

**Greece's contribution to Working Group I:
Judicial Administration with a Special Focus on
Judicial Councils**

1. The matters of court function and general administrative status of judicial officers are regulated in the court organization and judicial officers status code (validating law 1756/1988, A' 35), as currently in effect following the subsequent amendments thereof.

2. Pursuant to the provisions of the above code, the courts are administered:

a) by the president of the court and, if there is more than one president, by the most senior one

b) by the magistrate of the court of peace, the court of peace and the magistrate of the police court, the police court and, if there is more than one magistrate, by the most senior one

c) The civil and administrative Court of Appeal of Athens, the civil Court of Appeal of Thessaloniki, the civil and administrative First Instance Courts of Athens, of Thessaloniki and of Piraeus, and the Courts of Peace of Athens and of Thessaloniki are administered by a three-member council. The president and the members of the councils, and their substitutes, are elected by means of secret voting by the Plenary of the proper courts.

d) The prosecution office is administered by the prosecutor. If there is more than one prosecutor in the same prosecution office, the most senior one exercises the administration.

e) The Prosecution Office of the Court of Appeal of Athens and the Prosecutors of the First Instance Courts of Athens and Thessaloniki are administered by the prosecutor elected by means of secret voting by the Plenary of the proper prosecution offices.

3. The bodies that administer the courts have the following authorities:

a) The three-member council: i) appoints the judges and the court clerks participating in committees, collective bodies of the Administration, councils or other non-jurisdictional bodies, stipulated by the law or the court regulation, ii) forms the composition of the court divisions prior to the beginning of the judicial year, provided it is not specified otherwise by the law or the court regulation, iii) refers the important matters to the court plenary, iv) decides on any other matter, which is not explicitly subject, according to the law or the regulation, to the authority of the president of the council or the plenary (authority presumption), v) places court clerks in various divisions and departments of the court, vi) transfers judges from one division to another during the judicial year, provided special official needs require so. The council decides by majority and always when composed by three members. b) The president of the council: i) represents the court and provides for the proper conducting of its proceedings, ii) decides on the convocation of the court plenary in the circumstances stipulated by the law or the court regulation, determines the issues on the agenda and runs its proceedings, iii) appoints the deputy judges pursuant to article 5, iv) assigns during the judicial year, in emergency cases, hearings in excess of the number that had been specified by the plenary or the court regulation and to a rate not exceeding 10% of that number, v) calls the council upon notice served to the members of the council and executes the decisions of the council and the court plenary vi) is in charge of the court correspondence, vii) heads the court Clerk's office, viii) authorizes the issue of copies, ix) certifies the capacity and the authenticity of the signatures of judges and court clerks, x) decides on the requests for the fixation by preference of the hearing of a

case on a short hearing date. Such cases may not exceed the number specified by the plenary or the court regulation, xi) appoints the investigation department, in which each case, for which the principal investigation was ordered, is introduced. In exercise of such authorities, the president is assisted by the members of the council, to which he/she may assign some of such authorities. c) The judge that administers the court: all the authorities of the three-member council and the president thereof. d) The prosecutor that administers the prosecution office has the above authorities in proportion and as the case may be.

4. The judicial councils are constituted as the respective courts, to wit:

a) as regards the Court of First Instance, by the president at the Court of First Instance and two judges at the Court of First Instance

b) as regards the administrative First Instance Court, by the president at the Court of First Instance and two judges at the Court of First Instance

c) as regards the Court of Appeal, by the justice of the Court of Appeal and two judges at the Court of Appeal, for the three-member Court, and by the justice of the Court of Appeal and four judges at the Court of Appeal, for the five-member court

d) as regards the administrative court of appeal, by the justice of the Court of Appeal and two judges at the Court of Appeal. for the three-member Court, and by the justice of the Court of Appeal and four judges at the Court of Appeal, for the Five-member Court,

e) as regards the Supreme Court, by the president of the Supreme Court and two judges at the Supreme Court.

A competent prosecutor appears at the judicial councils, when it is stipulated by the law, and he/she sets out his/her motion and then withdraws.

5. The promotions, placements, transfers, secondments and transferences of judicial officers are carried out under presidential decrees issued by decision of the higher judicial council. This is constituted by the president of the proper higher court and by the members of the same court appointed upon drawing lots among those who have at least two years of experience in that court. The Supreme Court Prosecutor and two Supreme Court Deputy Prosecutors, who are appointed by drawing lots among those that have at least two years of experience in the Prosecution Office of the Supreme Court, also participate in the higher judicial council of civil and criminal justice. The General Commissioner of the State participates in the higher judicial council of the State Council and the administrative justice, and serves thereat in relation to the matters that concern the judicial officers of the ordinary administrative courts and the General Administration Custody. The General Commissioner of the State serving at the higher judicial council of the Audits State Council also participates therein.

6. In accordance with the Constitution, judges enjoy functional and personal independence. In the performance of their duties, they are subject to the Constitution and the laws only, and they are not required in any case to comply with provisions that have been set in disruption of the Constitution.

Furthermore, the judicial officers are not allowed to participate in the Government.