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The Judicial Council, taking into account:

- that the purpose of the evaluation of judicial performance is to maintain and raise the quality of trials;
- that, in developing criteria to evaluate the quality of judicial performance, the independence of judges and judiciary as a whole should be respected;
- that primarily, the quality of ruling should be sought;
- that statistical data are only subordinate indicators in the evaluation of judicial performance and should therefore be used with extreme caution and with appropriate substantive interpretation,

hereby adopts, pursuant to the eighth indent of the first paragraph of Article 28 of the Courts Act (Uradni list RS [Official Gazette of the Republic of Slovenia], no. 19/1994, with subsequent amendments) the following

CRITERIA ON THE QUALITY OF JUDICIAL PERFORMANCE FOR THE EVALUATION OF JUDICIAL SERVICE

Article 1

The criteria on the quality of judicial performance for the evaluation of judicial service (hereinafter referred to as the Criteria) shall determine the method establishing the criteria for the evaluation of judicial service, as determined in Article 29 of the Judicial Service Act (Ur. list RS, no. 19/94, with subsequent amendments), as follows:

- (1) expertise of the judge;
- (2) working capacities of the judge;
- (3) the judge's ability to resolve legal issues;
- (4) his work done in eliminating and preventing a backlog;
- (5) protecting the reputation of the judge and the court;
- (6) the judge's ability in oral and written communication;

- (7) his additional work performed in the exercise of judicial office;
- (8) his attitude to colleagues in the exercise of judicial work;
- (9) his ability to perform managerial tasks.

The criterion under Point 9 shall not apply to judges who do not exercise the managerial position tasks.

For judges who exercise the managerial tasks, the criteria under Points 1 to 8 shall be evaluated in proportion to the exercise of judicial office.

Article 2

The evaluation of judicial service for a judge shall be prepared by the responsible personnel council.

The evaluation of judicial service shall contain assessments in terms of all the criteria pursuant to Article 1 of these Criteria. When the assessment in terms of a certain criterion is not possible, the personnel council shall state the reason for this in its evaluation of judicial service.

In the evaluation of judicial service, the personnel council shall take into account the opinion of the president of the court and/or head of the department pursuant to Article 3 of the Criteria, the data which the personnel council obtains by examining the appropriate number of matters according to Article 6 of the Criteria, the data resulting from the judge's personal file, and the opinion of the department pursuant to Article 4 of the Criteria.

The judge may at any time incorporate in his personal file any document or text which he deems may be important in establishing the criteria under Article 1 of the Criteria.

Article 3

For the assessment of the criteria set out in Points 2, 3 and 4 of Article 1 of the Criteria, the president of the court and/or head of the department in which the evaluated judge performs the judicial service shall give his opinion on:

– whether the judge schedules preliminary hearings and presides over hearings in a continuous manner, taking into account the average number of preliminary hearings held in the matters which the judge concluded a case during the period being evaluated; if, however, this number deviates upwards, he shall specifically check whether the preliminary hearings for the main hearing were postponed for justified reasons. He shall also take into account the average length of proceedings conducted by the evaluated judge alone and concluded during the period being evaluated;

- the work accomplished by the judge to eliminate and prevent a backlog, and in particular whether he has resolved matters in their order of arrival, taking into account: the number of assigned matters; the proportion between the number of resolved matters which are defined as the court backlog and the total number of resolved matters; the proportion between the number of resolved major matters which are defined as the court backlog and the total number of resolved major matters; the number of court settlements concluded and the average age of cases resolved by the judge during the period being evaluated compared with the average age of pending cases of the judge at the end of the period being evaluated;
- the proportion attained between the performed and expected volume of the judge's work;
- the timeliness of the written production of decisions, taking into account the data on the number of court decisions produced within 30 days, within 30 to 90 days and in over 90 days in matters which the judge resolved during the period being evaluated;
- the judge's ability to resolve legal issues, taking into account the data on the number of cases where legal remedies were lodged, in comparison with the total number of all cases resolved during the period being evaluated, and the data on the proportion attained between matters that were upheld, amended or set aside in procedures involving a legal remedy during the period being evaluated, taking into account the criteria under Article 5 of the Criteria.

In his opinion, the president of the court and/or head of the department shall:

- if possible, compare the data on the evaluated judge with the data on other comparable judges in the department or the court;
- also take into account other data from the personal file of the judge, stating all the circumstances which he deems should be taken into account by the personnel council when evaluating the quality of a judge's work;
- summarise the results of any official supervision performed, state the number of, and reasons for, substantiated supervisory appeals and disciplinary decisions.

Article 4

Prior to delivering the evaluation of judicial service, the personnel council shall obtain the opinion of the court department which deals with legal remedies lodged against the decisions of the judge undergoing evaluation, for the purpose of assessing his expertise and his ability to resolve legal issues and protect his reputation and his writing skills.

Article 5

For each particular judge, the president of the court and/or head of the department shall

maintain separate records on the number of cases that were upheld, amended or set aside in procedures involving a legal remedy during the period being evaluated.

It is deemed that a case is upheld if the decision is set aside or amended in a substantively insignificant part.

Article 6

On the basis of the opinion submitted by the president of the court and/or head of the department and the department which deals with legal remedies lodged against the decisions of the evaluated judge, the personnel council may decide to examine a maximum of ten case files in matters which were considered by the judge undergoing evaluation and which reached a final conclusion during the period being evaluated.

A judge for whom the personnel council is preparing an evaluation of judicial service may also submit to the personnel council for inspection a maximum of ten case files assigned to him which reached a final conclusion during the period being evaluated.

Article 7

The personnel council:

- in determining the expertise of a judge, shall take into consideration the quality of conducting proceedings and the quality of court decisions, as well as his other professional activities, specialist and post-graduate studies and reputation acquired in the legal profession;
- in determining the working capacities of a judge, shall take into consideration in particular: whether the judge schedules preliminary hearings and presides over hearings in a continuous manner; the timeliness of the written production of court decisions and the timeliness of actions associated with the legal remedies lodged; the proportion between the performed and expected volume of the judge's work and additional work performed in the exercise of judicial office, especially mentoring, participation in education and training and professional development, international cooperation and participation in the legislative process;
- in determining the judge's ability to resolve legal issues, shall take into consideration: the achieved degree of regularity and legality of the judge's ruling as established in the procedures involving legal remedies; whether the judge takes into account established case law; his ability to deal with complicated and complex matters;
- in determining the work performed by the judge in the elimination and prevention of court backlogs, shall take into account in particular the resolution of matters in the order of their arrival and the number of concluded court settlements;
- in assessing the judge's protection of his own reputation and that of the court, shall take into account the method of conducting the proceedings, communication with clients and other authorities, protection of independence, impartiality, reliability and rectitude, as well

as the judge's behaviour both at work and outside the work;

– in assessing the ability to perform the managerial position tasks, shall take into account the results achieved by the department and/or the court, based on the criteria for evaluating the quality of the performance of courts and data from the annual report on the operation of the court in which the evaluated judge carries out managerial tasks.

Article 8

A judge must be acquainted with the statistical data as referred to in Articles 3 and 5 and the last indent of Article 7 of the Criteria before the data are sent to the responsible personnel council, which the judge must confirm by his signature on the data printout.

When the judge has been acquainted with the data, they shall be sent to the responsible personnel council, together with the opinions and personal file of the judge.

Article 9

It is expected that a judge of a higher court or a higher labour and social court shall annually rule on:

- 135 matters from the Kp register;
- 80 matters from the Kp register if the matter was ruled on by amending or upholding a decision of first instance after a hearing was held;
- 140 matters from the Cp or Pdp register;
- 140 matters from the Cpg register, unless they involve an appeal against a decision on merits in disputes relating to intellectual property, protection of competition or copyrights, and maritime disputes, to which Article 13 of the Criteria shall apply;
- 90 matters from the CPg, Cp or Pdp register if the matter was ruled on by amending or upholding a decision of first instance after the hearing was held;
- 150 matters from the Psp register;
- 100 matters from the Psp register if the case was ruled on by amending or upholding a decision of first instance after the hearing was held;
- 200 matters from the Cst register;
- 250 matters from the Cdn register;
- 300 matters from the Prp and Epvdp registers;
- 500 matters from the Ip register;
- 500 matters from the Cst register when matters of personal bankruptcy are involved.

Other matters shall not be taken into consideration. A case is considered pending if a decision has not been issued in response to an appeal, or if the procedure is halted because of a limitation period which occurred at a higher court.

Article 10

It is expected that a judge of the Administrative court shall annually rule on:

- 140 matters from the U register;
- 100 matters from the U register if the case was ruled on by amending or upholding a decision after the hearing was held.

Other matters shall not be taken into consideration.

Article 11

It is expected that a judge of a district and/or labour and social court shall, by way of a final decision, annually rule on:

- 85 matters from the K register, except matters from the X K register, to which Article 13 of the Criteria shall apply;
- 130 matters from the Kpr register;
- 130 matters from the Km register;
- 260 matters from the Kmp register;
- 105 matters from the P register;
- 105 matters under the Forefeiture of assets of illegal origin act (hereinafter: the ZOPNI);
- 140 matters from the Pg register, without taking into account decisions on the termination of proceedings if an appeal is withdrawn before the main hearing is held (unless these are decisions on merits relating to intellectual property, protection of competition or copyright rights and maritime disputes, subject to Article 13 of the Criteria);
- 150 cases from the N register when ruling on the withdrawal and return of parental rights, contact arrangements and matters arising from the Family Violence Prevention Act (hereinafter: the ZPND);
- 110 matters from the IV P register (action for divorce, including request for custody of children and establishing maintenance and contact arrangements, action for the allocation or reallocation of a child and independent disputes on maintenance, paternity and maternity suits);
- 350 matters from the IV P register (action for divorce without children and matters involving proposals for uncontested divorce);

- 250 other matters from the N register (extension or termination of extended parental rights, obtaining full capacity to contract by a minor who has become a parent, limiting the rights of parents regarding the management of a child's property and disputes concerning the exercise of parental rights);
- 400 matters from the N register (confirmation of agreements on the custody of minor children, maintenance and contacts);
- 170 matters from the Pd register;
- 210 matters from the Ps register;
- 450 matters from the St register (as the final decision, the following shall be taken into account: a decision initiating the proceedings, decision to test claims, decision on the main division and decision on the conclusion of bankruptcy proceedings; and in compulsory settlement proceedings, the decision on the objection to the conduct of proceedings and decision confirming the compulsory settlement);
- 350 matters from the Ng register;
- 140 matters from the Ng register pursuant to Article 388/II of the Companies Act (hereinafter: the ZGD-1), Article 556/III of the ZGD-1, Article 552/IV of the ZGD-1, Article 553/V of the ZGD-1, Article 605/II of the ZGD-1, Article 322/I of the ZGD-1 or Article 318 of the ZGD-1;
- 200 matters from the Pp register;
- 450 matters from the Ks register;
- 450 matters from the Kpd register;
- 700 matters from the Srg register pursuant to Article 11/I of the Court Register Act (hereinafter: the ZSReg);
- 350 matters from the Srg register when appeals against either the decisions of clerks or objections under the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act (hereinafter: the ZFPPIPP) are involved;
- 6.000 matters from the Srg register when the decisions under the ZFPPIPP are involved;
- 400 matters from the Pom-i register involving substantive international legal assistance;
- 800 matters from the Pom-i register;
- 300 matters on the European Arrest Warrant (hereinafter: the ENPP);
- 360 separate proposals on an interim order or a preliminary injunction, and on a temporary insurance claim for the confiscation of proceeds in criminal proceedings;
- 350 matters from the R register involving a ruling on the recognition of foreign court decisions.

Other matters shall not be taken into consideration. Matters in which proceedings have been halted because of a limitation period which occurred at a court of first instance shall not be taken into consideration.

Article 12

It is expected that a judge of a local court shall, by way of a final decision, annually rule on:

- 50 matters from the N register involving decisions on merits pursuant to the Act on the Acquisition of the Strata Title of a Part of a Building on the Proposal of the Owner and on Determining the Land Belonging Thereto (hereinafter: the ZVEtL);
- 700 matters from the N register – determining borders and ways of necessity;
- 100 matters from the N register – other matters;
- 140 matters from the P register;
- 180 matters from the K register;
- 350 matters from the Kpd register;
- 250 matters from the ZSV register;
- 300 matters from the Pr (detention) register and 300 decisions on the extension of detention pursuant to the Mental Health Act (hereinafter: the ZDZdr);
- 450 matters from the D register (probate matters without property shall not be assessed);
- 400 matters from the PR (minor offences) register;
- 400 objections from the Dn or Sdn register;
- 1.000 matters from the EPVD register;
- 1.500 matters from the Dd register.

It is expected that a judge ruling in enforcement cases shall annually

- conclude 170 real estate enforcements – In matters and VL In matters;
- conclude 300 In/Nt enforcements for the recovery of non-monetary claims;
- issue 360 decisions on proposals for issuing an interim order in matters from the Z register.

It is expected that a judge working at the Central Department for Authentic Document shall annually rule on

- 250 objections whereby standardly issued decisions shall not be included in the assessment.

Other matters shall not be taken into consideration. Matters in which proceedings have been halted because of a limitation period which occurred at the court of first instance shall not be taken into consideration.

Article 13

In assessing the quality of work of a judge who performs judicial service at a court (department) where the 'triage' project has been introduced or the specialisation of judges in particular legal fields has been implemented, and/or adequate disburdening of judges from non-judicial tasks has been accomplished, the president of the court or head of the department in which the evaluated judge performs judicial service shall give his opinion on the proportion reached between the performed and expected volume of the judge's work by comparing the data on the evaluated judge with data on other comparable judges in the department or court.

If judges at a court (department) where the 'triage' project has been introduced or specialisation of judges in particular legal fields has been implemented, and/or adequate disburdening of judges from non-judicial tasks has been accomplished, do not implement the expected volume of work pursuant to Articles 9 to 12 of the Criteria, the president of the court or head of the department shall submit the data on the number of resolved matters of a certain type at this court (department) and the number of judges who considered these matters in the year concerned.

Article 14

The provisions of Articles 9 to 12 of the Criteria shall not apply to judges of first instance during the first three months following the commencement of their judicial service.

The provisions of Articles 9 to 12 of the Criteria shall not apply to the President of the Judicial Council, Secretary of the Judicial Council, Secretary General of the Supreme Court of the Republic of Slovenia, Presidents of Higher and District Courts, President of the Labour and Social Court, Presidents of Ljubljana and Maribor Local Courts, and judges assigned to work in the Records Department of the Supreme Court of the Republic of Slovenia, Ministry of Justice, Judicial Training Centre, Constitutional Court of the Republic of Slovenia and Judicial Council. The volume of work of assigned judges shall be assessed on the basis of a report prepared by their superiors.

Article 15

In determining a judge's volume of work, the number of working days in a year shall be reduced by the corresponding number of days when the judge is not actually present for the following reasons:

- is absent under health insurance regulations or under the regulations governing parental care;
- is participating in education and training to which he is sent by the employer - up

to 10 days;

-- is on paid training leave associated with the performance of judicial office;

-- is on special leave pursuant to Article 11 of the Rules on the criteria defining the duration, circumstances and conditions of leave for judges (Ur. list RS, no. 27/2003).

Taking annual leave shall not be considered a reason for reducing the number of days of actual presence.

Article 16

For the purpose of performing the tasks of court administration and/or other tasks in addition to trial, it is expected that:

– the presidents of local courts with more than twenty judges or heads of departments with more than twenty judges complete 60% of the expected volume of work;

– the presidents of local courts with more than ten judges or more than twenty clerks or heads of departments with more than ten judges or more than twenty clerks implement 70% of the expected volume of work;

– judges of the Administrative Court of the Republic of Slovenia and labour courts who manage the court's external departments implement 80% of the expected volume of work;

– presidents of local courts or heads of departments with up to ten judges implement 85% of the expected volume of work;

– judges managing the information technology service at courts implement 90% of the expected volume of work.

Article 17

A reduced volume of work shall apply to the Vice-President of the Judicial Council. The reduced volume of work for the preceding calendar year shall be determined by the Judicial Council on the proposal of the President of the Judicial Council.

A reduced volume of work shall also apply to judges who work in working groups of the Ministry of Justice or other ministries, the Supreme Court of the Republic of Slovenia or the Judicial Council. A reduced volume of work which shall not exceed 20% of relief shall be determined for the preceding calendar year by the Judicial Council on the proposal of the body.

Article 18

In the evaluation of judicial performance, the participation of technical assistants or judicial assistants shall be taken into account by weighing any decision under Articles 9 to

12 of the Criteria, which was prepared with the participation of a technical assistant or judicial assistant, by a factor of 0.5.

Decisions prepared for the judge by a technical assistant or judicial assistant shall be assessed according to the same criteria from the Criteria as the decision prepared by the judge alone.

Article 19

If the judge does not complete the expected volume of work in a particular year although he has been at work for at least six months, it is necessary to establish the reasons for the reduced performance.

The reasons that are considered justifiable shall include in particular:

- resolving extremely complex matters;
- participation in technical tasks in the department;
- burdening with an above-average number of older cases through no fault of the judge;
- insufficient number of cases assigned to the judge;
- poor physical conditions of work at the court (lack of courtrooms, auxiliary staff, etc.);
- a change in the field of work;
- cooperation of judges in long-term criminal proceedings;
- cooperation of judges in special working groups;
- performance of official supervisions.

The reasons for reduced performance shall be examined by the president of the court together with the judge concerned and the head of department and the findings shall be forwarded to the Judicial Council upon the annual submission of data on the performance of judges. The report on the findings shall be included in the personal file of the judge to whom the examination of reasons for reduced performance relates.

Article 20

The President of the Court may, on a proposal of the judge, notwithstanding the provisions of Articles 9 to 12 of the Criteria, acknowledge *an appropriate percentage* of the expected annual volume of work to the judge on the account of his consideration of highly complex cases (e. g. due to their volume or their extreme legal complexity and/or due to the conduct of particularly complex bilingual proceedings in areas with Italian and Hungarian national communities, etc.).

The President of the Court shall make such a decision in writing and substantiate it accordingly. A copy of the decision shall be incorporated in the personal file of the judge to whom the volume percentage has been acknowledged and shall be made known to the responsible personnel council and Judicial Council.

The statistical data submitted to the personnel council by a judge or another proposer of judicial service evaluation must clearly indicate what percentage of the judge's volume of work represents the work actually performed under Articles 9 to 12 of the Criteria and what percentage represents the acknowledged volume of work under Article 20 of the Criteria.

An acknowledgement of the judge's volume of work in conflict with the first to third paragraphs of this Article shall not be permitted.

Article 21

The Judicial Council and personnel council may verify the accuracy of the submitted statistical data when making decisions within their competences.

Article 22

The Criteria shall be published on the intranet site of the courts and shall enter into force on 1 January 2014.

President of the Judicial Council
Janez Vlačj