary's budget; • To supervise the operational activities of the courts; • Ensure national actions related to the recruitment, selection, appointment and training of court staff.	In carrying out these duties, the Council for the Judiciary shall focus in particular on: • ensuring the operation of information systems and the accumulation of administrative information; • the management and safety of court buildings; • the quality of judicial administrative and organisational processes; • personnel matters; • other administrative matters . In the performance of its duties, the Council for the Judiciary may issue general instructions to judicial boards if this is necessary for the proper functioning of the courts. Before giving instructions, the Council for the Judiciary must give the Council of Delegates the opportunity to express its opinion. In giving the reasons for its instructions, the Council for the Judiciary must indicate how it has taken into account the opinion of the Council of Delegates in its assessment. References must be published in the Government Gazette.⁴⁵²

Each court has a board of directors (ang. *Management Board*) composed of three people, including the Chairman of the Board, who has been awarded the title of President of the Court⁴⁵³. Two members of the board are from among the judges, one from the court administration. The Board of Justice shall be appointed by a cabinet order for a period of six years upon a proposal of the Minister and on the recommendation of the Council for the Judiciary.

The law⁴⁵⁴ clearly states what is meant by the term "supreme manager" in this Act and in the regulations based on it:

The 'top manager' of the staff working at the Court of First Instance	"Top manager" of employees working at the Court of Appeal	"Supreme Manager" of Vice-Presidents, Judges, Extraordinary Judges, Registrars and Their Deputies, Assistant Lawyers of the Court Working in the Supreme Court
Board of Directors of this court	The Board of Directors of this Court of Appeal	President of the Supreme Court

Judicial financing system⁴⁵⁵

The Council for the Judiciary is the leading body in the process of financing the Dutch judicial system.

This process is characterised by the following elements:

⁴⁵² Article 92 of the Law on the organisation of the Dutch judicial system.

⁴⁵³ Judiciary (Organisation) Act Valid from 1 January 2020 to the present 15. panta 1., 2. un 3. punkts.

⁴⁵⁴ Judicial Officers (Legal Status) Act Applicable from 01.01.2020 to the present 1. panta otrā daļa. Pieejams: <https://www.rechtspraak.nl/SiteCollectionDocuments/judicial-officers-legal-status.pdf>.

⁴⁵⁵ The Financing System of the Netherlands Judiciary. Pieejams: <https://www.rechtspraak.nl/SiteCollectionDocuments/The-Financing-System-of-the-Netherlands-Judiciary.pdf>

	Characteristics
Annual document planning	The budget is drawn up two years before the year for which funding is earmarked. This is the basis for the Judicial Council's negotiations with the Minister for Security and Justice on the budget one year before the start of the year. The Council for the Judiciary publishes an annual report after the end of the year ⁴⁵⁶ . An annual plan is also published annually. For example, in 2025, the Council for the Judiciary advocates the abolition of the role of the minister in the appointment of members of the Council for the Judiciary. In addition, it would be necessary to enshrine the status of the Council for the Judiciary in the national constitution.
Funding regulated by law	The basic principles of the functioning of the judicial system are enshrined in the Constitution of the Kingdom of the Netherlands. ⁴⁵⁷ The financing of the justice system is regulated by the Law on the composition of the judiciary and the organisation of the justice system ⁴⁵⁸ and is further detailed in the 2005 Decree on the judicial sector (funding). ⁴⁵⁹ The decree introduced the concept of results-based financing into the judicial system and shifted from a system of monetary obligations ⁴⁶⁰ to a cost-benefit system. Issues of remuneration of employees employed in judicial institutions are regulated by law: Law on the Legal Status of Officials of the Justice System ⁴⁶¹ .
Two-stage financing system	A two-tier system has been introduced for the financing of the Dutch judiciary. The Minister finances the judicial system as a whole through a financial contribution to the Council for the Judiciary. The Council for the Judiciary then ensures that funding is allocated to each of the 16 courts. Although the funding of the justice system as a whole and the funding of the courts are similar in many respects, the two funding systems differ in a number of important respects. Currently, funding for 2023-2025 is in force.



In the Dutch financing system, cash flows from the Ministry of Security and Justice to the Council for the Judiciary.

Results-based funding

The Minister provides the Council for the Judiciary with an annual contribution of around €950 million. The majority (95 %) of this amount is attributable to the financing of performance (financial value x (multiplied by) the number of items) and is referred to by the term "performance-related contribution". This performance-related contribution is calculated by multiplying the number of cases (judgments) by the financial value applicable to them. The more cases the judicial system handles, the more money it receives. And the smaller the contribution of the judicial system, the fewer cases can be resolved.

The rules on the financing of the judicial branch shall be determined by order of the Council for the Judiciary. Before drawing up a draft budget, it is necessary to consult the judicial authorities. The budget is drawn up on the basis of:

- objective measurement of the workload of the courts;
- reimbursement of expenses incurred by the court;
- the conditions relating to the functioning of the courts and related workload in the next budget period and the shortfall in the performance of the previous period;
- the budgetary management system to be applied by the Council for the Judiciary and the courts.

Number of pending cases

Before the beginning of the calendar year, it is calculated how many cases will be considered by the judiciary. These calculations are recorded in contracts with the minister. This figure determines the size of

⁴⁵⁶ Annual documents of the Judicial Council. Pieejams: <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Raad-voor-de-rechtspraak/Jaardocumenten>.

⁴⁵⁷ The Constitution of the Kingdom of the Netherlands 2002. Pieejams: <https://www.rechtspraak.nl/SiteCollectionDocuments/Constitution-NL.pdf>.

⁴⁵⁸ Judicial Organisation Act. (2020). Pieejams: https://www.rechtspraak.nl/SiteCollectionDocuments/Wet-op-de-Rechterlijke-Organisatie_EN.pdf.

⁴⁵⁹ Court Sector (Funding) Decree 2005. Pieejams: <https://www.rechtspraak.nl/SiteCollectionDocuments/Besluit-Financiering-Rechtspraak.pdf>.

⁴⁶⁰ Ang. cash commitment system.

⁴⁶¹ Judicial Officers (Legal Status) Act Applicable from 01.01.2020 to the present. Pieejams: <https://www.rechtspraak.nl/SiteCollectionDocuments/judicial-officers-legal-status.pdf>.

the budget for the judiciary. Forecasts are created together with the Scientific Research Data Center (WODC) and forecast models are calculated. As can be seen in Table 40, the forecasts are quite accurate.

31. table. Number of cases planned for the budget compared to the number of cases actually dealt with (Source: Judicial Annual Report 2023⁴⁶² Machine translated.)

	Budget contracts (number)	Actual execution (number)	Enforcement against contracts (%)
Court of First Instance			
Cantonal court cases	883 878	875 250	99%
Civil matters, commercial disputes	49 314	54 300	110%
Civil cases, family cases	175 084	147 860	84%
Criminal cases and penalties	174 604	161 460	92%
Administrative cases	32 717	37 630	115%
Immigration cases	39 530	39 660	100%
Tax cases	28 733	29 510	103%
Courts of appeal			
Civil matters, commercial disputes	6 125	5 910	96%
Civil cases, family cases	4 683	4 470	95%
Criminal cases and penalties	34 144	26 290	77%
Tax cases	8 930	8 070	90%
Special College			
Central Board of Appeal	4 523	4 380	97%
Together	1 442 263	1 394 790	97%

In January each year, the Judicial Council submits to the Minister a proposal on the number of cases to be dealt with in the following year. This proposal is based on projections of the number of incoming and outgoing cases prepared by the Judicial Council together with the Minister and partners in the various administrative bodies under the responsibility of the Ministry (e.g. in cooperation with the Public Prosecutor's Office and the Immigration and Naturalisation Service). In September, the minister submits the ministry's budget to Parliament. In it, he indicates how many court cases he proposes to fund. This number may differ from the number indicated in the Judicial Council's budget proposal. Any such differences must be explained in the budget of the ministry. Parliament may then give an opinion on the Minister's decision.

Overdue payments

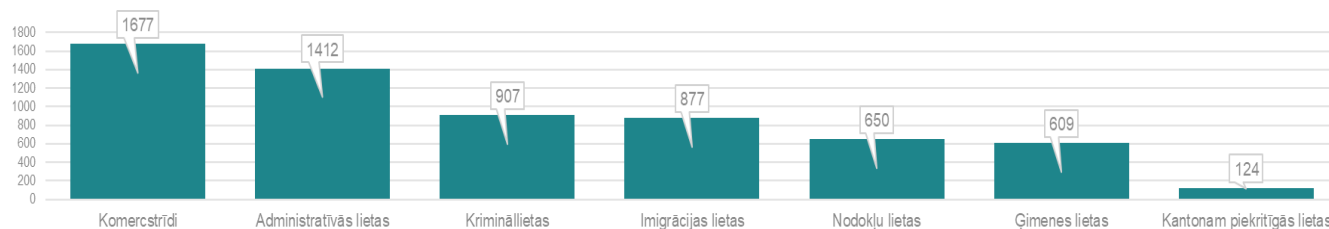
After the end of the calendar year, it is known how many cases have actually been heard by the courts. The number may be higher or less than the number specified in the ministry's budget. This excess or shortfall shall be covered at a rate of 70 % of the financial value applicable to the case. The actual number of cases dealt with is indicated in the Annual Report of the Council for the Judiciary, which is one of the topics of the audit carried out by the external auditor. The Council for the Judiciary sends the annual report to the Minister, who submits it to Parliament.

⁴⁶²Dutch judiciary. (2024). "The Judicial Annual Plan for 2024 Makes Coexistence Possible". Available: <https://www.rechtspraak.nl/SiteCollectionDocuments/jaarplan-van-de-Rechtspraak-2024.pdf>.

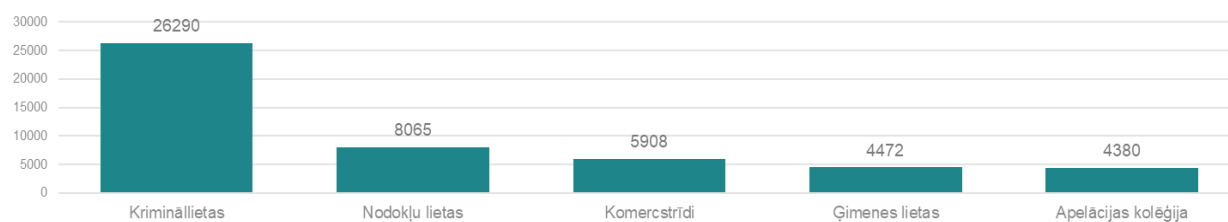
Financial value of the trial

In financing the judicial system, the Minister determines the financial value of ten types of cases: six in the district courts, three in the courts of appeal and one in the Central Court of Appeal. They are listed in the following table. The classification is based on different areas of law (civil law, criminal law, administrative law, etc.). The financial value ranges from €140 for a case before a sub-district court (cantonal court) to €6,123 for a civil commercial dispute before the Court of Appeal. The differences in financial value are due to the time it takes to hear a case. It depends, inter alia, on whether the case is heard by a judge sitting alone or by a panel of three judges or by a panel of judges of the Court of Appeal.

64. picture. Differences in the tariff for hearing one case in courts of first instance in 2025 (in euros).



65. picture. Differences in the tariff for the hearing of one case before the courts of appeal in 2025 (euro).



The contract concluded with the Minister of Justice provides that the budget of the judicial system is estimated taking into account the 7 categories of cases listed in Figures 68 and 69 for cases pending at first instance and five categories of cases pending on appeal. In turn, by distributing the financial resources of the state budget to this court.

The Netherlands has also set rates for adjudicating one case in 2025 (in euro) before courts of first instance and courts of appeal⁴⁶³.

32. table. Single-case adjudication rates in 2025 (in euro) before courts of first instance and courts of appeal (machine translated).

Type of case	Tariff for 1 item, 2025 (interval from), euro		
	Court of Appeal / Colleges	Court of First Instance	Kantona ⁴⁶⁴ tiesa
CIVILLIETAS			
Commercial disputes	356.90 – 7 656.31	6.89 – 7 662.24	13.33 – 3 266.43
Family affairs	222.72 – 4 840.08	20.72 – 1 350.16	67.11 - 213.01

⁴⁶³ Information provided by a representative of the Dutch Council for the Judiciary.

⁴⁶⁴ Sub-district (ang. *subdistrict*) a subdistrict judge in civil law – in the Latvian judicial system there would be a district (city) sub-court. The judge hears cases within the framework of civil law: cases up to and including 25,000 euros, employment cases, rental cases, consumer purchase cases and consumer credit cases. The district court also hears issues such as guardianship, trusteeship, mentoring, and the rejection or (favorable) acceptance of the estate.

Type of case	Tariff for 1 item, 2025 (interval from), euro		
Presidential decisions/civil law in general	-	50.92 – 1 425.51	303.91 – 2 011.42
ADMINISTRATIVE AFFAIRS			
Administrative cases	-	323.47 – 7 829.37	-
Immigration cases	-	624.16 – 2 405.24	-
TAX ISSUES			
TAX ISSUES	60.30 – 3 579.48	179.72 – 2 986.72	-
CRIMINAL CASES			
Criminal cases	74.87 – 3 567.77	272.06 – 9 504.26	25.76 - 293.24
CENTRAL BOARD OF APPEAL			
Central Board of Appeal	134.38 – 4 597.83	46.34 – 3 602.33	

In the annual report of the judicial system for 2023, it has been stressed for years that the Dutch courts have insufficient capacity. It is gradually being increased and over the last four years the number of posts for judges and court lawyers has increased by 400. However, the stock of things is also increasing, the pressure on the work process is increasing, since it is increasingly difficult to achieve quality standards. More judges are being hired for training, but it is difficult to attract enough suitable staff.

The courts as a whole have a relatively high proportion of absenteeism due to illness, accounting for a total of 6.3% of the total working time in 2023. Due to the increasing amount of absenteeism, the total capacity of the court decreases, as well as there is a greater load among other colleagues.

Dutch judges point out that there are situations where judges have to work overtime, but still the parties involved have not been able to reach an agreement on a structural solution, either in terms of time or money, to compensate for the overtime that judges have to deal⁴⁶⁵ with.

Quality standards

In order to avoid placing excessive emphasis on the number of cases dealt with, the Council for the Judiciary has formulated various quality standards. Examples of these standards are the number of hours of continuous education prescribed for each judge, the number (percentage) of criminal penalties, which according to the new method called *Promis*, a reasoned judgment must be given, and the number of cases in which the draft judgment must be read by the other judge. More information can be found in the brochure "Quality of the justice system in the Netherlands", which can be consulted in the English section of the website www.rechtspraak.nl.

Negotiations on the determination of financial value

The minister determines the ten financial values after negotiations with the Council for the Judiciary. The result (those values) shall be included in the central government budget. If the Judicial Council and the Minister fail to reach an agreement, this is communicated. The costs of previous years for each product group form the starting point for negotiations. In previous negotiations on financial value, the Council for the Judiciary argued that higher financial values were needed to achieve further quality improvements. The same argument applies to the consequences of the new legislation, which may increase the workload in each case. In previous negotiations on financial value, the Ministry of Justice argued that financial values could be lowered if courts maximized efficiency.

The financial value rate shall apply for a period of three years

⁴⁶⁵ Agreement on employment conditions in the judicial sector 2022-2024. Available: <https://www.nvvr.org/wp-content/uploads/Arbeidsvoorwaardenovereenkomst-RM-2022-2024-def.pdf>.

Unlike the number of referrals, which are negotiated annually between the Council for the Judiciary and the Minister, the financial value for a case is set for a period of three years. Except in exceptional circumstances, financial values are not adjusted during this period, even if it turns out that the actual costs are higher or less. It follows that the judicial system loses when the financial values are higher, but gains when the financial values are lower.

Non-operating income

A small part of the judiciary's budget (5% or €42 million) is (yet) not based on results. This applies to cases heard by only one or a few courts (e.g. cases heard by special chambers and the Commercial and Industrial Appeals Tribunal) or cases for which the rules of the financing system have not yet fully crystallised (mega cases in the area of criminal law).

In order to be able to properly manage the time of hearing cases and to be able to track the status of proceedings by identifying stages of delay, time measurements are used periodically – every three years, in which all judges are invited to participate. In parallel, information panels compiling court statistics are also being created. They reflect information about the scope of the case, procedural status, compliance with the time standard, the age of accumulated cases by judicial authorities.

The Council for the Judiciary and the courts constantly monitor the results of the work of the

66. picture. Comparison of weighted workloads and the number of cases dealt with in Dutch courts in 2023.



courts. The following indicators are tracked – the number of cases received and completed; the weighted load, productivity and cost of the cases examined, the throughput of cases. Performance indicators have also been developed. The judicial system has developed (maximum) standards for each category of cases. The proportion of cases pending in the standardised hearing period is regularly monitored. Overall, courts were able to reach the standard in 2023, hearing about 51% of cases. The standard is most successful in commercial proceedings – 76% of cases, including family disputes and cases involving a minor – 66%. The achievement of the standard has hardly been possible in tax disputes, commercial disputes pending on appeal, disputes in the field of social affairs (t.sk. social insurance), economic

administrative law, civil service disputes and competition matters. The Council for the Judiciary acknowledges that setting standards in such complex areas is not appropriate due to the complexity and unpredictability of cases, as the case may touch on fundamental legal issues. An additional factor is the collegial consideration of the case, which means that there are stages of the process that are executed several times.

Consolidated annual report

Each year, the judiciary prepares an annual report, which includes a consolidated balance sheet and a statement of income and expenditure, as well as a detailed report on the performance of the courts. The report includes 17 judicial authorities – 11 judicial authorities of first instance, six judicial authorities of the appellate instance, the Council of the Judiciary, the Organisation for the Provision of Information to the Judicial System, the Centre for the Study of Justice, the National Centre for the Judicial Service.

The consolidated annual report shall be drawn up by the Council of the Judiciary, signed by all five members of the Council of the Judiciary, audited by an external auditor and published by 1 May of the current year.

Judges and court staff

In total, there were 2,700 judges in the Netherlands in 2024 and in 2023 judges ruled in 1.394 million cases.

The selection of judges is ensured by the National Selection Committee for Judges. Its members are appointed by the Council for the Judiciary on the basis of the selection of candidates by the committee itself. The National Judicial Selection Committee shall consist of six judges and six non-judge members, including at least one prosecutor and one lawyer. Judges are selected on the basis of objective criteria drawn up on the recommendation of the court in which the vacant position of judge is held⁴⁶⁶. The decision to appoint a judge for life is made by Royal Order (equivalent to a Cabinet order) signed by the King and approved by the Minister of Justice and Security. The Minister only checks whether the applicant meets the legal requirements for appointment, and so far the Minister has complied with the recommendation of the Council for the Judiciary in all cases (Since the Judicial Council has delegated the task of selecting judges to the National Committee for the Selection of Judges, then the committee reports to the Council on the result of the selection).⁴⁶⁷ This procedure applies to candidate judges in eleven district courts, four general courts of appeal and two specialised courts, with the exception of the Supreme Court and the Administrative Chamber.

From the overview of posts (see photo). Figure 67) shows that judges in the Netherlands account for 21% of the workforce in the judicial system, which is 1% less than in 2019. 54% are other court officials, 15% are court officials, 10% are those employed in court support services.

67. picture. Number of posts in the Dutch judicial authorities compared to the number of full-time equivalents employed (Source: Judicial Annual Report 2023, machine translated).⁴⁶⁸

	2019 year		2020 year		2021 year		2022 year		2023 year	
	Number	READ MORE	Number	READ MORE	Number	FULL	Number	FULL	Number	FULL
Court officials - judges	2.488	2.305	2.562	2.372	2.609	2.416	2.636	2.451	2.661	2.477
% total	23%	23%	22%	23%	22%	22%	22%	22%	21%	22%
Court officials other than judges	5.831	5.188	6.268	5.485	6.496	5.711	6.525	5.745	6.802	5.961
% total	53%	52%	54%	52%	54%	53%	53%	52%	54%	52%
Other court staff	1.853	1.701	1.899	1.743	1.835	1.684	1.899	1.732	1.967	1.801
% total	17%	17%	16%	17%	15%	16%	16%	16%	15%	16%
National services*	870	816	934	876	1.107	1.045	1.170	1.107	1.278	1.210
% request	8%	8%	8%	8%	9%	10%	10%	10%	10%	11%
National total	11.042	10.010	11.663	10.476	12.047	10.856	12.230	11.035	12.708	11.449

*National services are the Council for the Judiciary, the Centre for the Study of Court Administration, the Organisation of Judicial Information Services and the National Centre for Judicial Services.

In courts of appeal, the proportion of judges is higher than in courts of first instance – 36-48% of the total staff.

⁴⁶⁶ Available at: <https://judiciaryhub.eu/country/netherlands/>

⁴⁶⁷ Available at: https://commission.europa.eu/system/files/2022-07/44_1_193999_coun_chap_netherlands_en.pdf

⁴⁶⁸ Dutch judiciary. (2024). "The Judicial Annual Plan for 2024 Makes Coexistence Possible". Available: <https://www.rechtspraak.nl/SiteCollectionDocuments/jaarplan-van-de-Rechtspraak-2024.pdf>.

By comparison, for example, in the prosecutor's office in 2023⁴⁶⁹,⁴⁷⁰ there were 5 961 court officials (Dutch *Juridisch mederwerker*), 1 801 legal assistants (*Dutch Stafjurist*) and 1 967 administrative court officials.

Table 33. Court officials other than judges.

Court Clerk,
• Provides legal assistance in the preparation of cases (consults the cases, examines laws, directives, case law, possibly contacts the parties for additional information, files or documents, prepares a report containing the relevant facts or evidence, a summary of the case and arguments) • Provides assistance during the hearing (apply all the necessary procedures to ensure the smooth running of court services; monitor the transmission of cases and documents, report on the hearing, etc.) • Provides assistance to judges in the preparation of draft decisions • Specific competences in relation to judicial decisions • Procedures
Legal Assistant
• Provides legal assistance in the preparation of very complex/specialised cases and advises the composition of the court • Provides specialised legal aid during the hearing • Prepares draft decisions • Provides training and mentoring to court clerks, trainee judges

Reward

The remuneration of the President of the Court is determined by order of the Council for the Judiciary, taking into account the conditions laid down by law⁴⁷¹, the remuneration of judges is determined by the Minister, while the remuneration of court staff is determined by the Council for the Judiciary.

Category 1: Chief Justice and Attorney General of the Supreme Court;
Category 2: Vice President and Deputy Attorney General of the Supreme Court;
Category 3: Judge and Advocate General of the Supreme Court;
Category 4: National Advocate General;
Category 5: Deputy Chief Prosecutor in the State Public Prosecutor's Offices of the District Court in Amsterdam, The Hague and Rotterdam and in the District Court Prosecutor's Office in the counties of Gelderland and Overijssel combined;
Category 6: Advocate General;
Category 7: Senior judges at the Court of Appeal; senior judge in the A District Court; the Senior Advocate General; senior prosecutor A;
Category 8: Judge of the Court of Appeal; senior judge in the district court;
Category 9: Judge in a district court (first instance) (category 9a: trainee judge);
Category 10: Clerk of the Supreme Court; a deputy judge at the court of first instance and at the court of appeal to which he is appointed; legal assistant to the court; employee in single-judge cases; senior court legal assistant;

⁴⁶⁹ European Commission. Study on the training needs of judicial staff on EU law. Available: https://commission.europa.eu/system/files/2021-06/2021-06-14_just2018jaccprcrim0131_study_annexes_final.pdf.

⁴⁷⁰ Tiesu organizācijas likums. Pieejams: http://wetten.overheid.nl/BWBR0001830/Hoofdstuk2/Afdeling2/Paragraaf1/Artikel14/geldigheidsdatum_05-12-2013

⁴⁷¹ Judicial Officers (Legal Status) Act Applicable from 01.01.2020 to the present. Pieejams: <https://www.rechtspraak.nl/SiteCollectionDocuments/judicial-officers-legal-status.pdf>.

The salary scales of judicial officials shall be determined by order of the Council for the Judiciary or by order in accordance with the classification laid down in subchapter 2.

Standards for the duration of legal proceedings

(see [Annex 18](#))

Standards for the duration of the hearing of cases are formulated. For this purpose, cases are divided into 38 different procedural types, each having its own standards for hearing time; 32 standards for courts of first instance and 15 for courts of appeal.

68. picture. Standard formula.

x per cent (standard percentage) to be completed at time y, consisting of:

- (a) the period (e.g. one year) during which the case is to be resolved,
- (b) **the percentage of cases (e.g. 90 percent) to which it should be attributed.**

Current standards were established using data submitted by judicial officials on court case processing times (time study). The standard benchmark was based on the performance of the third- and fourth-best court scores, which were obtained by ranking the best results in descending order. In addition, the regulatory and procedural framework⁴⁷², the feasibility of applying the expected standard⁴⁷³ and/or the planned reduction of the time consumed or an increase in the efficiency of the proceedings were taken into account. The basic principle of the application of standards states that most cases must be completed within a certain time, but it is taken into account that there is a group of procedures that take a particularly long time due to unavoidable complications. The standard expects that within 6 months, 90 percent of cases in a given group of cases will apply, while 10 percent of cases are expected to be dragged out. Formulating the standard in this way, there is an advantage that in random cases there is an opportunity to consciously devote more time to the consideration of the case. Presenting and standardizing average lead times gives less insight into the duration of the process than the system chosen.

For the measurement of the length of the court case itself, the perspective of the citizen and the public was chosen: citizens, the public and politicians primarily want to be informed about the duration of the common procedures. Thus, the results relate to the total duration of proceedings in one court from the start of the procedure. It is not decided what can and cannot be influenced by the judiciary. The measured time includes, for example, the time when the procedure has been stopped because the parties want it in order to be able to reach an agreement or because they have to wait for the outcome of the mediation or another court decision. This applies only to 'real' procedures; The analysis does not include cases that have already been withdrawn before the hearing.

The duration that is measured starts from the date of receipt of the application or summons to the court and continues until the judge has confirmed the judgment or the decision has been sent to the parties. The starting point of the civil summons procedure is the first hearing, in the application procedure – the receipt of the request. The moment of enforcement is the date on which the ruling/decision was sent. In administrative law cases, the measurement of the duration begins with the receipt of the appeal/request and continues until the date of transmission of the decision. In criminal proceedings at first instance, the measurement begins at the first hearing and in criminal proceedings on appeal, when the case has been received in court. The moment of completion is the date of the ruling/decision/order. The Board of Commercial and Industrial

⁴⁷² For example, the General Administrative Law Act (AWB) sets deadlines for correcting deficiencies, exchanging documents and inviting a meeting.

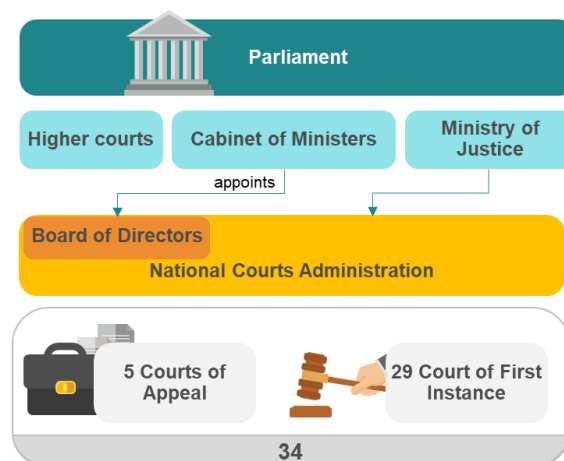
⁴⁷³ The feasibility of applying the standard is partly determined by factors beyond the jurisdiction of the judge/court, such as the speed of action of the partners involved, further studies and expert reports, the anticipation of an indicative decision on appeal, the answers to the questions raised above and the behaviour of the parties.

Appeal (CBb) and the Central Board of Appeal (CRvB) do not set standards for hearing cases, but average trial times are monitored.

9.4. Finland

Finland's judicial system consists of 20 district courts (*somiski käräjäoikeudet/tingsrätterna*), five courts of appeal (*somiski hovioikeudet/hovrätterna*), the Supreme Court, as well as administrative courts, which include six regional administrative courts and the Supreme Administrative Court. In addition, there are three specialised courts: the Commercial Court, the Labour Court and the Insurance Court, as well as the Supreme District Court. In total, courts operate in 52 geographical locations in Finland. There is no separate Constitutional Court in the Finnish judicial system.⁴⁷⁴ In addition, the Finnish judicial system includes the National Judicial Administration (*somiski Tuomioistuinvirasto*), the Council for the Appointment of Judges and the Council for the Training of Judges.

69. picture. The structure of the Finnish judicial system.⁴⁷⁵



The main objectives of the Finnish judicial system in the 2023-2033 strategy period are related to the development of its activities, the promotion of the competence and well-being of employees, as well as its active influence on ensuring the basic conditions for the functioning of the judiciary. The purpose of judicial activities and services is to meet the needs of society and individuals by ensuring expeditious handling of cases, equal access to justice throughout the territory of the country and high-quality and uniform experience of litigation.⁴⁷⁶

Organisation of the work of the courts

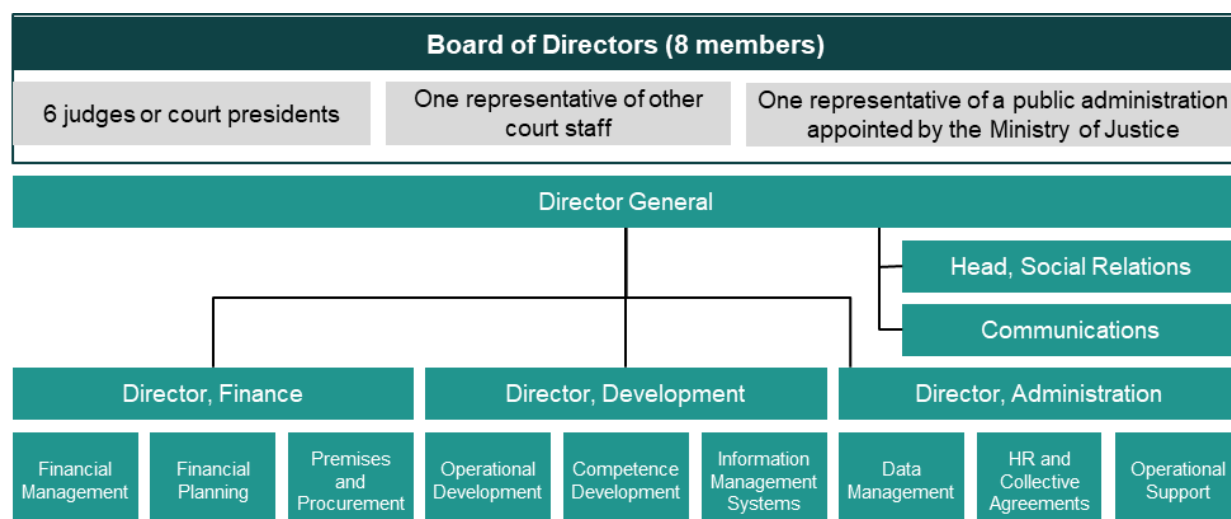
In Finland, all matters of judicial administration fall within the competence of the National Court Administration, which is a subordinate body of the Ministry of Justice. The National Judicial Administration is an independent public body that started its activities in 2020 and provides administrative support to all three instance courts, as well as to the justice system as a whole. The National Courts Administration is responsible for maintaining and developing the quality of the judiciary, as well as for the efficient and legally compliant organisation of the administrative work of the courts.⁴⁷⁷

⁴⁷⁴ European Commission. The judicial system in Finland at a glance. Available: <https://rm.coe.int/finland-country-fiche/1680a77892>.

⁴⁷⁵ NTA. Tiesu sistēma. Pieejams: <https://tuomioituste.fi/en/index/tuomioitusteinlaitos.html>.

⁴⁷⁶ NTA. Tiesu thief stratēģija 2023. - 2033. gadam. Pieejams: https://tuomioistuimet.fi/material/sites/oikeus_tuomioistuimet/liitteet/8vwdw9qri/Tuomioistuinelaitoksen_strategia_2023_2033_lehti_eng.pdf.

⁴⁷⁷ Section 2 of Chapter 19 of the Finnish Judicial Law. Available at: <https://finlex.fi/fi/laki/alkup/2019/20190209>.



The Council of Directors of the National Court Administration shall be established by the Cabinet for a period of five years, appointing its members from among the candidates nominated in accordance with the nomination procedure laid down in law.⁴⁷⁹ The highest decision-making body of the National Judicial Administration is **the Board of Directors** (see Figure 74), which has the following functions⁴⁸⁰:

- Determination of the main principles of operation, strategy, financial planning and management of the National Court Administration.
- Decision-making on budget requests of courts and the National Court Administration that are provided to the Ministry of Justice.
- Decisions on the allocation of budget appropriations among the courts in accordance with the approved budget, in so far as the appropriations are not directly allocated to a particular court.
- Decision-making on the creation, liquidation and transfer of the positions of judges (except judges of the highest courts), as well as on other issues related to the activities of the administration.

The Board of Directors appoints the Director-General of the National Judicial Administration for a term of five years. The Director-General shall decide on other matters not directly within the competence of the Council. The structure of the National Court Administration employs about 60 employees.

The law⁴⁸¹ stipulates that the courts themselves are responsible for the organisation of their work – it is managed and the president of the court is responsible for its effectiveness.

The President of the Court

Ensures the operational capacity and development of the judicial authority, determines operational objectives and takes care of their execution. The President must monitor the uniformity of the application of legal principles and the interpretation of legal norms in court decisions. The President of the Court shall take part in the administration of justice in so far as his other duties so permit. ⁴⁸²

The President of the Court decides on administrative and financial matters which fall within the jurisdiction of the court and are not referred to another official for decision. The rules of procedure of the Court of Justice determine the right of the President to refer the matter to another official. The

⁴⁷⁸ NTA. Organizācija. Pieejams: <https://tuomioistuinvirasto.fi/en/index/nbortgcbe/organisaatio.html>.

⁴⁷⁹ Section 8 of Chapter 19 of the Finnish Judicial Law. Available at: <https://finlex.fi/fi/laki/alkup/2019/20190209>.

⁴⁸⁰ Section 6 of Chapter 19 of the Finnish Judicial Act. Available at: <https://finlex.fi/fi/laki/alkup/2019/20190209>.

⁴⁸¹ Section 4 of Chapter 1 of the Finnish Judicial Act. Available at: <https://finlex.fi/fi/laki/alkup/2019/20190209>.

⁴⁸² Section 1 of Chapter 8 of the Finnish Judicial Act. Available at: <https://finlex.fi/fi/laki/alkup/2019/20190209>.

President of the Court may take over a case referred to him or another official within his or her jurisdiction.

Court Management Team (Board)

The judicial body may have a **management team (board)** that supports the president of the court in the management and development of the court's activities. The management team includes the president of the court, heads of departments, the head of the registry or administration, as well as, if necessary, other employees.

At the meetings of the management team, proposals for the rules of procedure of the court are discussed, as well as other important issues related to the management, management, finances and operation of the court, as well as personnel or their development.

Head of Department

The court may operate by dividing departments, for the head of which the president may appoint a judge for a term of up to three years. **The head of the department** directs the work of the department, with special responsibility for the general planning and organization of work in the department, as well as for the efficiency of work. It is his duty to ensure the uniformity of the application of legal principles and the interpretation of legal norms in the decisions of the department.

Under the law, courts provide an annual report/report on their activities.⁴⁸³ The National Courts Administration publishes information for each court, including annual reports, on its website. Accordingly, in annual activity negotiations, the activities of the courts are evaluated on the basis of statistical data and activity reports. From 2024, the National Courts Administration also introduced half-yearly court reports, in which the courts reflect on their progress under the operating agreement.

Judicial Training Board

The Council for the Training of Judges is an independent body which, in close cooperation with the National Judicial Administration, plans and coordinates the training of those involved in the judicial system. The competence of the Council for the Training of Judges includes, inter alia:

Application procedures and organisation of pre-selection for junior judges' posts	Approval and organization of the pre-selection exam	Appointment of candidates who have successfully completed the training programme to the post of junior judge	Selection and appointment of trainees involved in case law to district courts, administrative courts and courts of appeal	Awarding a judge's qualification "judge training" to candidates who have successfully applied in practice
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Judicial financing system

In Finland, each court has its own budget. The budget planning process begins in late autumn, when the courts, with the exception of the Supreme Court, submit their budget requests to the National Court Administration. Operational negotiations are then held with each court to assess resource needs and agree on operational objectives for the coming year. The National Judicial Administration collects information on the necessary budgetary resources, which includes funding for staff (judges and administrative staff), rental of court premises, ICT and other expenditure. Once an agreement has been reached between the National Court Administration and the courts, the National Court Administration submits a budget request for ensuring the functioning of the courts to the Ministry of Justice and takes decisions on the allocation of the

⁴⁸³ Section 10 of Chapter 8 of the Finnish Judicial Act. Available at: <https://finlex.fi/fi/laki/alkup/2019/20190209>.

allocated budget appropriations to the courts in accordance with the approved budget, insofar as the appropriations are not directly allocated to a particular court.⁴⁸⁴

In accordance with the Rules of Procedure of the National Judicial Administration⁴⁸⁵, the Department of Finance is responsible for (1) preparing the Judicial System's operational and financial plan, expenditure limits, budget and supplementary budget proposals; (2) Preparation of guidelines for the operation of the judicial system, taking into account court proposals.

The government's report on the administration of the judiciary⁴⁸⁶ includes medium-term objectives for ensuring a reasonable quality of judicial administration. The Operational and Financial Plan of the Court Administration for 2024-2027⁴⁸⁷ develops a number of criteria/indicators for evaluating the work of the justice system, which include:

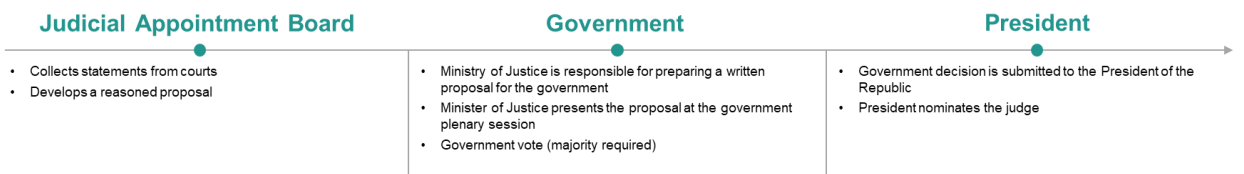
Average handling times	Customer experience assessment (surveys and their implementation)	Introduction and availability of electronic services	Public confidence in the judiciary	Standardised activities and systematic recruitment procedures	Implementation and effectiveness of information systems	And other indicators
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Judges and court staff

The Finnish judicial system, including the National Judicial Administration, the Council for the Appointment of Judges and the Council for the Training of Judges, employs a total of around 3 500 people. Most of them are representatives of the legal professions, but a significant part of the court's staff also consists of administrative and record-keeping staff, providing the functions of court administration, financial management, personnel management, communication and information services.⁴⁸⁸ Courts differ significantly in terms of workload and number of personnel. The total number of employees in the district courts reaches about 1,900 people.⁴⁸⁹

The procedure for appointing judges is determined by the Law on the Appointment of Judges.⁴⁹⁰ This applies to permanent judges, court presidents, senior judges and judges-engineers. In accordance with the Finnish Constitution, permanent judges are appointed by the President of the Republic on a proposal from the government on the basis of the assessment provided by the TIP. Special rules apply to the High Court of Impeachment and the Administrative Court of the Åland Islands.

71. picture. Procedure for appointing judges in Finland.⁴⁹¹



⁴⁸⁴ Finnish Courts Act. Available: <https://finlex.fi/fi/laki/alkup/2019/20190209>.

⁴⁸⁵ NTA regulates 19. pants.

⁴⁸⁶ Government report on the administration of the judiciary. Available: https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164658/VN_2023_9.pdf?sequence=4&isAllowed=y.

⁴⁸⁷ NTA. Operational and financial plan of the Court Administration for 2024-2027. Available: https://tuomioistuiunvirasto.fi/material/sites/tuomioistuiunvirasto/liitteet/aeigkzpe7/TIL_toiminta- ja_taloussuunnitelma_2024-2027_liitteinen.pdf.

⁴⁸⁸ NTA. Tiesu sistēma kā darba devējs. Pieejams: https://tuomioituste.fi/fi/index/tuomioitusteilatos/tuomioitustevonantajana.html?utm_source=chatgpt.com.

⁴⁸⁹ E-justice. The ordinary courts of the Member States - Somija. Pieejams: https://e-justice.europa.eu/content_ordinary_courts-18-fi-maximizeMS-fi.do?member=1#:~:text=Suomessa%20on%2020%20k%C3%A4r%C3%A4%C3%A4i%C3%A4oikeutta.,Henkil%C3%B6kunnan%20kokonaism%C3%A4%C3%A4r%C3%A4%20k%C3%A4r%C3%A4i%C3%A4oikeuksissa%20on%20n.

⁴⁹⁰ Law on the appointment of judges. Available: https://www.finlex.fi/fi/laki/kaannokset/2000/en20000205_20010442.pdf.

⁴⁹¹ Tiesnešu izvēle un iecelšana - Pārdomas par objektivitāti un neatkarību. Pieejams: <https://portal.ejtn.eu/PageFiles/19763/TH-2021-04%20FI.pdf>.

Court staff

In Finland, 3 505 persons were employed in the judicial system in 2023, with a total cost of €242 million, the majority of which consisted of 1 169 court officials/registrars and 274 bailiffs^{492,493} The district courts employed 2,006.6 full-time employees.

Administrative Director or Director of Administration;

Performs administrative management functions and their responsibilities include:

- Supports the president of the court in administrative tasks to ensure the proper functioning of the court;
- Preparation and presentation of administrative and financial issues to the presidents of the court;
- Court administration, budget planning and control;
- Tracking of regulatory enactments and monitoring their development;
- Court staff management, workload monitoring, vacation and replacement planning, recruitment and staff development discussions;
- Organisation of procurement (e.g. cleaning, security, health services);
- Other duties in accordance with the orders of the president of the court.

Court officials/registrars

Provides support to judges in court proceedings, including written preparation of cases, jurisdictional support (written requests, notifications, preparation of the agenda for court hearings), monitoring and extension of deadlines, organization of practical aspects for court hearings, preservation of minutes of court hearings, customer service and organization of translation services, accounting of payments and expenses.

The president of the district court may appoint a trained district court clerk/clerk from among the court staff, who makes judgments by default and decisions on court costs, if the defendant agrees to the claim, decides to dismiss the claim if the claimant withdraws the claim, decides on divorce applications if both spouses are permanent residents of Finland. On the other hand, if the case is complex, it is sent to a notary of the district court or a legally educated judge.

In Finland, judges do not have legal aid staff, such as assistant judges, and most judges do not have their own secretary. Registrars are only those judges of courts of general jurisdiction who hear criminal matters. Consequently, in Finland, all legal work is carried out by the judges themselves.

A detailed training plan for judges within the framework of the Operational and Financial Plan of the Court Administration for 2024-2027⁴⁹⁴ is created annually, which includes training topics, events, training days and the number of participants. However, the European Commission's report points out that the training of professionals in the Finnish judicial system is insufficient. Judges lack time to participate in training, and the volume and quality of training is insufficient due to the high workload of judges and the insufficient resources of the courts and the National Judicial Administration. The amount of training available to judges has even decreased due to the lack of the necessary resources for the National Judicial Administration.⁴⁹⁵

The objectives and content of the development of judicial skills are developed by the Judicial Training Council - in cooperation with the National Court Administration and the courts, which in turn jointly ensure better use and expansion of the public administration's common online training platform eOppiva throughout the judicial system. In addition to management skills and training of managers, training is organized for all personnel on the skills of the municipal and labor

⁴⁹² European Commission. Study on the training needs of judicial staff on EU law. Available at: https://commission.europa.eu/system/files/2021-06/2021-06-14_just2018jaccprcrim0131_study_annexes_final.pdf.

⁴⁹³ Judicial law. Procedural Procedure Act. Available: <https://www.finlex.fi/fi/laki/ajantasa/1734/17340004#L5P3>.

⁴⁹⁴ NTA. Operational and financial plan of the Court Administration for 2024-2027. Available: https://tuomioistuinvirasto.fi/material/sites/tuomioistuinvirasto/liitteet/aeigkzpe7/TIL_toiminta- ja_taloussuunnitelma_2024-2027_liitteinen.pdf.

⁴⁹⁵ Finland - Justice report on the European Commission's 2024 stakeholder consultation. Available: <https://www.tuomariliitto.fi/wp-content/uploads/2025/01/Rule-of-law-report-Finland-2024-1.pdf>.

community. It also aims to strengthen digital skills, information management and data management skills.⁴⁹⁶

In Finland, judges are not regulated by law for working hours. The rest of the court staff records working hours in the electronic system **Kieku**.

Distribution of cases and workload of courts

The allocation of cases to the courts is carried out in accordance with the rules of procedure and legislation. Cases are quantitatively concentrated in those courts whose territories have the largest population. The allocation of cases between judges in courts of general jurisdiction, administrative courts and collegiate courts (where cases are heard by a collegiate composition of judges) takes place on a random basis. The new division of the case is decided by the president of the court, in the Supreme Court and in the Supreme Administrative Court the new division is decided by the president.

According to a report by the European Commission, since the introduction of the new AIPA data-processing system , there are no tools available to assess the number and volume of cases brought before the court.⁴⁹⁷

The achievement of the objectives of the functioning of the courts, which also includes deadlines for hearing cases, is summarised [in an overall overview](#) both at the levels of the courts, by categories of cases and at the level of individual courts.

The amount of work is assessed using weighting factors that take into account the differences between the different categories of cases, as well as the additional load caused by particularly long main hearings and off-site hearings. The planning and allocation of resources is not carried out only on the basis of the indicators of the number of cases, the processing times, the use of the off-site court and the extended team are also taken into account.

District courts
In 2023, a total of 575 845 cases were received in the courts of first instance (somiski <i>käräjäoikeus</i>), an increase of 64 130 cases compared to the previous year, including 54 606 criminal cases. In 2023, the number of civil cases brought under the simplified application (Finnishly <i>summaariset asiat</i>) increased in particular, reaching 430 075 cases.
Administrative courts
In 2023, 17,403 cases were received in administrative courts, of which 23% were immigration-related cases. The number of pending cases increased by 1 %, while the number of pending cases decreased by 7 %. The average duration of proceedings was 9.3 months, with the longest proceedings being in environmental, construction and tax cases, while social and health care cases were the shortest.
Courts of Appeal
In 2023, 7,827 cases were received in the courts of appeal, of which 68% were criminal cases. The courts of appeal made a total of 7,795 rulings. The average duration of consideration in 2023 was 6.9 months, which is 0.4 months longer than in the previous year. The duration of criminal proceedings was 7.0 months, while the duration of civil proceedings was 7.3 months. ⁴⁹⁸ A total of 1,953 cases were heard at the hearings, and off-site hearings were held in 272 cases.

Courts of general jurisdiction use the **AIPA** system for case management , while administrative courts use **the HAIPA** system, in 2021 Power **BI** software was introduced for statistical and

⁴⁹⁶ NTA. Operational and financial plan of the Court Administration for 2024-2027. Available: https://tuomioistuinvirasto.fi/material/sites/tuomioistuinvirasto/liitteet/aeigkzpe7/TIL_toiminta- ja_taloussuunnitelma_2024-2027_liitteinen.pdf.
⁴⁹⁷ Finland - Justice report on the European Commission's 2024 stakeholder consultation. Available: <https://www.tuomariliitto.fi/wp-content/uploads/2025/01/Rule-of-law-report-Finland-2024-1.pdf>.
⁴⁹⁸ NTA. Financial Report of the Department of Accounting of the Court Administration (KPY 155) for the year 2023. Available: https://tuomioistuinvirasto.fi/material/sites/tuomioistuinvirasto/liitteet/bt3mh2chn/Tuomioistuinlaitoksen_tilinpäätös_vuodelta_2023_KPY_155.pdf.

monitoring purposes. This data is mainly collected for internal administrative purposes of the National Courts Administration to monitor the workload of the courts. Public statistics are published on the website: [Statistics - Tuomioistuineläitos](#).

The HAIPA administrative **court case management system**, which has been fully implemented since 2020, is used in all administrative courts, including the work of judges. However, the parties involved point to the potential for additional use and development of the system.

Methodology and model for assessing the workload of the court

The Finnish judicial system uses a case-weighting system to estimate the number of judges and other court staff required for each court, the division of judges and other staff into courts, the distribution of staff between different courts and the assessment of court productivity. The system is detailed and provides an objective and comparable approach between courts.

In 2008, the Finnish Ministry of Justice launched a project to develop a system for the management of general judicial cases. One of the objectives of the project was to establish a clear and objective system for measuring workload in the courts using the weighted case system. However, the structure of judicial cases has changed significantly over time, and the weighting factors previously used were no longer accurate enough to reflect the degree of complexity of cases. Therefore, changes were made to the calculation of the weighted workload in order to obtain better information on the workload of the courts.

In 2021, the National Judicial Administration established a Temporary Working Group on the Development of Judicial Economic Indicators (November 2021 to May 2023), composed of representatives of the National Court Administration, courts and trade unions. The task of the group was to develop indicators that are used to allocate funds to district courts, courts of appeal and administrative courts, as well as to evaluate and improve the efficiency of the courts. The working group published an interim report and a final memorandum on its work, including proposals for classification of case complexity and weighting factors..⁴⁹⁹

Table 34. Methods used to assess complexity in Finnish courts.

1	2	3
Point method	Working time measurement method	Delphi method (gathering expert opinion)

In September 2022, a study of working time was carried out in all courts, in which all court staff, including judges, recorded working time devoted to different types of cases. All working hours had to be assigned to functions according to actual hours, either in the **Kieku** system or initially manually on the form. If a function that fully described the task was not found in the system, it was necessary to follow the instructions and record the working time for the most suitable function. All working hours worked had to be allocated in order to find out the total working time. Based on the assigned working hours and **the absence data available in the Kieku** system, information on working hours exceeding normal working hours was obtained. However, the working groups concluded that the monitoring period should be increased by one month in the next time accounting period in 2025.

For the monitoring period, new accounting functions were introduced, which are mainly based on categories of cases. In addition, within these categories of cases, functions are often divided according to the level of complexity of cases. The changes proposed in the interim report of the task force were used to identify thematic groups and levels of complexity of cases. Separate instructions were also prepared to clarify the content of the activities.

Based on the data obtained, the weighting coefficients of various categories of cases were calculated. The working group published an interim report and a final report with the proposed complexity classifiers and economic indicators. The new weight coefficients were introduced in

⁴⁹⁹ NTA sniegtie dati un informācija.

2024. It is planned to conduct a new time study in 2025. The Working Party considers that it is justified to carry out regular and reasonable periods of monitoring of working hours. When planning and implementing the next monitoring period, attention should be paid to the accuracy and clarity of its guidance.

To optimise the allocation of resources, the justice system uses the electronic tool **Tarmo**, which was started by court staff in 2009 to record the time spent processing/handling different types of cases. Cases are differentiated into three levels of complexity (see Table 35).⁵⁰⁰

Table 35. Case weighting coefficients.

Civillietas	Criminal cases
- Basic things: 2.2 - Regular cases: 4.4 - For complicated things: 8.8	- Basic cases: 1 - For regular cases: 2 - For complicated things: 6

The scales were calculated by multiplying the number of cases in each category by the corresponding weight coefficients, which provided a comprehensive overview of the total workload and resource needs in the courts. This method ensures that judicial resources are allocated efficiently, improving the productivity of courts and ensuring timely handling of cases.

According to representatives of the National Court Administration, although the system is effective for budgeting and resource allocation, it has a drawback: the backlog of cases (pending cases) is not taken into account, but only the number of cases received is evaluated. Therefore, the system cannot be used as the only tool for planning the budget of the courts, but as an addition to decision-making.

⁵⁰⁰ Data and information provided by NTA.

10. Annexes

1.Annex. List of interviewees

2.Annex. Reforms to improve the efficiency of the justice system

3.Annex. Stakeholder matrix

4.Annex. Budget for the judiciary

5.Annex. Overview of the responsibilities of the Council for the Judiciary and the responsibilities of institutions and officials involved in judicial governance processes

6.Annex. Actual number of judges and court staff from 2021 to 2024

7.Annex. Actual number of judicial posts and judges by judicial authority in 2024

8.Annex. Comparison of positions in the judicial system

9.Annex. Accumulated performance indicators

10.Annex. Institutions and officials involved in the institutional management functions of the judicial system

11.Annex. Institutions and officials involved in the implementation of personnel management functions of the judicial system

12.Annex. Institutions and officials involved in the personnel management functions of the judicial system

13.Annex. Performance indicators of courts of first instance and appellate instance for court cases in 2024

14.Annex. Performance indicators of courts of first instance for non-contentious and land register cases as at 31 December 2024

15.Annex. Comparison of the requirements for the position of Level III A (Assistant Judge) with the requirements for the position of Level I (Assistant Prosecutor or Legal Assistant)

16.Annex. Powers of the Presidents of the Court or of the Board of the Court (hereinafter - the management of the court)

17.Annex. Typical annual workload of a judge

18.Annex. Netherlands single-case tariffs for 2025

19.Annex. Documents and information used

20.Annex. Potential scenarios for the optimal number of judges.



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