Parastās valstu tiesas

Vispārējās piekritības tiesas ir dalībvalstu tiesu sistēmas kodols. To pārziņā ir liela daļa tiesas procesu. To jurisdikcijas joma ievērojami atšķiras. Šeit atradīsiet informāciju par vispārējās piekritības tiesām un to jurisdikciju katrā dalībvalstī.

Lielākajā daļā dalībvalstu vispārējās piekritības tiesu pārziņā ir divi galvenie tiesvedības veidi:
tiesvedība krimināllietās, t. i., tiesas procesi, kas attiecas uz (krimināli) sodāmiem likumpārkāpumiem (piemēram, zādzībām, vandālisma aktiem, krāpniecību utt.). Šīs tiesas var piespriest sodus, un tās parasti sauc par **„krimināltiesām"**,
tiesvedība civillietās, t. i., tiesas procesi, kuros tiesas izskata iedzīvotāju un/vai uzņēmumu strīdus (piemēram, ar nomu, pakalpojumu līgumiem vai laulības šķiršanu saistītas domstarpības utt.). Šīs tiesas parasti sauc par **„civiltiesām"**.

Lai iegūtu sīkāku informāciju par konkrētu valsti, noklikšķiniet uz tās karodziņa.

Lapa atjaunināta: 17/11/2021

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National ordinary courts - Belgium

This section presents an overview of the ordinary courts in Belgium.

Ordinary courts - introduction

Supreme court

Court of Cassation (*Cour de cassation/Hof van Cassatie*): this is the supreme court – the 'court of courts' – which sits in Brussels.

Court of assizes

There is a **court of assizes** (*cour d'assises/hof van assisen*) for each of the 10 provinces and for the Brussels administrative district. It is not a permanent court but is convened whenever accused persons are sent before it.

Appeal courts

Court of appeal (*cour d'appel/hof van beroep*): there are five courts of appeal in Belgium:
Brussels (for the judicial districts of Walloon Brabant, Leuven and Brussels),
Liège (for the judicial districts of Liège, Eupen, Namur and Luxembourg),
Mons (for the judicial district of Hainaut),
Ghent (for the judicial districts of West Flanders and East Flanders),
Antwerp (for the judicial districts of Antwerp and Limburg).

Labour court (*cour du travail/arbeidshof*): there are five labour courts in Belgium. These are the appeal courts specialising in employment law. They have the same territorial jurisdiction as the courts of appeal mentioned above.

Courts of first instance

Court of first instance (*tribunal de première instance/rechtbank van eerste aanleg*): there are 13 courts of first instance in Belgium (one for each judicial district and two in the Brussels district – one Dutch-speaking and one French-speaking).

Labour tribunal (*tribunal du travail/arbeidsrechtbank*): there are nine labour tribunals in Belgium (in principle, one in the territorial jurisdiction of each court of appeal, except for the territorial jurisdiction of the Brussels court of appeal, where there are labour tribunals in Leuven and Nivelles and two more in Brussels itself – one Dutch-speaking and one French-speaking – and except for the judicial district of Eupen).

Business court (*tribunal de l'entreprise/ondernemingsrechtbank*): there are nine business courts in Belgium (in principle, one in the territorial jurisdiction of each court of appeal, except for the territorial jurisdiction of the Brussels court of appeal, where there are business courts in Leuven and Nivelles and two more in Brussels itself – one Dutch-speaking and one French-speaking – and except for the judicial district of Eupen).

Inferior or local courts

Justice of the peace court (*justice de paix/vredegerecht*): there are 187 justice of the peace courts in Belgium (one for each judicial canton).

Police court (*tribunal de police/politierechtbank*): there are 15 police courts in Belgium, i.e. one for each judicial district, except for Brussels where there are four.

Jurisdiction of the courts

Justice of the peace court

The justice of the peace court deals with all claims below €5 000 that are not exclusively assigned to another court. The justice of the peace (*juge de paix /vrederechter*) also has jurisdiction over disputes concerning leases, nuisance, easements and compulsory purchases, whatever the sum involved, and to order interim measures in disputes between spouses. Except in cases where the claim does not exceed €2 000, judgments of the justice of the peace are open to **appeal** before the court of first instance.

Police court

The police court is a **criminal and civil** court that considers summary offences (*contraventions/overtredingen*), indictable offences (*délits/wanbedrijven*) that are being treated as summary offences, breaches of specific laws (such as the Rural Code (*Code rural/Veldwetboek*) or the Forestry Code (*Code forestier /Boswetboek*)), claims for damages resulting from road traffic accidents, and road traffic offences. Judgments of the police court are open to **appeal** before the court of first instance, except in the matters listed in the Judicial Code (*Code judiciaire/Gerechtelijk Wetboek*) where the claim does not exceed €1 240.

Court of first instance

The court of first instance has jurisdiction over all disputes that are not assigned by law to other courts. It therefore has **residual jurisdiction**.
The court of first instance is subdivided into four sections: the **civil court**, the **criminal court, the family court** and the **juvenile court**. Since 2007 there has also been a section called the **sentence enforcement court** at the courts of first instance in Antwerp, Brussels, East Flanders, Liège and Hainaut.

Civil court

The **civil court** (*tribunal civil/burgerlijke rechtbank*) deals with **matters of personal status**. It also has jurisdiction over disputes involving sums of more than €1 860, disputes concerning inheritance rights or copyright, and appeals against judgments delivered by a justice of the peace.

Criminal court

The **criminal court** (*tribunal correctionnel/correctionele rechtbank*) tries all **offences** and **serious offences** (*crimes/misdaden*), such as deception, fraud, manslaughter, burglary or robbery, that are being treated as indictable offences. It also hears appeals against judgments delivered by a police court.
A matter may be brought before the criminal court in one of two ways: by means of a direct summons issued by the public prosecutor's office (*ministère public /openbaar ministerie*) or a party claiming damages, or by means of an order made by the pre-trial bench of the court of first instance, which determines, at the end of a pre-trial investigation (*instruction/gerechtelijk onderzoek*), whether or not the accused is to be committed for trial before the criminal court.
The **pre-trial bench** (*chambre du conseil/raadkamer*) handles pre-trial investigations. It consists of a judge of the court of first instance sitting alone, who considers whether the case should be referred to the criminal court or whether the accused should be discharged (*non lieu/buitenvervolginstelling*). It is also the pre-trial bench that decides whether the accused is to be detained on remand or released, if necessary subject to certain conditions, either on a month-to-month basis or, in the case of a serious indictable offence that cannot be treated as an indictable offence, every three months.
Detention on remand (*détention préventive/voorlopige hechtenis*) is a security measure whereby a person suspected of having committed an indictable offence or a serious indictable offence is held on remand pending trial. It may be ordered in order to prevent the suspect from failing to appear before the judge, committing other offences in the meantime, attempting to dispose of evidence, or contacting other persons (for example in order to influence witnesses or co-defendants). Suspects who are ultimately acquitted or against whom proceedings are dropped may seek compensation from the Minister for Justice for the time unjustly spent in prison. In order to receive this compensation for unjustified detention (*indemnité en cas de détention inopérante /vergoeding wegens onwerkzame hechtenis*), two conditions must be met: the suspect must have been detained for more than eight days, and must not have caused the detention or continued detention by his or her personal conduct. The Minister assesses the latter condition very strictly.
Decisions of the pre-trial bench may be challenged on **appeal** before the indictment section (*chambre des mises en accusation/kamer van inbeschuldigingstelling*) of the court of appeal. This is the section that deals with pre-trial investigations at appeal court level.

Juvenile court

The juvenile sections that form the **juvenile court** (*tribunal de la jeunesse/jeugdrechtbank*) have jurisdiction over matters involving juveniles at risk and juveniles who have committed criminal offences.
Only the public prosecutor's office can decide whether or not a case should be brought before the juvenile court. Unlike in civil matters, cases cannot be brought by individuals. Juveniles can be brought before the juvenile court in two cases.
Firstly, if they have committed an offence, the police will give their name to the public prosecutor's office. The latter then decides whether the events are sufficiently serious to be referred to the juvenile judge.
Secondly, if juveniles are experiencing a difficult situation at home, they will probably already have had contact with a youth office (*service d'aide à la jeunesse*). If no solution can be found to their situation, the youth office refers the case to a mediation committee (*commission de médiation*) that deals with special support for young people. If necessary, this mediation committee can ask the public prosecutor's office to refer the case to the juvenile court so that appropriate measures can be taken.

Family court

The **family court** (*tribunal de la famille/familierechtbank*) has jurisdiction to hear all family-related disputes in accordance with Articles 572bis and 577(3) of the Judicial Code.
Barring exceptions, the court has jurisdiction over the following matters, regardless of the sum involved in the dispute:
any application involving personal status and its consequences: disputes in relation to marriage or its obligations, divorce and its property consequences, establishment or contesting of a parent-child relationship, contesting of certain decisions made by registrars, etc.;
any application involving legal cohabitation and its consequences: measures relating to the property of cohabitants, cancellation of legal cohabitations, etc.;
any application involving children: determination of the exercise of parental responsibility and/or living arrangements, determination of contact rights, etc.;
any application involving maintenance obligations: setting or amending maintenance for a former spouse or parent, determination or adaptation of a maintenance contribution, etc.;
certain applications involving family allowances: determination of the claimant of family allowances or contesting of the payment of family allowances to the claimant;
any application involving the property of a family: gifts of property from family property, settlement of property belonging to spouses, disputes with regard to inheritances (e.g. waiver of inheritances), etc.;
any application involving a temporary ban on residence in the event of domestic violence.
The court also has jurisdiction to order interim and urgent measures.
Lastly, it also has jurisdiction to hear any appeals against judgments delivered by justices of the peace regarding persons lacking in capacity.

Sentence enforcement courts

The **sentence enforcement court** (*tribunal de l'application des peines/strafuitvoeringsrechtbank*) delivers judgments on the legal status outside prison of persons sentenced to deprivation of liberty. The court can allow the following arrangements: **limited detention** (*détention limitée/beperkte detentie*), **electronic surveillance**, **conditional release** (*libération conditionnelle/voorwaardelijke invrijheidstelling*) and **provisional release** (*mise en liberté provisoire/voorlopige invrijheidstelling*) with a view to expulsion or return to the country of origin. Decisions of the sentence enforcement courts may be appealed to the Court of Cassation by the public prosecutor's office or by the convicted person.

Appeals against decisions of the court of first instance

Except in the case of decisions made by a sentence enforcement court, when a party or the public prosecutor's office is not satisfied with a judgment delivered by a court of first instance, they can **appeal** the judgment, provided that it was delivered at first instance, i.e. it was not itself delivered on an appeal against a decision given by a police court or justice of the peace. In this case, the appeal is heard by the court of appeal, irrespective of whether the contested judgment was delivered by a civil court, criminal court or juvenile court.

Labour tribunal

A labour tribunal has jurisdiction over **social matters**: social security (pensions, unemployment, etc.), industrial disputes (employment contracts, labour regulations, etc.) and industrial accidents. It also rules on applications for **arrangements with creditors** (*règlement collectif de dettes/collectieve schuldenregeling*) submitted by individuals.
A labour tribunal consists of **various sections**. Except where otherwise provided by the Judicial Code, these consist of a professional judge, who presides, and two lay judges. Depending on the nature of the case being heard by the tribunal, the lay judges represent the workers, employers or self-employed persons. They are appointed after being nominated by organisations in the world of work (employers, whitecollar workers, manual workers or self-employed persons). In this role, the public prosecutor is known as the public prosecutor for labour (*auditeur du travail/arbeidsauditeur*), and their office as the *auditorat du travail/arbeidsauditoraat*.
A party who disagrees with the judgment of the labour tribunal can **appeal** to the labour court.

Business court

The business court has jurisdiction over disputes between businesses, regardless of the amount involved.
Individuals can also bring actions against businesses before the business court.
The business court hears disputes between businesses, namely natural persons working on a self-employed basis (traders, liberal professions and directors), legal persons (companies, associations and foundations) and organisations without legal personality. Disputes must not come under the special jurisdiction of other courts and, with regard to natural persons, they must not involve an act that is clearly unconnected with the business.
The business court comprises one or more sections. Each section consists of a professional judge and two lay judges. These lay judges are not professional judges, but rather entrepreneurs, company directors, accountants, auditors, etc. They assist the professional judge by providing their experience of the business world.
In certain cases, the public prosecutor's office brings cases before the business court, in which it is represented by the public prosecutor, one or more senior deputies and one or more other deputies.
If a party wishes to challenge a judgment of the business court, they lodge an **appeal** before the court of appeal. The contested judgment must, however, have been delivered at first instance.

Courts of appeal and labour courts

A court of appeal consists of several sections.
Civil sections (*chambres civiles/burgerlijke kamers*) consider appeals against judgments delivered at first instance by the civil sections of the courts of first instance and by the commercial courts.
Criminal sections (*chambres correctionnelles/correctionele kamers*) consider appeals against judgments delivered at first instance by the criminal courts.
Juvenile sections (*chambres de la jeunesse/kamers in jeugdzaken*) consider appeals against judgments delivered at first instance by the juvenile courts.
The indictment section (*chambre des mises en accusation/kamer van inbeschuldigingstelling*) deals with pre-trial investigations and hears appeals against decisions of the pre-trial bench of the court of first instance. It is also the indictment section that refers suspects to the court of assizes when they have allegedly committed serious indictable crimes, press offences or political offences.
As with the labour tribunal, the sections of the **labour court** consist of a professional judge and two or four lay judges. The labour court considers appeals against decisions of the labour tribunals.

Court of assizes

Serious indictable crimes

When a person is **accused of a serious indictable offence (*crime/misdaad*) that cannot be treated or is not being treated as an indictable offence (*délit /wanbedrijf*)**, he or she is summoned to appear before the court of assizes in order to be tried by **jury**.
The court of assizes is presided over by a professional judge, assisted by two other judges who are also professionals. The judges do not rule on the guilt or innocence of the accused. It is for the members of the jury, or jurors, to decide whether or not the accused has committed the offence. **Jurors** are chosen by drawing lots from the population. Any Belgian citizen aged between 28 and 65 may be called upon to undertake jury service, provided that he or she is able to freely exercise his or her civil and political rights, can read and write, and has never been sentenced to more than four months' imprisonment or more than 60 hours' community service.
Assize court proceedings start with the reading of the indictment, summarising the fact-finding process and setting out the main evidence gathered during the pre-trial investigation. Then, the witnesses and persons involved in the pre-trial investigation are heard. These hearings are intended to enable the jurors, who have not been able to consult the case-file, to form an opinion. Next, the public prosecutor delivers the prosecutor's address requesting a specific sentence, parties claiming damages are heard, and the defence lawyers present their pleadings. The accused is also heard. He or she answers questions put by the presiding judge, provides explanations, and may also plead his or her innocence. At the end of the proceedings, the **twelve jurors** retire behind closed doors. They **have to deliver a verdict on the guilt or innocence of the accused**. They decide by vote, and their decision may be qualified. They may, for example, find the accused guilty while recognising the existence of extenuating circumstances. If the accused is found guilty, the professional judges and the jurors then jointly determine the sentence to be imposed. This decision is taken by absolute majority. The decision on the guilt of the accused must be reasoned.
In principle, a judgment of the court of assizes is not open to an appeal (*appel/hoger beroep*). However, the convicted person, a party claiming damages or the public prosecutor's office may bring an appeal to the **Court of Cassation** (*pourvoi en cassation/cassatieberoep*) . If the Court of Cassation quashes a conviction, it sends the case back to another court of assizes, which must rule on the case afresh.

Press offences and political offences

A press offence (*délit de presse/drukpersmisdrijf*) is where there is criminal expression of thought through texts of which multiple copies are distributed by means of a technical process. A political offence (*délit politique/politiek misdrijf*) is an offence committed for a political reason and for political purposes. Political offences and press offences are tried by the court of assizes, except in the case of press offences motivated by racism or xenophobia.

Court of Cassation

The Court of Cassation is the **guarantor ensuring that courts and tribunals act in accordance with the law**. It has jurisdiction over the whole of Belgium. The Court of Cassation does not rule on the facts but only on questions of law. An appeal to the Court of Cassation may be lodged only on **points of law**, therefore on the grounds that there has been a breach of the law or of a general principle of law. Appeals can be brought before the Court of Cassation only against judgments delivered at last instance, i.e. judgments against which it is no longer possible to lodge an appeal.
The Court of Cassation consists of a first president, a president, section presidents and ordinary judges. The public prosecutor's office is represented by the Chief Prosecutor at the Court of Cassation or by an advocate-general. The Court consists of **three divisions**: the first division considers civil, commercial, tax and disciplinary cases; the second hears criminal cases, and the third deals with cases concerning employment and social security law. Each of these divisions has a French-language section and a Dutch-language section. In each section the number of judges sitting in a case is usually five.
Before giving judgment, the court hears the opinion of the **public prosecutor** at the Court of Cassation. The court may decide to dismiss the appeal. If it does not accept the arguments put forward, it dismisses the appeal and the contested judgment becomes final. If it takes the view that the contested judgment is indeed faulty on a point of law, it quashes the judgment, in whole or in part, and may or may not refer the case back. If it concludes that the substance of the case should be reconsidered, the case is referred back to a court or tribunal at the same level as the one that delivered the contested judgment. The case is never referred back to the original court.

Note

It should be noted that, alongside the civil courts, the criminal sections of the court of appeal, the court of assizes, the criminal sections of the court of first instance (criminal court) and the police court (when it hears criminal cases) also hear civil applications (mainly for damages) lodged by parties claiming damages in criminal proceedings, i.e. victims of criminal offences in the broadest sense.
Legal databases
Further information on Belgian courts and tribunals is available from the portal of the Judiciary in Belgium.

Is access to the database free of charge?

Yes, access to the database is **free of charge**.

Related links

Federal Public Service for Justice

Last update: 28/07/2022

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National ordinary courts - Bulgaria

This section sets out information on the Bulgarian judicial system.

Organisation of justice – judicial system

Courts of first instance in civil and criminal cases

District Courts

The main court of first instance is the district court. It examines all cases except those which are assigned to other courts by law. It examines civil, criminal and administrative cases. Decisions of district courts are subject to appeal before the respective provincial court.

The district court consists of judges and is headed by a chairperson.

Provincial courts

When acting as a **court of first instance**, the provincial court examines:

civil cases - actions to establish parentage, terminate an adoptive relationship, declare a person to be under judicial disability or lift such disability; actions to establish ownership of or real rights over a property if the value of the claim is higher than BGN 50 000; civil or commercial disputes over a sum of more than BGN 25 000 (with the exception of maintenance claims, claims under labour law or for the recovery of unauthorised expenditure); actions to establish an inadmissible, void or incorrect company registration for which the law provides that the provincial courts have initial jurisdiction; disputes subject to examination by a provincial court under other legislation.

criminal cases - cases relating to crimes under Articles 95 - 110, 115, 116, 118, 119, 123, 124, 131(2)(1) and (2), 142, 149(5), 152(4), 196a, 199, 203, 206 (4), 212(5), 213a(3) and (4), 214(2), 219, 224, 225b, 225c, 242, 243 - 246, 248 - 250, 252 - 260, 277a - 278e, 282 - 283b, 287a, 301 - 307a, 319a - 319f, 330 (2) and (3), 333, 334, 340 - 342, 343(1)(c), (3)(b) and (4), 349(2) and (3), 350(2), 354a(1) and (2), 354b, 356f - 356i, 357 - 360 and 407 - 419a of the Criminal Code, with the exception of cases falling under the remit of the specialised criminal court under Article 411a of the Criminal Code.

A City Court is established in Sofia and has the powers of a provincial court. The Sofia City Court acts as a court of first instance for cases relating to crimes of a general nature committed by persons enjoying immunity or members of the Council of Ministers.

Provincial courts are located in the provincial centres. Within each provincial court's judicial area there are one or several district courts.

Courts of second instance in civil and criminal cases

The provincial courts, acting as **courts of second instance**, examine acts appealed against in district court cases, as well as other cases assigned to them by law.

As courts of second instance, the appellate courts examine acts appealed against in provincial court cases, as well as other court cases assigned to them by law.

Courts of third instance in civil and criminal cases

The Supreme Court of Cassation is the supreme judicial instance in criminal and civil cases. Its jurisdiction covers the entire territory of the Republic of Bulgaria.

Legal database

Each court in Bulgaria maintains a website which corresponds to the needs of the citizens, legal entities and administrative authorities. These websites provide information on the courts' structure and activities, as well as information on ongoing cases and cases which are already closed.

Name and URL of the respective databases

The website of the Supreme Judicial Council provides a detailed list of courts in Bulgaria, including their addresses and websites (accessible in Bulgarian only).

Last update: 29/06/2023

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National ordinary courts - Czechia

The court structure in the Czech Republic comprises 89 district courts, eight regional courts and the Supreme Court.

Ordinary courts — introduction

Jurisdiction in civil cases

District courts, regional courts, high courts and the Supreme Court of the Czech Republic are responsible for judging civil cases.

Courts of first instance

District courts hear and judge disputes and other legal cases arising from civil, employment, family and commercial relationships whenever no other court has material jurisdiction over them under the law.

Other matters that are not of a private nature (e.g. on the appointment and dismissal of arbitrators, on the annulment of an arbitration award, etc.) are to be heard and judged by the district courts in civil proceedings where the law so provides.

Cases that fall within the jurisdiction of a district court are usually ruled upon by a judge sitting alone.

Where the law so determines, employment and other matters are heard by a chamber consisting of a judge and two lay judges.

Regional courts act as courts of first instance in cases and disputes referred to in Sections 9(2) and 9a of the Code of Civil Procedure.

Proceedings before a regional court as a court of first instance are heard and ruled upon by a single judge; a chamber consisting of a president of chamber and two judges hears and rules on proceedings at first instance where the law so provides.

The Supreme Court rules at first instance on the basis of Section 51 of Act No 91/2012 on private international law. In those circumstances, the Supreme Court recognises the final rulings of foreign courts.

The Supreme Court sits as a chamber or a Grand Chamber.

Second instance

Where district courts hear the case at first instance, a regional court is the court of appeal (second-instance court).
Where regional courts hear the case at first instance, the high courts act as the courts of appeal.
The high court sits as a chamber consisting of a president of chamber and two judges unless there are separate legal provisions to the contrary.

Legal databases

Legislation of the Czech Republic can be found on the official portal of the Czech government.

Is access to the legal database free of charge?

Yes, only this portal provides legislative texts free of charge.

Jurisdiction in criminal cases

District courts, regional courts, high courts and the Supreme Court of the Czech Republic are responsible for judging criminal cases.

Courts of first instance

Unless Act No 141/1961 on criminal proceedings determines otherwise, proceedings at first instance take place at the district court.
Criminal proceedings before a court are ruled upon by a chamber of judges or a single judge; the president of chamber or the single judge decides alone only where this is expressly provided for by law. District court chambers are composed of a president of chamber and two lay judges. A president of chamber or a judge may act as a single judge. Only a judge may act as president of chamber.
Regional courts hear proceedings at first instance regarding criminal offences in respect of which the law provides for a sentence of at least five years' imprisonment, or where an exceptional sentence may be imposed. Regional courts also act as courts of first instance in respect of criminal offences referred to in Section 17(1) of the Criminal Proceedings Act even if the minimum prison sentence is lower.
Regional courts act in chambers. A single judge rules in cases provided for in the laws on proceedings before the courts.
Regional court chambers are composed of
a president of chamber and two lay judges if they are acting as courts of first instance in criminal cases;
a president of chamber and two judges in other cases.
A president of chamber or a judge may act as a single judge. Only a judge may act as president of chamber.

Second instance

The higher regional court decides on appeals against judgments of a district court. The superior high court decides on appeals against judgments of a regional court at first instance.
The high court sits as a chamber consisting of a president of chamber and two judges unless there are separate legal provisions to the contrary.

Jurisdiction in administrative cases

The role of the judiciary in administrative matters is to protect the individual rights of natural and legal persons under public law.
This role is fulfilled by **administrative courts**. These are specialised chambers within the system of regional courts that act as courts of first instance.
Administrative courts are composed of: the president of the regional court, vice-presidents and judges. Individual cases are heard by a chamber composed of three judges.
Administrative courts adjudicate on
complaints against administrative decisions issued by an executive body, a local or regional government body, a natural or legal person or other body empowered to adjudicate on the rights and obligations of natural and legal persons in public administration (hereinafter 'an administrative body');
protection against an administrative body's failure to act;
protection against unlawful intervention by an administrative body;
actions on matters of jurisdiction;
electoral matters and matters relating to local or regional referendums;
matters relating to political parties and political movements;
the revocation of a measure of a general nature or part thereof that is contrary to the law;
disciplinary matters relating to judges, court officials, state prosecutors and bailiffs;
matters relating to certain rules of professional conduct.
The **Supreme Administrative Court** is the administrative court of last instance and consists of the President of the Supreme Administrative Court, vice-presidents and judges. Individual cases are usually heard by a chamber composed of three judges.
Aside from hearing appeals, the Supreme Administrative Court decides on the dissolution of a political party or of a political movement, the suspension or resumption of their activities, on matters of jurisdiction and on the revocation of measures of a general nature or part thereof. The further substantive jurisdiction of the Supreme Administrative Court is laid down in specific laws.
Further details on the website European Judicial Atlas in Civil Matters - Judicial system of the Czech Republic.
Further information can be found on the website: Nejvyšší správní soud (Supreme Administrative Court).

Related links

Courts system

Last update: 09/11/2020

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National ordinary courts - Denmark

This section provides information on the organisation of ordinary courts in Denmark.

Ordinary courts – introduction

Supreme Court (Højesteret)

The **Supreme Court** is the final court of appeal in Denmark and is situated in Copenhagen. The court reviews judgments and orders delivered by:
The High Court of Eastern Denmark
The High Court of Western Denmark and
The Copenhagen Maritime and Commercial Court.
The Supreme Court reviews both civil and criminal cases and is the final court of appeal (third tier) in probate, bankruptcy, enforcement and land registration cases.
The Supreme Court does not review questions of guilt or innocence in criminal cases. Only in exceptional cases is there a right of appeal (third tier) to the Supreme Court (see below). There are no lay judges on the Supreme Court panel.

Easter High Court (Østre Landsret) and Western High Court (Vestre Landsret)

There are **two high courts** in Denmark – the High Court of Western Denmark and the High Court of Eastern Denmark. The high courts hear appeals from district courts.
Civil and criminal cases are tried by the district courts (first tier). Under certain conditions a civil case may be referred to a high court.

District courts (Byretterne)

District courts hear civil, criminal, enforcement, probate and bankruptcy cases. Notarial acts also fall within the jurisdiction of district courts. Some district courts will continue to handle registration in certain jurisdictional districts until this is taken over by the Land Registration Court.

Legal databases

For more information, please consult the structural chart of the Danish judicial system.

Last update: 05/05/2022

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National ordinary courts - Germany

This section provides you with information on the organisation of ordinary courts in Germany.

Ordinary courts - introduction

Jurisdiction in civil matters

Local courts (*Amtsgerichte*) as courts of first instance deal with civil cases – mainly those where the value of the claim is up to €5 000. They also deal with some cases, such as rental disputes and family and maintenance matters, irrespective of the value of the claim.
Cases in local courts are heard by a single judge.
Regional courts (*Landgerichte*) as courts of first instance deal with all civil cases which do not fall within the jurisdiction of local courts. These are usually disputes where the value of the claim is more than €5 000.
In principle, cases before regional courts are also heard by a single judge. However, complex cases and cases of fundamental importance are decided on by a chamber made up of three professional judges.
Regional courts as courts of **second instance** deal with appeals against rulings on civil matters by local courts. Appeals are heard by a chamber usually made up of three judges.
Furthermore, **chambers dealing with commercial matters** can be established at regional courts. They examine commercial disputes at first and second instance. These chambers are composed of one presiding judge and two business people acting as lay assessors.
Higher regional courts (*Oberlandesgerichte*) are usually courts of second instance. In civil cases, they rule on appeals against judgments by regional courts and by local courts in family matters.
The divisions (*Senate*) of **higher regional courts** are usually made up of three professional judges. However, civil cases that present no particular difficulties and are not of fundamental importance can also be transferred to a single judge.
The highest ordinary court is the Federal Court of Justice (*Bundesgerichtshof*), which is the court of last resort and deals with appeals on points of law only. The divisions of the Federal Court of Justice are made up of five professional judges.

Jurisdiction in criminal matters

Courts of first instance

The Judicature Act (*Gerichtsverfassungsgesetz* – GVG) sets out the jurisdiction of the courts in criminal matters. The local court is the court of first instance in criminal matters, unless the jurisdiction of the regional court or the higher regional court is established (§ 24(1)(1) to (3) GVG). A criminal court judge rules on an offence (§ 25 GVG) if:
the matter is pursued by private prosecution
or a penalty of more than two years of imprisonment is not to be expected.
In all other cases, a court with lay assessors (*Schöffengericht*) is set up (§ 28 GVG); this is composed of one professional judge and two lay assessors. This court deals with crimes of intermediate gravity for which the local court has jurisdiction (§ 24(1) GVG), unless they have been transferred to a criminal court judge (§ 25 GVG). These are cases where the expected penalty is imprisonment for two to four years. The court can be enlarged at the request of the public prosecutor's office (§ 29(2) GVG) if the public prosecutor's office and the court consider that there is a need to involve a second judge because of the scope of the case.
The jurisdiction of the **regional court** is governed by § 74(1) GVG. This states that the regional court deals with all crimes which do not fall within the jurisdiction of the local court or the higher regional court, i.e. where a longer term of imprisonment is expected.
The German Criminal Code (*Strafgesetzbuch*) distinguishes between an offence (*Vergehen*) and a crime (*Verbrechen*). A crime is an act for which the law lays down a minimum penalty of one year of imprisonment. Crimes are therefore more serious than offences.
The regional court deals with all criminal acts where the expected penalty exceeds four years of imprisonment (§ 74(1), first part of second sentence, GVG). It also has jurisdiction if the public prosecutor's office decides to bring a case before the regional court because of its particular significance, even though the local court would normally have jurisdiction.
Criminal cases in the regional court are heard at first instance by the large criminal division (*Große Strafkammer*), which is generally composed of three judges and two lay assessors. Under § 76(2) GVG, a large criminal division can decide at the opening of a trial or when the date of a trial is fixed that the case will be heard by two judges and two lay assessors only.
The **higher regional court** has jurisdiction at first instance for the criminal acts listed in § 120(1) and (2) GVG, most of which involve a threat to the security or existence of the Federal Republic of Germany. The criminal division (*Strafsenat*) of the Federal Court of Justice may be composed of five judges, including the presiding judge. However, when the trial opens, it may decide that the case can be heard by three judges, including the presiding judge, unless the scope or complexity of the case makes the involvement of two further judges necessary (§ 122(2), first and second sentences, GVG).

Appeals

The **regional court** hears appeals against judgments of the local court (§ 312 of the Code of Criminal Procedure [*Strafprozessordnung*, StPO]), where the appeal is heard by the 'small criminal division' (*Kleine Strafkammer*) (§ 76(1) GVG), composed of one professional judge and two lay assessors. In the case of appeals against a judgment by an enlarged court with lay assessors, a second professional judge is brought in (§ 76(6) GVG). In addition, under § 335 StPO, it is possible to challenge a judgment on a point of law rather than by ordinary appeal ('leap frog appeal', *Sprungrevision*).

An **appeal on a point of law** (*Revision*) can be lodged against any judgment of the regional court or the higher regional court at first instance (§ 333 StPO). The Federal Court of Justice is the court of appeal (*Revisionsinstanz*) for all rulings of the higher regional court and the large criminal divisions of the regional court (§ 135(1) GVG). The divisions of the Federal Court of Justice rule on appeals with five professional judges, including the presiding judge. Appeals against (other) judgments of the regional court are decided by the higher regional court.

Related links

Federal Court of Justice

Last update: 14/05/2021

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National ordinary courts - Estonia

This section provides information on the organisation of ordinary courts in Estonia.

Ordinary courts – introduction

County Courts are ordinary courts of **first instance** and hear all civil, criminal and misdemeanour cases and conduct other proceedings which are placed under their jurisdiction by law. Legal proceedings in the county courts are regulated by the following Codes: the Code of Civil Procedure in civil cases, the Code of Criminal Procedure in criminal cases and the Code of Misdemeanour Procedure in misdemeanour cases.

Judgments and rulings of county courts are reviewed by **district courts**, as courts of second instance, on the basis of appeals against those judgments and rulings. Proceedings in the administrative courts are regulated by the same Acts as proceedings in the courts of first instance.

Courts of first instance

There are four county courts in Estonia. The county courts are divided into courthouses.

County courts:

Harju County Court (Harju Maakohus):

Tallinn courthouse

Viru County Court (Viru Maakohus):

Jõhvi Courthouse

Narva Courthouse

Rakvere Courthouse

Pärnu County Court (Pärnu Maakohus):

Pärnu Courthouse

Haapsalu Courthouse

Kuressaare Courthouse

Rapla Courthouse

Paide Courthouse

Pärnu County Court also has a department for payment orders, which handles applications for the accelerated procedure for payment orders.

Tartu County Court (Tartu Maakohus):

Tartu Courthouse

Jõgeva Courthouse

Viljandi Courthouse

Valga Courthouse

Võru Courthouse

Tartu County Court also has registry and land registry departments. The land register and the register of ships are maintained in the land registry department. The commercial register, the register of non-profit associations and foundations and the commercial pledges register are maintained in the registry department.

Courts of second instance

There are two district courts in Estonia.

District Courts:

Tallinn District Court

Tartu District Court

Legal databases

The contact information for Estonian courts is available on the courts' website. Access to the contact details is free of charge.

Last update: 01/10/2020

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National ordinary courts - Ireland

This section provides you with information on the organisation of ordinary courts in Ireland.

Ordinary Courts

The courts system in Ireland has its origins in the 1922 Constitution, which provided for the setting up of new courts to replace those which had evolved under the British administration. New courts were established in 1924 under the Courts of Justice Act, 1924, which established the legal basis for a court system.

The present courts were set up by the Courts (Establishment and Constitution) Act 1961, pursuant to Article 34 of the Constitution adopted by the Irish people in 1937. The Court of Appeal was established on the 29th October, 2014, following a referendum in 2013.

Articles 34 to 37 of the Constitution deal with the administration of justice in general. Article 34.1 states that, "Justice shall be administered in Courts established by law". The Constitution outlines the structure of the court system made up of a court of final appeal, the Supreme Court, the Court of Appeal which has jurisdiction in both criminal and civil matters, and courts of first instance which include a High Court with full jurisdiction in all criminal and civil matters and courts of limited jurisdiction, a Circuit Court and a District Court organised on a regional basis.

Civil Courts

The Supreme Court

Significant changes were made to the Supreme Court's appellate jurisdiction with the coming into effect on the 28th October, 2014, of the Thirty-third Amendment of the Constitution which established the Court of Appeal. With effect from the establishment day, the Supreme Court has appellate jurisdiction – from a decision of the Court of Appeal if the Supreme Court is satisfied that the decision involves a matter of general public importance, or in the interests of justice it is necessary that there be an appeal to the Supreme Court, and;

from a decision of the High Court if the Supreme Court is satisfied that there are exceptional circumstances warranting a direct appeal to it – a precondition for the Supreme Court being so satisfied is the presence of either or both of the following factors – the decision involves a matter of general public importance; the interests of justice.

Appeals in civil proceedings from the High Court which prior to the Thirty-third Amendment would have been heard by the Supreme Court now lie to the Court of Appeal, except for those cases in which the Supreme Court has permitted an appeal to it on being satisfied that the appeal meets the threshold set out in Article 34.5.4° of the Constitution. In addition, questions of law which could previously be referred by the Circuit Court to the Supreme Court for determination (a 'case stated') are now determinable by the Court of Appeal.

The Thirty-third Amendment did not affect the original jurisdiction of the Supreme Court which in effect consists of the function under Article 26 of the Constitution. Article 26 provides that the Supreme Court has power to decide whether a Bill (or any provision or provisions of it), which has been passed by both Houses of the Oireachtas and presented to the President of Ireland for his/her signature before being enacted into law, is repugnant to the Constitution, on the matter being referred to the court by the President. If a question of the permanent incapacity of the President arises, such question falls to be decided by the Supreme Court.

The Court usually sits with a composition of three or five judges and, exceptionally, seven judges. When hearing cases concerning the constitutional validity of an Act of the Oireachtas (parliament), the Constitution requires that the court consists of a minimum of five judges. This requirement also applies when the Court is requested to give an opinion on the constitutional validity of a Bill adopted by the Oireachtas when referred to it by the President of Ireland under Article 26 of the Constitution. A minimum of five judges is also required should the Court have to determine, pursuant to Article 12 of the Constitution, whether the President has become permanently incapacitated. The Chief Justice or a Supreme Court judge may sit alone to hear certain interlocutory and procedural applications.

The Court of Appeal

The Court of Appeal was established on 29th October, 2014, following a referendum in 2013. As with other Superior Courts, some of the jurisdiction of the Court of Appeal is conferred by the Constitution and some by legislation. It occupies an appellate jurisdictional tier between the High Court and the Supreme Court.

The Court has jurisdiction to hear appeals in civil proceedings from the High Court which, prior to the Thirty-third Amendment of the Constitution would have been heard by the Supreme Court. Exceptions are those cases in which the Supreme Court has permitted an appeal to it on being satisfied that the appeal meets the threshold set out in Article 34.5.4 of the Constitution. The Court can hear appeals from cases heard in the High Court about whether or not a law is constitutional. The Constitution provides that no laws may be passed restricting the Court of Appeal's jurisdiction to do this.

The Court of Appeal is composed of a President and nine ordinary judges. The Chief Justice and the President of the High Court are ex officio judges of the Court of Appeal. The Court may sit in divisions of three judges. Some interlocutory and procedural applications may be heard by the President alone or by another judge nominated by the President.

The High Court

Under the Constitution the High Court has full original jurisdiction and power to determine all matters and questions, whether of law or fact, civil or criminal. The High Court has exclusive jurisdiction in matters relating to the adoption of children and with regard to applications for extradition. The jurisdiction of the High Court extends to the question of the validity of any law having regard to the provisions of the Constitution (except a law which has already been referred to the Supreme Court by the President of Ireland). Most High Court cases are tried by a sole Judge, although there is provision in law for certain matters such as actions for libel, assault or false imprisonment to be tried by a judge sitting with a jury. Cases of exceptional importance may be tried by two or more judges sitting as a Divisional Court.

The High Court acts as an appeal court from the Circuit Court in civil matters. Apart from its appellate jurisdiction in Circuit Court civil appeals, the High Court also has power to review the decisions of all inferior tribunals by the issue of prerogative orders of Mandamus, Prohibition and Certiorari. These orders relate not to the merits of the decision of the inferior tribunals but to the question of whether jurisdiction has been exceeded.

The High Court may give rulings on a question of law submitted by the District Court. It also deals with applications for bail where the accused person has been charged with the crime of murder or where the accused wishes to seek a variation of the terms and conditions imposed by the District Court.

Normally the High Court sits in Dublin to hear original actions. It also sits in a number of provincial venues to hear original actions for damages for Personal and Fatal Injuries. The High Court on Circuit hears appeals from the Circuit Court in provincial venues.

The Circuit Court

The civil jurisdiction of the Circuit Court is a limited one unless all the parties to an action consent, in which event the jurisdiction is unlimited. The limit of the court's jurisdiction relates mainly to actions where the claim does not exceed €75,000 (€60,000 in personal injuries actions).

The Circuit Court has jurisdiction in probate related matters, and in matters concerning title to or tenancies of real estate where the rateable valuation of the property does not exceed €253.95. The Circuit court also has jurisdiction in family law proceedings including judicial separation, divorce, nullity and appeals from the District Court.

Civil cases in the Circuit Court are tried by a judge sitting without a jury. It acts as an appeal court from the District Court in both civil and criminal matters. The appeal takes the form of a re-hearing and the decision of the Circuit Court is final and cannot be further appealed.

The Circuit Court also has jurisdiction in all cases of application for new licences for sale of liquor for consumption on the premises, and has appellate jurisdiction from the decisions of tribunals such as the Director of Equality Investigations.

The District Court

The District Court has local and limited jurisdiction. In Family Law matters it has power to make maintenance, barring, custody, access and affiliation orders.

The District Court has jurisdiction to try civil cases founded on contract, hire purchase or credit sale agreements, tort, and non-payment of rent or wrongful detention of goods, where the value of the claim does not exceed €15,000. It also has jurisdiction in relation to the enforcement generally of the judgements for debt of any court, jurisdiction in relation to a large number of licensing provisions e.g. relating to the sale of intoxicating liquor, and jurisdiction in respect of applications for malicious damages where the amount claimed does not exceed €15,000.

The District Court sits at venues throughout the country in 24 Districts comprising the Dublin Metropolitan District and 23 other Districts. Generally, the venue at which a case is heard depends on where the contract was made, or where the defendant resides or carries on business, or in licensing cases, on where the licensed premises are situated.

Criminal Courts

The Supreme Court

The Supreme Court deals with appeals from the Court of Appeal in cases where a point of law of exceptional public importance is raised.

The Court of Appeal

Under the Court of Appeal Act 2014, the Court of Appeal was given the appellate jurisdiction previously exercised by the Court of Criminal Appeal.
Appeals from persons convicted on indictment in the Circuit Court or Central Criminal Court, who obtain a certificate from the trial judge that the case is a fit one for appeal now lie to the Court of Appeal. Where this certificate is refused, the Court of Appeal itself, on appeal from this refusal, can grant leave to appeal.
In addition, the Director of Public Prosecutions may appeal to the Court of Appeal on grounds of undue leniency of sentence under the Criminal Justice Act 1993, section 2. In the case of an alleged miscarriage of justice, an appeal can be lodged under s.2 of the Criminal Procedure Act 1993.
The Court of Appeal was also given jurisdiction to hear appeals by the Director of Public Prosecutions on a question of law arising out of criminal trials which resulted in an acquittal. The decision of the Court of Appeal does not affect the acquittal verdict in such cases.
Appeals by the Director of Public Prosecutions against an acquittal or against a decision not to order a retrial also lie to the Court of Appeal. Under the Court of Appeal Act 2014, the Court of Appeal was given the appellate jurisdiction previously exercised by the Courts-Martial Appeal Court. This means that appeals from people who have been convicted by a court-martial now lie to the Court of Appeal.

Court of Criminal Appeal

Under the Court of Appeal Act 2014, the appellate jurisdiction of the Court of Criminal Appeal was transferred to the Court of Appeal.

Special Criminal Court

The Special Criminal Court was established for the trial of offences where it is determined that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order. The court sits with three judges and no jury.

Central Criminal Court

The Central Criminal Court is the criminal division of the High Court. It tries serious crime, including murder offences, rape offences, treason and piracy and criminal trials under the Competition Act, 2002. The court sits with a judge and a jury.

Circuit Criminal Court

The Circuit Criminal Court tries offences other than those that can be tried in the Central Criminal Court. It sits with a judge and a jury. It deals with appeals from the District Court.

District Court

The District Court deals with summary offences (mostly statutory in nature) and some indictable offences. It sits with a judge only.

Last update: 18/01/2024

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National ordinary courts - Greece

Civil courts (*Politiká dikastíria*)

All private disputes are referred to civil courts, including non-contentious cases assigned to these courts by law.
The civil courts are:
The Supreme Court (*Áreios Págos*)
Courts of Appeal (*Efeteía*)
Courts of First Instance with several judges (*Polymelí Protodikeía*)
One-Member Courts of First Instance (*Monomelí Protodikeía*)
District Civil Courts (*Eirinodikeía*)

Criminal Courts (*Poiniká dikastíria*)

Criminal Courts hear criminal cases.
The Criminal Courts are:
The Supreme Court (*Áreios Págos*)
Five-member Courts of Appeal (*Pentamelí Efeteía*)
Mixed jury Courts (*meiktá orkotá dikastíria*)
Mixed jury Courts of Appeal (*meiktá orkotá Efeteía*)
Three-member Courts of Appeal (*Trimelí Efeteía*)
Three-member Magistrates' Courts (*Trimelí Plimmeleiodikeía*)
One-member Magistrates' Courts (*Monomelí Plimmeleiodikeía*)
District Criminal Courts (*Ptaismatodikeía*)
Juvenile Courts (*Dikastíria Anilíkon*)
By virtue of special laws, criminal jurisdiction is also exercised by:
Courts Martial (*Stratodikeía*)
Naval Courts (*Naftodikeía*)
Air Force Courts (*Aerodikeía*)
These courts try cases as special criminal courts.
These courts try cases involving offences by military personnel serving in the army, navy or air force.

Administrative Courts (*Dioikitiká dikastíria*)

The **Council of State** (*Symvoúlio tis Epikrateías*) is one of the three highest courts in Greece (together with the Supreme Court and the Hellenic Court of Auditors (*Elegktikó Synédrio*)).
In brief, the Council of State hears cases including:
petitions for the annulment of administrative acts for breach of law, abuse of power, lack of competence or formal omission;
appeals by civilian, military, government and other personnel against rulings by staff councils (*ypiresiaká symvoúlia*) on promotion, dismissal, demotion, etc.;
petitions for review of rulings by Administrative Courts. Administrative courts are responsible for resolving administrative disputes between government administration and citizens.

The **Court of Auditors** has both judicial and administrative powers, which makes it a dual-function body. Its remit is to control State expenditure, both by the public sector and by the local authorities. It is also responsible for overseeing and attributing responsibility to public administrators, and has judicial powers to rule upon certain civil servants' salary cases.

The Ordinary Administrative Courts (*taktiká dioikitiká dikastíria*) are the Administrative Courts of First Instance (*Dioikitiká Protodikeía*) and the Administrative Courts of Appeal (*Dioikitiká Efeteía*).

The **Administrative Courts of First Instance** sit as a one or three-member bench, depending on the monetary value of the dispute. They hear taxation cases, disputes between individuals and social security or social policy organisations and administrative disputes between citizens and national or local government. Three-member administrative courts of first instance also hear appeals against rulings by one-member administrative courts of first instance.

Administrative courts of appeal hear appeals against rulings by three-member administrative courts of first instance. They also rule in the first instance on petitions for annulment of administrative acts relating to the employment of civil servants (dismissals, failure to appoint or promote, etc.).

Legal databases

Website of the Council of State. Access to the database is **free of charge**.

Website of the Supreme Court. Access to the database is **free of charge**.

Related links

Supreme Court

Council of State and Administrative Justice

Hellenic Court of Auditors

Athens Court of First Instance

Thessaloniki Court of First Instance

Piraeus Court of First Instance

Patras Court of First Instance

Tripoli Court of First Instance

Amfissa Court of First Instance

Patras District Civil Court

Nikaia District Civil Court

Corinth District Civil Court

Last update: 04/07/2023

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National ordinary courts - Spain

Article 117 of the Spanish Constitution of 1978 states that the principle of the unity of the judicial power is the basis for the organisation and operation of the courts.

This principle results in the existence of a single judiciary making up the ordinary courts.

Numerous courts exist, among which the work is distributed according to criteria determining jurisdiction – subject matter, amount, person, function or region – since the unity of the judicial power does not preclude the existence of different courts with different areas of jurisdiction.

The Constitution of 1978 affirms that Spain is a social and democratic state subject to the rule of law that advocates liberty, justice, equality and political pluralism as the overriding values of its legal system. Title VI of the Constitution is given over to the judiciary, with Article 117 laying down that the principle of the unity of the judicial power (unidad jurisdiccional) is the basis for the organisation and operation of the courts.

These principles inform the organisation of the courts in Spain, resulting in the existence of a single body of judges who form the judiciary and who are independent, irremovable, responsible and subject only to the Constitution and the rule of law.

The courts determined by law and international treaty are exclusively responsible for exercising jurisdictional power by passing and enforcing judgments.

Ordinary courts - introduction

Numerous courts exist, among which the work is distributed according to the various criteria for determining jurisdiction established by law – subject matter, amount, person, function or region – since the unity of the judicial power does not preclude the existence of different courts with different areas of jurisdiction.

The courts exercise their judicial power exclusively in the cases where this is attributed to them by law.

The Organic Law on the Judiciary provided for in Article 122 of the 1978 Constitution determines the formation, operation and governance of the courts.

A distinction must be made between three fundamental aspects:

the territorial aspect;

whether it is a single judge or a bench of judges who sit in the court;

jurisdiction.

The territorial aspect

In accordance with the explanatory memorandum to Organic Law 6/1985 of 1 July 1985 on the Judiciary, the State is divided **territorially**, for judicial purposes, into municipalities, districts (*partidos*), provinces and autonomous communities.

The exercise of judicial power is attributed to the following courts: magistrates courts (*Juzgados de Paz*), courts of first instance and preliminary investigations (*Juzgados de Primera Instancia e Instrucción*), commercial courts (*Juzgados de lo Mercantil*), courts for dealing with violence against women (*Juzgados de Violencia sobre la Mujer*), criminal courts (*Juzgados de lo Penal*), courts for contentious administrative proceedings (*Juzgados de lo Contencioso-Administrativo*), social courts (*Juzgados de lo Social*), juvenile courts (*Juzgados de Menores*), courts with special duties in the matter of criminal sentences (*Juzgados de Vigilancia Penitenciaria*), provincial courts (*Audiencias Provinciales*), high courts of justice in the autonomous communities (*Tribunales Superiores de Justicia*), the National High Court (*Audiencia Nacional*) and the Supreme Court (*Tribunal Supremo*).

The National High Court, the Supreme Court, the central criminal courts (*Juzgados Centrales de Instrucción*) and the central courts for contentious administrative proceedings (*Juzgados Centrales de lo Contenciosoadministrativo*) have nationwide jurisdiction.

Single judge or a bench of judges

A **single judge** sits in all the courts with the exception of the Supreme Court, the National High Court, the high courts of justice and the provincial courts.

The **Supreme Court, with its seat in Madrid, is the highest judicial body in all divisions of the legal system, subject to the provisions as regards constitutional guarantees**. It comprises its president, the presidents of the chambers (*presidentes de sala*) and the judges (*magistrados*) assigned by the law to each of its chambers and sections.

The Supreme Court is made up of the following chambers:

First: for Civil Matters.
Second: for Criminal Matters.
Third: for Contentious Administrative Proceedings.
Fourth: for Labour Matters.
Fifth: for Military Matters, which is governed by its specific legislation and on a supplementary basis by the Organic Law on the Judiciary and the regulations shared by the other chambers of the Supreme Court.
The **National High Court**, with its seat in Madrid, has nationwide jurisdiction. It comprises its president, the presidents of the chambers and the judges assigned by the law to each of its chambers and sections (appeals, criminal matters, contentious administrative proceedings and labour matters).
There is one **high court of justice** in each autonomous community that is the highest court within the territorial scope of that community, without prejudice to the jurisdiction of the Supreme Court. The high court of justice takes the name of the autonomous community in question and its jurisdiction extends to the territorial scope of that community.
It is made up of three chambers: for civil and criminal matters, for contentious administrative proceedings and for labour matters.
It comprises a president, who will also be president of the chamber for civil and criminal matters, as well as the presidents of the chambers and the judges assigned by the law to each chamber and, where applicable, to any sections that may be created within them.
The **provincial courts** have their seats in the provincial capitals, from which they take their names, and their jurisdiction, as a rule, extends to the entire province. They comprise one president and two or more judges. They may also comprise two or more sections with the same composition, in which case the president of the court will preside over one of the sections.
They hear civil and criminal cases.

The Courts Office (*Oficina Judicial*)

The Organic Law on the Judiciary describes the Courts Office as the administrative organisation that acts as a support for the judicial work of judges and courts.
It was designed to improve the efficiency and effectiveness of judicial bodies and the transparency of judicial proceedings, to streamline the resolution of cases, and to encourage cooperation and coordination between the various services and units that make up the Courts Office. The launch of this Office is thus a response to the undertaking to ensure a high-quality, accessible public service that complies with constitutional values and is in keeping with the actual needs of citizens.
It is a new organisational model that introduces modern management techniques based on a combination of different administrative units: units providing direct support for judicial procedures, equivalent to the old courthouses (*juzgados*), which support judges in their judicial duties, and common procedural services headed by court clerks (*Letrados de la Administración de Justicia*), who carry out and handle all the tasks that are not strictly judicial, such as receiving documents, handling summonses, enforcing decisions, non-judicial proceedings, admission of a petition for trial, notification of parties, remedying of procedural shortcomings, etc.
There are three types of common procedural services:
Common General Service;
Common Case Management Service;
Common Enforcement Service.

Jurisdiction

Besides the territorial aspect, the matters or issues that can come before the courts are of different kinds and are dealt with by **four systems of courts**:
Civil courts: deal with disputes not explicitly assigned to another class of court, in addition to matters falling under their jurisdiction. They can therefore be described as ordinary courts.
Criminal courts: criminal cases and proceedings must be dealt with in the criminal system, with the exception of those falling under military jurisdiction. In Spanish law, however, civil action arising out of a criminal offence can be brought at the same time as the criminal action. In such a case, the appropriate damages to be paid in order to make good the loss caused by the offence will be determined by the criminal court.
Courts for contentious administrative proceedings: the Constitution states that the courts control regulatory authority and the legality of administrative action, as well as the compliance of this administrative action with the aims that justify it. Courts for contentious administrative proceedings examine the legality of acts carried out by the authorities, including financial claims made against them. This is because, under the terms established by the law, individuals have the right to be compensated for any loss they may suffer in respect of any of their assets and rights, except in cases of force majeure, provided that the loss is a result of the functioning of public services.
Social courts: deal with claims made under the social area of law, both in individual and collective disputes, as well as social security claims or claims against the State when it bears liability under employment legislation.
In addition to these four court systems, there are also **military courts** in Spain.
The military courts are an exception to the principle of the unity of the judicial power.
The Constitution lays down the principles governing judicial activities and provides for the unity of the State judiciary. The organisation and operation of the military courts, forming part of the State judiciary, are based on the principle of unity of the judicial power. They administer justice within the strictly military sphere and, where applicable, in matters established by the declaration of a state of siege, in accordance with the Constitution and the provisions of criminal, procedural and disciplinary military laws.
In peacetime, the jurisdiction of the military courts is confined to the strictly military sphere, namely hearing cases relating to conduct classified as an offence in the military criminal code, with this jurisdiction being extended to any kind of offence in the case of troops stationed abroad. In times of war, Organic Law 4 /1987 on the Jurisdiction and Organisation of Military Courts permits a change in scope, although that decision has to be taken by Parliament (*Cortes Generales*) or, if it is so authorised, by the Government.
In the civil system, the military courts are responsible for preparing testate or intestate succession proceedings for members of the armed forces who, in times of war, died in battle or at sea, this being limited to providing the essential assistance to enable burial of the deceased and the creation of the inventory and provisional securing of their assets, always informing the competent civil judicial authority.
The military courts are made up of professional military personnel, members of the armed forces and representatives of the Ministry of Defence.
The system of military courts consists of: the regional military courts (*Juzgados Togados Territoriales*), the central military courts (*Juzgados Togados Centrales*), the higher regional military courts (*Tribunales Militares Territoriales*) and the Central Military Court (*Tribunal Militar Central*). Nevertheless, at the pinnacle of the military court system is the Fifth Chamber of the Supreme Court.
The Central Military Court has its seat in Madrid and nationwide jurisdiction, and forms a centralised court for dealing with the matters attributed by Organic Law 4/1987 of 15 July 1987 on the Jurisdiction and Organisation of Military Courts.

The regional military courts are responsible for investigating military criminal proceedings in cases occurring within the area of their jurisdiction, whilst the hearing of these proceedings falls to the respective higher regional military court; the regional military courts also supervise the application of criminal sentences in relation to military correctional facilities and their inmates, among other functions.
The creation of a Chamber for Military Matters in the Supreme Court, subject in terms of its procedures and the status of its members to the same rules as the other chambers, means that there is unity at the apex of the two court structures that make up the State judiciary.
This chamber comprises judges from both the ordinary and the military courts, which is a guarantee of balance in judicial proceedings at the highest level: the chamber is usually called upon to act in assessing appeals on points of law and reviews, though of course it may also have jurisdiction in particular cases involving personnel who hold high military office.
In Spain no system of extraordinary courts exists; however, in the context of the judicial systems mentioned, **special courts have been created for specific matters, for example courts dealing with violence against women, courts with special duties in the matter of criminal sentences and juvenile courts. These are ordinary courts but are specialised in a particular area. For more information, see the factsheet on specialised courts in Spain.**
In the analysis below of the four judicial systems in Spain, we will look at the jurisdiction of the various courts concerned.

Civil justice system

The First Chamber of the Supreme Court (*Sala I del Tribunal Supremo*), the chamber for civil and criminal matters of the high courts of justice (*Sala de lo Civil y Penal de los Tribunales Superiores de Justicia*), the civil sections of the provincial courts (*Secciones Civiles de las Audiencias Provinciales*), the courts of first instance (*Juzgados de Primera Instancia*), magistrates courts and certain specialist courts (family courts (*Juzgados de Familia*), commercial courts, community trademark courts (*Juzgados de Marca Comunitaria*), courts for dealing with violence against women) all have jurisdiction in the civil justice system.
Commercial courts, community trademark courts and courts for dealing with violence against women are examined in detail on the factsheet on specialised courts in Spain.

Criminal justice system

The Second Chamber of the Supreme Court (*Sala 2ª del Tribunal Supremo*), the Chamber for Criminal Matters of the National High Court (*Sala de lo Penal de la Audiencia Nacional*), the chamber for civil and criminal matters of the high courts of justice (*Sala de lo Civil y Penal de los Tribunales Superiores de Justicia*), the criminal sections of the provincial courts (*Secciones Penales de las Audiencias Provinciales*), the criminal courts, the local criminal courts (*Juzgados de Instrucción*), the juvenile courts, the courts with special duties in the matter of criminal sentences, the courts for dealing with violence against women and magistrates courts all have jurisdiction in the criminal justice system.
Juvenile courts, courts with special duties in the matter of criminal sentences and courts for dealing with violence against women are examined in detail in the factsheet on specialised courts in Spain.

Administrative justice system

The courts with jurisdiction in the administrative justice system are the Third Chamber of the Supreme Court (*Sala 3ª del Tribunal Supremo*), the Chamber for Contentious Administrative Proceedings of the National High Court (*Sala de lo Contencioso-Administrativo de la Audiencia Nacional*), the chamber for contentious administrative proceedings of the high courts of justice (*Sala de lo Contencioso-Administrativo de los Tribunales Superiores de Justicia*), the central courts for contentious administrative proceedings and the courts for contentious administrative proceedings.

Social and labour justice system

The social and labour justice system is made up of the Fourth Chamber of the Supreme Court (*Sala 4ª del Tribunal Supremo*), the Chamber for Labour Matters of the National High Court (*Sala de lo Social de la Audiencia Nacional*), the chamber for labour matters of the high courts of justice (*Sala de lo Social de los Tribunales Superiores de Justicia*) and the social courts.
The jurisdictions of all the above-mentioned courts are laid down in the Organic Law on the Judiciary.

Related links

General Council of the Judiciary (*Consejo General del Poder Judicial*)
Organic Law on the Judiciary

Last update: 17/01/2024

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National ordinary courts - France

In this section you will find an overview of the ordinary courts in France.

The ordinary courts — introduction

Courts of first instance

Civil courts

1. Regional courts

A regional court (*tribunal de grande instance*) hears disputes between private parties **(civil and commercial cases)** where the value in dispute is **over €10,000.**
It also has **jurisdiction** in the following areas in particular, irrespective of the amount of the claim:
family law: marriage, filiation, adoption, declarations that a person is missing (*déclarations d'absence*);
rectification of records of civil status (état civil: births, marriages, deaths, etc.);
succession;
penalties (*amendes civiles*) incurred by public records officers (*officiers d'état civil*);
property actions to determine ownership (*pétitoires*) and possession (*possessoires*);
industrial awards (*récompenses industrielles*);
the dissolution of associations;
protection from creditors (*sauvegarde*), court-supervised recovery (*redressement judiciaire*) and liquidation by the court (*liquidation judiciaire*), where the debtor is neither a trader nor a person registered in the register of trades and crafts (*répertoire des métiers*);
accident and occupational illness insurance for non-wage-earning persons working in agriculture;
registration fees (*droits d'enregistrement*), charges for the publication of land registry notices (*taxes de publicité foncière*), stamp duties (*droits de timbre*) and indirect taxes, and other taxes equivalent to those fees, charges or duties;
commercial property leases (*baux commerciaux*), with the exception of disputes regarding the setting of rent for revised or renewed leases, professional and craft activity property leases (*baux professionnels*), and provisional contracts for commercial purposes (*conventions d'occupation précaire en matière commerciale*);

claims of falsification (*inscription de faux*) made in objection to authentic documents (*actes authentiques*);
civil actions for defamation (*diffamation*) or for insult (*injure*), whether or not public, and whether verbal or in writing.
Disputes relating to the payment, guaranteeing or reimbursement of debts of all kinds recovered by the customs administration and other customs matters in the cases and under the conditions laid down in the Customs Code.
A regional court is made up of professional judges (*magistrats*): the president, the vice presidents, the ordinary judges, **the public prosecutor (*procureur de la République*)**, deputy public prosecutors (*vice procureurs*) and assistant public prosecutors (*substituts*).
Some of these are specialised judges, acting primarily in criminal cases, including the following:
The judge in juvenile matters, or children's judge (*juge des enfants*), has power to take measures to protect minors who are in danger, and to try minors accused of minor and intermediate criminal offences (*contraventions de cinquième classe, délits*). When, in criminal matters, the judge decides without the public present, he or she can order only measures with a view to the better upbringing of the minor (*mesures éducatives*); when the judge presides over the juvenile court (*tribunal pour enfants*), he or she sits with two assessors (*assesseurs*) who are not professional judges, and the court has the power to order measures for the better upbringing of the minor or a criminal sentence as the case may be.
The judge for the enforcement of sentences (*juge de l'application des peines*) determines the way in which a sentence involving deprivation or restriction of liberty is to be enforced; if the convicted person is imprisoned, the judge can order measures that alleviate the penalty, such as outside placement, semiliberty, conditional release, or release under electronic surveillance; if the convicted person is not imprisoned, the judge supervises the serving of the sentence, in the case for example of a suspended sentence on probation (*emprisonnement avec sursis et mise à l'épreuve*), community service (*travail d' intérêt général*), or social and judicial supervision (*suivi socio-judiciaire*), etc.;
The investigating judge (*juge d'instruction*) reports to the investigation division of the court of appeal (*chambre de l'instruction de la cour d'appel*). In a criminal investigation the investigating judge is required to take all steps likely to lead to the truth. The investigating judge assembles all the evidence, whether it is against a suspect or in the suspect's favour. When the judge is of the opinion that the investigation is complete, he or she can make an order discharging the suspect (ordonnance de nonlieu), or commit the person under investigation for trial by the court. Investigating judges cannot take up cases on their own initiative. Cases must be referred to them for investigation by the public prosecutor, or by an injured party who lodges a complaint alleging a criminal offence and asks to be treated as a civil party to the criminal proceedings (*constitution de partie civile*).
The regional court generally sits in the **chief town of a département**, but there are also regional courts that sit in other places. On 1 January 2017 there were 164 regional courts.

2.District courts

The district court (*tribunal d'instance*) hears disputes between private parties (civil cases) **where the value in dispute does not exceed €10,000 (it has certain exclusive areas of jurisdiction irrespective of the amount of the claim, such as actions to fix the boundaries of a property or rental evictions.)**
It also has **areas of judicial jurisdiction** (for example: attachment orders seizing wages or salaries (*saisies des rémunérations du travail*), life annuity contracts (*rentes viagères*), disputes relating to elections, and residential property leases (*baux d'habitation*), and **administrative jurisdiction**; for example, the director of the registry (*directeur des services de greffe judiciaire*) of the district court issues certificates of nationality.
A judge of the district court also deals with **guardianship matters, though not in the case of minors, who under an Act passed on 12 May 2009 now come under the jurisdiction of a family judge at the regional court**: the district court judge protects vulnerable adults, in particular by supervising the management of their resources.
A district court is made up of one or more judges, but cases are always heard by a single judge.
The district court generally sits in the **chief town of an arrondissement**. On 1 January 2017 there were 307 district courts.

3. Local courts

The **local court (*juridiction de proximité*)** hears **civil disputes** between private parties where the **amount in dispute is less than €4,000.**
Since 1 July 2017, local courts have been abolished (Law No 2011-1862 of 13 December 2011), and their powers have been transferred to the district courts.

4. Commercial courts

The commercial court (*tribunal de commerce*) hears disputes regarding **contracts between traders,** between credit institutions or between traders and credit institutions, and disputes regarding commercial companies or commercial transactions between parties of any kind. The commercial court also deals with **proceedings relating to firms in difficulty.**
The judges of the commercial courts are not professional judges but volunteers, traders or company managers. They are elected for a term of 2 years in the first election, and then for a term of 4 years at the end of the initial term, by an electoral college made up of current and former judges of the commercial courts and traders' delegates. These latter are traders or company managers elected every 5 years in the area within the jurisdiction of the court. Their task is to participate each year in elections of commercial court judges.
There were **134 commercial courts in Metropolitan France, 7 commercial divisions in the départements of Alsace and Moselle and 9 mixed commercial courts in overseas territories** on 1 January 2017.
The commercial court is composed of at least three judges, except as otherwise provided.
The public prosecutor's office represents the interests of society in these courts. It must be involved in all cases involving companies in difficulty.
The functions of the clerk of the commercial court are performed by a clerk, a law officer attached to the public prosecutor's office.

5. Employment tribunals

The employment tribunal (*conseil de prud'hommes*) rules on disputes between employers and employees in connection with a contract of employment (salary, working hours, harassment, penalties, etc.). It is a collective body made up of non-professional judges representing employers and employees.
The employment tribunal is divided into five specialised divisions, for management, manufacturing, distributive trades and commercial services, agriculture, and miscellaneous activities. If the four members hearing a case are tied, the tribunal will be chaired by a judge appointed by the president of the regional court, who will be responsible for the casting vote.
There are one or more employment tribunals in each département, and at least one in the area of jurisdiction of each regional court.
There are 210 employment tribunals.
As a result of the review of employment tribunals in 2017, members will now no longer be elected but, rather, appointed following nominations by the most representative trade and professional organisations. They will be appointed for a term of 4 years.

6. Social security tribunals (TASS)

The social security tribunal (*tribunal des affaires de la sécurité sociale*) rules on **disputes between social security funds (*caisses de sécurité sociale*) and users**, for example regarding membership of a fund or the award and payment of benefits.

A social security tribunal is made up of a president, who is a judge of the regional court or an honorary magistrate, an assessor representing employees and an assessor representing employers or the selfemployed; both assessors are appointed for 3 years by the first president of the court of appeal from a list drawn up for the area within the jurisdiction of the particular tribunal by the regional director for young people, sport and social cohesion, following nominations by the most representative trade and professional organisations.
There are 114 social security tribunals.

7. Disability tribunals (TCI)

The disability tribunal (*tribunal du contentieux de l'incapacité*) adjudicates on disputes regarding the invalidity or incapacity for work of a person covered by social insurance, that is to say the state or the degree of incapacity or invalidity caused by an occupational or other illness or accident.
A disability tribunal is made up of a president who is an honorary judge or qualified person appointed by decree of the Justice Minister, an assessor representing employees, and an assessor representing employers or the self-employed; both assessors are appointed for 3 years by the first president of the court of appeal for the area within the jurisdiction of the particular tribunal from a list drawn up by the regional director for young people, sport and social cohesion, following nominations from the most representative professional organisations.
There are 26 disability tribunals.
From 1 January 2019, disputes referred to the TASS and the TCI and some of those referred to départemental social assistance commissions (CDAS) will be transferred to the social sections of the regional courts. These specialised courts will then be abolished.

8. Agricultural land tribunals

The agricultural land tribunal (*tribunal paritaire des baux ruraux*) hears **disputes between landlords and tenants of agricultural land** regarding various forms of lease or contract for tenancy and the working of land (*fermage, métayage, baux à cheptel, baux à domaine congéable, baux à complants, baux emphytéotiques, or contrats d'exploitation de terres à vocation pastorale*).
The tribunal is presided over by a judge of the district court. That judge sits with four non-professional assessors: 2 of them are landlords and 2 are tenants, and all 4 are elected by their peers for 6 years from lists of candidates drawn up by the prefect following nominations by a committee for the preparation of electoral lists.
As a result of the review of agricultural land tribunals in 2018, assessors will now no longer be elected but, rather, appointed on the basis of a proposal by the most representative professional organisations on the basis of their respective audiences. They will be appointed for a term of 6 years.

Criminal courts

1. Assize courts

The assize court (*cour d'assises*) tries **serious crimes** (*crimes*): these are **offences in the most serious category**, carrying a sentence from 10 years' imprisonment to life imprisonment.
There is an assize court in **each département,** but it is not a permanently constituted court. The dates of its opening sittings are set whenever necessary. In the biggest départements, however, the assize court sits almost permanently.
The court is made up of 3 professional judges — a president who is the president of a division or an ordinary judge at the court of appeal, and 2 assessors who are ordinary judges at the court of appeal or judges at the regional court for the département — and a jury of 6 citizens chosen by lot. When it deals with serious crimes committed by minors it is called the juvenile assize court (*cour d'assises des mineurs*). In that case the 2 assessors are judges of the juvenile courts.
Some crimes under terrorism legislation or military law, or related to drug trafficking, are tried by an assize court composed of judges only.
The public prosecutor's office is represented by an advocate-general (*avocat général*).

2. Criminal courts

The criminal court (*tribunal correctionnel*) has jurisdiction for **intermediate offences** (*délits*): these are **offences** that carry a sentence of no more than 10 years' imprisonment or a fine of no less than €3,750. The criminal court is a division of the regional court. The general rule is that it is composed of 3 professional judges, but there is also provision for specific offences to be dealt with by a judge sitting alone.
The public prosecutor's office is represented by the public prosecutor or one of the public prosecutor's assistants.

3. Police courts

Until 1 July 2017, the police court tried minor offences of the fifth class (*contraventions de cinquième classe*), sat at the district court and was a singlejudge court, the judge being a judge of the district court. Since 1 July 2017, it tries all offences, sits at the regional court and is composed of a judge from that court.
The public prosecutor's office is represented by the public prosecutor or one of the public prosecutor's assistants.

4. Local courts

Until 1 July 2017, the local court (*juridiction de proximité*) tried minor offences of the first to the fourth classes (*contraventions de la première à la quatrième classe*). It sat at the district court. The judge was a local court judge, who sat alone.
The functions of the public prosecutor's office were generally exercised by a commissioner of police. Since 1 July 2017, this court has been abolished, and its powers have been transferred to the police court, which itself has been attached to the regional court since that date.

5. Specialised criminal courts

There are also specialised courts dealing with specific criminal matters, such as the maritime commercial courts (*tribunaux maritimes commerciaux*), of which there are currently 6 and which try certain maritime offences.

Courts of second instance

The courts of appeal (*cours d'appel*) hear appeals on points of fact and law (*appels*) **against judgments already given** by the courts of first instance.
A court of appeal is composed of professional judges only: a first president (*premier président*), presidents of divisions (*présidents de chambre*) and ordinary appeal court judges (*conseillers*) (this does not apply to the assize court of appeal; see below).
Each court is organised into a variable number of divisions, including some specialised divisions (for civil, social, commercial and criminal matters).
Appeals against judgments of an assize court are heard by an assize court of appeal (*cours d'assise d'appel)*, the members of which are designated by the criminal division of the Court of Cassation. **The assize court of appeal** has a jury of 9.
Appeals against judgments in disability cases are heard by the **National Court for Disability and Rates of Occupational Accident Insurance**. It also hears cases at both first and last instance relating to disputes about rates of occupational accident insurance. The public prosecutor's office is represented by the principal public prosecutor (*procureur général*) or an assistant principal public prosecutor (*substitut général*).
This court will also be abolished from 1 January 2019.

The Court of Cassation

The Court of Cassation (*Cour de cassation*) is **the supreme court in the ordinary court structure**. It sits in Paris. Its function is to verify that the decisions of the lower courts do not conflict with some point of law: it does not make any fresh assessment of the facts. It is not regarded as a court of third instance: it maintains **uniformity of case-law** and acts as **a regulator of law and compliance with legality.**

Cases can be referred to this court 'for opinion' by the courts to obtain an opinion on a new point of law that presents a serious difficulty and is raised in a number of disputes.
A judgment of the Court of Cassation is delivered above all in response to an **appeal on points of law** (*pourvoi en cassation*) brought by a party who is the subject of a court judgment, or by the public prosecutor's office.
If the Court takes the view that the judgment challenged was not arrived at in accordance with the legal rules, it **quashes the judgment** (*casse la décision*). It then sends the case back to another court for retrial.
Otherwise it **dismisses the appeal**, and the judgment challenged is definitive.
In exceptional cases it may **quash a judgment without remitting it for retrial** where the quashing of the judgment does not require that the substance of the case be reconsidered. It may also reconsider the substance of a case in civil matters where the interests of the correct administration of justice justify this and, in criminal matters, quash a judgment without remitting it for retrial and decide the case itself, if it is able to apply the correct rule of law in the light of the facts as found by the court that considered the substance of the case.
The Court of Cassation is divided into divisions (*chambres*): three civil divisions, one commercial division, one social division and one criminal division, each composed of a president and other professional judges. Depending on the nature of the case, the Court may also sit as a joint bench (*chambre mixte*, at least three divisions together) or as a full court (*assemblée plénière*, consisting of the first president, the president and most senior member of each division and an ordinary judge from each division).
The public prosecutor's office is represented by the **principal public prosecutor** and advocates-general.

Legal databases

Legal databases in France are accessible via the Internet as a public service. The Légifrance site also covers the judgments of the Court of Cassation and the courts of appeal:
on the 'CASS' database, for published judgments of the Court of Cassation,
on the 'INCA' database, for unpublished judgments, and
on the 'CAPP' database, for judgments of the courts of appeal.

Is access to the database free of charge?

Yes, access to the database is **free**.

Brief description of content

Judgments are available in French. **Some judgments** are also available **in English, Arabic or Chinese** translation.
The CASS database has a stock of 120,000 judgments, with 2,100 added annually.
The INCA database has a stock of 246,000 judgments, with 10,000 added annually.
La CAPP database has a stock of 19,000 judgments, with 20,000 added annually.

Related links

Jurisdiction of the courts — France

Last update: 15/04/2020

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National ordinary courts - Croatia

Ordinary courts are the municipal and county courts.

Municipal courts

settle litigious and non-litigious cases and cases concerning enforcement;
settle succession cases and land registry cases, and maintain land registers;
settle criminal cases, except those for which the subject-matter jurisdiction of another court is prescribed by law;
settle misdemeanour cases, except those for which the subject-matter jurisdiction of another body is prescribed by law;
decide on the recognition and enforcement of foreign court rulings and decisions of other bodies that are equivalent to court rulings in the country in which they were delivered;
carry out tasks related to international legal assistance in proceedings under their jurisdiction;
engage in judicial cooperation with the EU Member States in matters under their jurisdiction;
carry out other tasks as provided for by law.

Municipal courts in the Republic of Croatia

County courts

settle appeals against municipal court rulings, unless otherwise provided for by law;
settle cases at first instance where their jurisdiction is prescribed by law;
carry out investigation and notarial disciplinary proceedings in disciplinary offences and decide on these offences in the first instance, if so provided by law;
decide on appeals against decisions issued in disciplinary proceedings on account of unprofessional conduct of a notary public, if so provided by law;
carry out tasks related to international legal assistance in proceedings under their jurisdiction;
engage in international judicial cooperation with the EU Member States in matters under their jurisdiction, except in misdemeanour cases;
execute foreign criminal judgments;
carry out other tasks as provided for by law.

County courts in the Republic of Croatia

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National ordinary courts - Italy

This section provides you with information on the organisation of the ordinary courts in Italy.

Ordinary courts – introduction

The ordinary courts have jurisdiction of two kinds:

civil jurisdiction, which seeks to protect rights in relations between private parties, or between private parties and the public administration in circumstances where, in performing its duties, the administration infringes the private party's rights;
criminal jurisdiction, where the court is called upon to decide whether the criminal proceedings instituted by a public prosecutor against a given individual are well founded.
Civil and criminal proceedings are regulated by separate sets of procedural rules: the **Code of Civil Procedure** *(codice di procedura civile)* and the **Code of Criminal Procedure** *(codice di procedura penale).*
Criminal proceedings are instituted by a public law officer who is a qualified judge of the ordinary courts holding the office of public prosecutor (*pubblico ministero;* see the last paragraph of Article 107 of the Constitution).
Civil proceedings may be brought by any public or private party (*l'attore,* the plaintiff) against another party (*il convenuto,* the defendant).

Civil courts

Justices of the peace *(giudici di pace)* are 'honorary' or nonpermanent judges (*giudici onorari)* who have jurisdiction in **matters of minor importance.**
The **lower tier of courts** *(tribunali)* are **courts of first instance** in all other disputes, and also hear **appeals** against the decisions of justices of the peace.
Juvenile courts *(tribunali per i minorenni)* and **juvenile divisions of the courts of appeal** *(sezioni per i minorenni delle corti di appello)* have jurisdiction in matters involving minors where the ordinary courts are not competent.
There are also **divisions** *(sezioni)* of the lower courts and of the courts of appeal specialising in **work-related matters.**
The **courts of appeal** *(corti di appello)* are courts of **second instance.**
The Court of Cassation *(Corte di Cassazione* or *Corte Suprema di Cassazione),* which sits in Rome, is the supreme court in the judicial system, and considers whether the judgments of other courts have been arrived at in accordance with the law.

Criminal courts

The justices of the peace try minor offences.
The **lower tier of courts** are the courts of first instance that try all criminal matters outside the jurisdiction of the justices of the peace or the assize courts, and also hear appeals against judgments handed down by justices of peace.
The **juvenile courts** and the **juvenile divisions of the courts of appeal** are the courts of first and second instance for all offences committed by minors.
Assize courts *(corti di assise)* are the courts of first instance that try the most serious crimes.
The **courts of appeal** are courts of second instance.
Assise courts of appeal *(corti di assise di appello)* are courts of second instance that hear appeals against judgments handed down by assise courts.
The **supervisory courts** *(tribunali di sorveglianza)* and the **supervisory offices** *(uffici di sorveglianza)* supervise the enforcement of **prison sentences and fines** and the application of the law governing sentences.
The **Court of Cassation** considers whether the judgment of another court was arrived at in accordance with the law. It hears appeals against any decision of any court in civil or criminal matters, or against any limitation on individual freedom; in some cases applications may be made to it directly.
The Court of Cassation is the supreme court in the judicial system. The Fundamental Act on the Organisation of the Courts *(legge fondamentale sull' ordinamento giudiziario),* Act No 12 of 30 January 1941, Article 65, lists among the Court's major functions that of ensuring 'the correct application of the law and its uniform interpretation, the unity of law throughout the country, and observance of the limits between the jurisdiction of the different courts'. One of its fundamental roles, therefore, is to ensure that the law is applied uniformly, so as to provide legal certainty.
As to whether the Court of Cassation can be described as a court of further appeal, or court of third instance, the rules in force allow it to take account of the facts of a case only in so far as they have been established in the earlier proceedings, and only to the extent necessary in order to determine whether the application to the Court of Cassation is legally admissible.

Last update: 18/01/2022
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National ordinary courts - Cyprus

There are three levels of courts in the Republic of Cyprus. The Supreme Court (*Anótato Dikastírio*) and the Supreme Constitutional Court (*Anótato Syntagmatikó Dikastírio*), which hear, *inter alia*, cases at third instance, based on the authority conferred on them by the Constitution and relevant legislation, the Court of Appeal (*Efeteío*), which hears cases at second instance in which appeals are lodged against a decision of a court of first instance, and the following courts of first instance:
Administrative Court (*Dioikitikó Dikastírio*)
District Courts (*Eparchiaká Dikastíria*)
Assize Courts (*Kakourgiodikeía*)
Family Court (*Oikogeneiakó Dikastírio*)
Rent Control Tribunal (*Dikastírio Elénchou Enoikiáseon*)
Industrial Disputes Tribunal (*Dikastírio Ergatikón Diaforón*)
International Protection Administrative Court (*Dioikitikó Dikastírio Diethnoús Prostasías*)
Military Court (*Stratodikeío*)
Commercial Court (*Emporikó Dikastírio*) and
Admiralty Court (*Naftodikeío*)

General courts – Introduction

Supreme Constitutional Court

The Supreme Constitutional Court consists of nine judges, one of whom is the President of the Court. The Supreme Constitutional Court has the jurisdiction and authority conferred on it by the Constitution, unless otherwise specified in the relevant legislation. On referral by the Court of Appeal, the Supreme Constitutional Court hears appeals against decisions of the Administrative Court on matters of public law, major public interest, general public importance, or consistency of law on conflicting or contradictory decisions of the Court of Appeal. It rules at third and final instance on the basis of applications, following prior appeal review proceedings, on legal matters arising from decisions of the Court of Appeal, which relate either to a change in settled case-law or to the need for correct interpretation of a primary or secondary substantive provision of law, or to a major issue of public interest or of general public importance, or for the sake of consistency of law on conflicting or contradictory decisions of the Court of Appeal issued under its review jurisdiction. It also acts as second-instance judicial council with power to set aside decisions of the Supreme Judicial Council.

Supreme Court

The Supreme Court consists of seven judges, one of whom is the President of the Court. The Supreme Court exercises the jurisdiction and authority conferred on it by the Constitution, unless otherwise specified in the relevant legislation. On referral by the Court of Appeal, it hears appeals against decisions of courts with civil and/or criminal jurisdiction, including courts of special jurisdiction, on matters of major public interest or of general public importance, or for the sake of consistency of law on conflicting or contradictory decisions of the Court of Appeal. The Supreme Court rules at third and final instance, on the basis of applications, following prior civil or criminal appeal proceedings, on legal matters arising from decisions of the Court of Appeal, which relate either to a change in settled case-law or to the need for correct interpretation of a primary or secondary substantive provision of law, or to a major issue of public interest or of general public importance, or for the sake of consistency of law on conflicting or contradictory decisions of the Court of Appeal issued under its civil or criminal jurisdiction. It also rules on the retrial by the Court of Appeal or the criminal court of first instance, as applicable, of criminal cases in respect of which a conviction has been handed down, either as a final decision at first instance or on appeal, on the basis of new facts or evidence which, in its opinion, may overturn the decision in whole or in part. It receives requests for the disqualification of judges of any court other than the Supreme Constitutional Court, where such a request for disqualification has been rejected by the court concerned. Finally, it issues procedural rules on the operation of the Court of Appeal.

The Supreme Court has exclusive jurisdiction to issue the prerogative writs of Habeas Corpus, Mandamus, Certiorari, Quo Warranto and Prohibition.

Court of Appeal

The Court of Appeal is the court of second instance in Cyprus and, unless otherwise provided for, has jurisdiction to rule on all appeals against decisions of any court other than the Supreme Constitutional Court or the Supreme Court. As a rule, appeals are heard by three judges. The hearing of appeals is based on the records of the proceedings at first instance (except in exceptional cases where witness testimony may also be heard). Exercising its appellate jurisdiction, the Court of Appeal may uphold, alter or overturn the contested decision, or it may order a retrial.

District Courts

The District Courts hear at first instance all civil cases (except for admiralty cases) and criminal cases for offences punishable by a term of imprisonment of up to 5 years. Each administrative district in Cyprus has a District Court. Cases are heard by one judge and there is no jury.

Assize Courts

The Assize Courts hear criminal cases only. As a rule they try the most serious cases involving offences that are punishable by a term of imprisonment of over 5 years. Each Assize Court consists of three judges. Decisions are taken by majority vote. There is no jury.

Legal databases

There is not yet an official legal database. There are a number of private legal databases, some of which offer subscriber services while others provide free access.

They contain information on court decisions and primary legislation.

Related links

Supreme Court of Cyprus

Last update: 27/11/2023

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National ordinary courts - Latvia

This section provides you with information on the organisation of courts of general jurisdiction in Latvia.

Courts of general jurisdiction: introduction

In Latvia, judicial power is exercised by **city and district courts**, **regional courts**, the **Supreme Court** and the **Constitutional Court (**and, in states of emergency or during war, military courts), of which the courts of general jurisdiction are the city and district courts, the regional courts and the Supreme Court.

Civil and criminal proceedings in Latvia can be heard in these courts, which are divided into **three tiers**:

city or district courts (*rajonu (pilsētu) tiesas*);

regional courts (*apgabaltiesas*);

the Department of Civil Cases (*Civillietu departaments*) and the Department of Criminal Cases (*Krimināllietu departaments*) of the Supreme Court (*Augstākās tiesa*).

Their territorial jurisdiction is laid down in the Decision on courts, their territorial jurisdiction and location (*Lēmums par tiesām, darbības teritorijām un atrašanās vietām*).

City and district courts and their territorial jurisdiction

No	Court	Administrative territories
1.	Daugavpils Court (*Daugavpils tiesa*)	1.1 Augšdaugava municipality
		1.2 City of Daugavpils
		1.3 Krāslava municipality
		1.4 Līvāni municipality
		1.5 Preiļi municipality
2.	Kurzeme District Court (*Kurzemes rajona tiesa*)	2.1 Dienvidkurzeme municipality
		2.2 Kuldīga municipality
		2.3 City of Liepāja
		2.4 Saldus municipality
		2.5 Talsi municipality
		2.6 City of Ventspils
		2.7 Ventspils municipality
3.	Rēzekne Court (*Rēzeknes tiesa*)	3.1 Balvi municipality
		3.2 Ludza municipality
		3.3 Rēzekne municipality
		3.4 City of Rēzekne
		4.1 Ādaži municipality

4.	Riga District Court (*Rīgas rajona tiesa*)	4.2 City of Jūrmala
		4.3 Ķekava municipality
		4.4 Mārupe municipality
		4.5 Olaine municipality
		4.6 Ropaži municipality
		4.7 Salaspils municipality
		4.8 Saulkrasti municipality
		4.9 Sigulda municipality
5.	Vidzeme District Court (*Vidzemes rajona tiesa*)	5.1 Alūksne municipality
		5.2 Cēsis municipality
		5.3 Gulbene municipality
		5.4 Limbaži municipality
		5.5 Madona municipality
		5.6 Smiltene municipality
		5.7 Valka municipality
		5.8 Valmiera municipality
		5.9 Varakļāni municipality
6.	Zemgale District Court (*Zemgales rajona tiesa*)	6.1 Aizkraukle municipality
		6.2 Bauska municipality
		6.3 Dobele municipality
		6.4 Jelgava municipality
		6.5 City of Jelgava
		6.6 Jēkabpils municipality
		6.7 Ogre municipality
		6.8 Tukums municipality

The territorial jurisdiction of Riga City Court is the administrative territory of the City of Riga.
The territorial jurisdiction of the Economic Court is the whole of the territory of the Republic of Latvia.

Territorial jurisdiction of Regional Courts

No	Territorial jurisdiction of the Regional Court	City or district courts
1.	Kurzeme Regional Court (*Kurzemes apgabaltiesa*)	1. Kurzeme District Court
2.	Latgale Regional Court (*Latgales apgabaltiesa*)	2.1 Daugavpils Court
		2.2 Rēzekne Court
3.	Riga Regional Court (*Rīgas apgabaltiesa*)	3.1 Riga City Court (*Rīgas pilsētas tiesa*)
		3.2 Riga District Court
		3.3 Economic Court
4.	Vidzeme Regional Court (*Vidzemes apgabaltiesa*)	4. Vidzeme District Court
5.	Zemgale Regional Court (*Zemgales apgabaltiesa*)	5. Zemgale District Court
6.	Administrative Regional Court (*Administratīvā apgabaltiesa*)	6.1 Administrative District Court (*Administratīvā rajona tiesa*)

Administrative proceedings are heard by
the administrative district court (courthouses located in Riga, Jelgava, Liepāja, Rēzekne and Valmiera)
the administrative Regional Court
the Department of Administrative Cases (*Administratīvo lietu departaments*) of the Supreme Court.
The territorial jurisdiction of the **Administrative Regional Court** and the **Administrative District Court** is the whole of the administrative territory of Latvia. The Administrative District Court has five courthouses, one in each judicial region, i.e. one each in Riga, Jelgava, Rēzekne, Valmiera and Liepāja.

Territorial jurisdiction of the Administrative District Court's courthouses

No	Courthouse	Administrative territories
1.	Riga courthouse of the Administrative District Court	1.1 Ādaži municipality
		1.2 City of Jūrmala
		1.3 Ķekava municipality
		1.4 Mārupe municipality
		1.5 Ogre municipality
		1.6 Olaine municipality
		1.7 City of Riga

		1.8 Ropaži municipality
		1.9 Salaspils municipality
		1.10 Saulkrasti municipality
		1.11 Sigulda municipality
2.	Jelgava courthouse of the Administrative District Court	2. Aizkraukle municipality
		2.2 Bauska municipality
		2.3 Dobele municipality
		2.4 Jelgava municipality
		2.5 City of Jelgava
		2.6 Jēkabpils municipality
		2.7 Tukums municipality
3.	Rēzekne courthouse of the Administrative District Court	3. Augšdaugava municipality
		3.2 Balvi municipality
		3.3 City of Daugavpils
		3.4 Krāslava municipality
		3.5 Līvāni municipality
		3.6 Ludza municipality
		3.7 Preiļi municipality
		3.8 Rēzekne municipality
		3.9 City of Rēzekne
4.	Valmiera courthouse of the Administrative District Court	4. Alūksne municipality
		4.2 Cēsis municipality
		4.3 Gulbene municipality
		4.4 Limbaži municipality
		4.5 Madona municipality
		4.6 Smiltene municipality
		4.7 Valka municipality
		4.8 Valmiera municipality
		4.9 Varakļāni municipality
5.	Liepāja courthouse of the Administrative District Court	5. Dienvidkurzeme municipality
		5.2 Kuldīga municipality
		5.3 City of Liepāja
		5.4 Saldus municipality
		5.5 Talsi municipality
		5.6 Ventspils municipality
		5.7 City of Ventspils

Jurisdiction by subject-matter

Pursuant to the Law on criminal procedure (*Kriminālprocesa likums*), a city or district court hears all criminal proceedings as the court of first instance.
Riga City Court has jurisdiction as court of first instance over criminal proceedings in which the case files refer to matters of State secrecy. In city or district courts, criminal proceedings are heard by a single judge. If the criminal proceedings are particularly complex, the president of the court of first instance may determine that the case is to be tried by a panel of three of that court's judges.
A ruling of a district or city court appealed against under the full appeals procedure (*apelācija*) is considered by a regional court as the appellate court.
An appeal in cassation (*kasācija*), on a point of law, against a decision by any lower court is heard by the Criminal Cases Department of the Supreme Court.
Criminal appeals, whether full appeals or cassation appeals, are heard by a panel of judges.
Pursuant to the Law on civil procedure (*Civilprocesa likuma*) proceedings are considered at first instance by a district or city court.
Riga City Court examines cases in which the files refer to matters of State secrecy and cases regarding the protection of patent rights, plant variety rights, the topography of semiconductor products, designs, trademarks, certification marks and geographical indications, along with cases on copyright and related rights, the protection of the *sui generis* rights of database makers and proceedings concerning the protection of trade secrets from illegal acquisition, use and disclosure. If the case under consideration involves a claim relating to a claim in a case which is within the jurisdiction of either Riga City Court, or a district or city court, or even a counterclaim before a district or city court that is within the jurisdiction of Riga City Court, it is up to Riga City Court to consider the case.
Pursuant to the Law on patents (*Patentu likums*), Riga City Court hears the following cases concerning the legal protection of inventions in civil proceedings, as court of first instance:
cases concerning the restoration of rights to a patent;
cases concerning the declaration of a patent as invalid;
cases concerning the right of prior use;
cases concerning illegal use of a patent (infringement of a patent);
cases where infringement of a patent is found to be null and void;
cases concerning the granting of a licence, the contractual provisions of a licence or compliance with those provisions;
cases concerning the right to compensation for the inability to use an invention publicly.
Pursuant to the Law on designs (*Dizainparaugu likums*), Riga City Court hears the following disputes concerning the legal protection of designs as court of first instance:
disputes over the recognition of rights to a design;
disputes over a finding that the registration of a design is invalid;

disputes over illegal use of a design (infringement of a design);
disputes over the granting of a licence, the contractual provisions of a licence or compliance with those provisions.
Cases concerning rights subject to a dispute examined by the Industrial Property Appeals Board are considered by Riga City Court.
Riga City Court issues enforcement orders for acts of the Council, the Commission or the European Central Bank pursuant to Article 299 of the Treaty on the Functioning of the European Union.
Cases **regarding the submission of an opinion** to a foreign court in cases **concerning a child being illegally transferred** across the border to a foreign country or being kept in a foreign country, where the child's place of residence is in Latvia, are examined by Riga City Court.
Cases **concerning a child being illegally transferred** across the border to Latvia or being kept in Latvia, where the child's place of residence is in another country, are examined by Riga City Court.
District or city courts also hear **land registry cases**. In 2019, as part of the optimisation of the courts system, district or city courts also appointed 72 land registry division judges, who maintained their specialisation.
Riga Regional Court has jurisdiction as court of first instance over civil proceedings in which the case files refer to a matter of State secrecy. In the court of first instance, civil cases are heard by a single judge, whereas on appeal (full appeal or appeal in cassation) they are heard by a panel.
Parties to the case may **file an appeal** against the first-instance court's judgment (or ancillary judgment), but the prosecutor may only issue an extraordinary appeal in accordance with the procedures set out in this section, except against judgments which are not, by law, subject to appeal.
The first-instance court judgment made on the basis of the provisions of Chapter 30.4 of the Law on civil procedure and the judgment (ancillary judgment) of the appellate instance court may be appealed by the parties on a point of law under the **cassation procedure**, but the prosecutor may only file an extraordinary cassation appeal.
Cases concerning administrative infringements are heard by district or city courts and regional courts having jurisdiction in civil and criminal matters.
Pursuant to the Latvian Law on administrative accountability (*Latvijas Administratīvās atbildības likum*s), a decision adopted by a higher authority may be challenged in a district or city court. A ruling by the judge of a district or city court may be appealed to a regional court, if the Latvian Code of administrative infringements explicitly provides for this. A ruling of an appellate court in administrative infringement proceedings may not be appealed and takes effect on the day it is handed down.
Pursuant to the Law on administrative procedure (*Administratīvā procesa likums*), administrative proceedings are heard at first instance in a courthouse of the Administrative District Court, unless the law provides otherwise. If proceedings are heard in the Administrative District Court as court of first instance, and that court needs to verify information relating to a matter of State secrecy, the proceedings are heard in the courthouse of the Administrative District Court in Riga. If the law provides that administrative proceedings are to be heard at first instance by the Administrative Regional Court or the Administrative Cases Department of the Supreme Court rather than by the Administrative District Court, the relevant application is to be submitted to the Administrative Regional Court or the Administrative Cases Department of the Supreme Court as the case may be. A party to administrative proceedings may lodge a full appeal against a judgment or ancillary judgment of the court of first instance, except if the law provides that the judgment cannot be appealed, or must be appealed in cassation. An Administrative District Court judgment that has not yet taken effect may be appealed before the Administrative Regional Court. A party to administrative proceedings may lodge an appeal in cassation against a judgment or ancillary judgment of the appellate court if the court has infringed substantive or procedural rules or has exceeded its remit during the proceedings. In the court of first instance, administrative proceedings are heard by a single judge or a panel of judges, whereas in a court of appeal – full appeal or appeal in cassation – they are heard by a panel.
The **Supreme Court** comprises the Department of Civil Cases, the Department of Criminal Cases and the Department of Administrative Cases. The Department of Civil Cases, the Department of Criminal Cases and the Department of Administrative Cases of the Supreme Court are the cassation bodies in all cases heard by district or city courts and regional courts, and are the bodies of first instance in cases involving decisions of the Council of the State Audit Office (*Valsts kontroles padome*) adopted in accordance with the procedure laid down in Article 55 of the Law on the State Audit Office (*Valsts kontroles likums*). In the Supreme Court's Departments, cases are heard by panels composed of three judges or, in certain cases prescribed in law, in extended composition.

Legal databases

Name and URL of database

Latvian National Courts Portal
E-services website of the Latvian courts
Website of the Supreme Court

Is access to the database free of charge?

Yes, access is **free of charge**.

Contents of the database in brief

The Latvian National Courts Portal provides general up-to-date information about courts in Latvia.
The Latvian Courts e-services website allows the user to access a database of anonymised court judgments, follow the progress of judicial proceedings electronically, file an e-claim to a court, calculate the cost of judicial proceedings and service payments using a fee and duty calculator, receive and fill in e-forms, and access other court e-services.
The Supreme Court website contains an archive of case-law rulings providing access to recent Supreme Court rulings and collections of case-law. The information can be found in the section Judikatūra ('Case-law').

Background

The information published in the Latvian National Courts Portal and the Supreme Court rulings and collections of case-law published in the portal of the Supreme Court are currently available only in Latvian.

Last update: 27/11/2023

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National ordinary courts - Lithuania

This page provides you with information about the Lithuanian ordinary courts.

Ordinary courts. Introduction

In Lithuania, there are 56 **courts of general jurisdiction**:

The Supreme Court of Lithuania (*Lietuvos Aukščiausiasis Teismas*),

The Court of Appeal of Lithuania (*Lietuvos apeliacinis teismas*),

5 regional courts (*apygardos teismai*),
49 **district courts** (*apylinkės teismai*).

The Supreme Court of Lithuania

The **Supreme Court of Lithuania** is the only court of **cassation** (last resort) for reviewing effective judgments, decisions, rulings and orders of the courts of general jurisdiction.
The court has developed a uniform court practice for the interpretation and application of laws and other legal acts.
You can find more information on the website of the Supreme Court.

The Court of Appeal of Lithuania

The **Court of Appeal** offers the right to appeal against judgments of the regional courts (as courts of first instance). It also hears requests regarding the recognition of decisions of foreign or international courts and foreign or international arbitration awards and their enforcement in the Republic of Lithuania. It performs other functions assigned to its jurisdiction by law.
The **chair** of the Court of Appeal organises and supervises the administrative activities of the district courts and their judges, in accordance with the procedure prescribed by law.
You can find more information on the website of the Court of Appeal.

Regional courts

A **regional court** is a court of first instance for criminal and civil cases assigned to its jurisdiction by law. It also hears appeals against judgments, decisions, rulings and orders of the district courts.
The **chair** of a regional court organises and supervises the administrative activities of the district courts and their judges within the jurisdiction of the court, in accordance with the procedure prescribed by law.
The following types of civil cases are heard solely by **Vilnius District Court** as the court of first instance (Article 28 of the Lithuanian Code of Civil Procedure):
cases involving disputes under the Lithuanian Patent Act;
cases involving disputes under the Lithuanian Trademark Act;
cases relating to adoption involving applications by foreign nationals to adopt a citizen of the Republic of Lithuania who is resident in Lithuania or in a foreign state;
other civil cases which are heard solely by Vilnius District Court as the court of first instance under applicable law.

District courts

A **district court** is the court of first instance for the following types of cases:
criminal cases,
civil cases,
cases involving administrative offences (assigned to its jurisdiction by law),
cases assigned to the jurisdiction of mortgage judges,
cases relating to the enforcement of decisions and sentences.
In addition to other functions assigned to a district court by law, a district court judge also performs the functions of a pre-trial judge and an enforcement judge.

Last update: 07/04/2023
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National ordinary courts - Luxembourg

In this section you will find an overview of the ordinary courts of law in Luxembourg.

Ordinary courts of law - introduction

The Constitution requires the courts to exercise judicial power and to apply general and local regulations and orders only insofar as they comply with the law.

Ordinary courts of law

The Supreme Court of Justice

At the top of the hierarchy of courts in the judicial system stands the Supreme Court of Justice (*Cour supérieure de Justice*), which comprises a **Court of Cassation** (*Cour de Cassation*) and a **Court of Appeal** (Cour d'Appel), plus a **Public Prosecutor's Office** (*Parquet Général*).
The **Court of Cassation** is primarily responsible for hearing cases seeking to **cancel or set aside on points of law** decisions given by the various divisions of the Court of Appeal and judgments by courts of last resort. Representation by a lawyer is compulsory.
The **Court of Appeal** hears civil, commercial and criminal cases and cases decided by the industrial tribunals in the country's two judicial districts. Representation by a lawyer is compulsory, except in criminal cases and applications for interim measures (*référés*). The criminal division of the Court of Appeal hears appeals against judgments by the criminal division of the District Court (*Tribunal d'Arrondissement*).

District Courts

The country is divided into **two judicial districts** (*arrondissements judiciaires*), each of which has a District Court: one in Luxembourg and the other in Diekirch. The two District Courts are divided; each District Court has its own **Public Prosecutor's Office** comprising a State Prosecutor (*Procureur d'Etat*) and assistant prosecutors (*substituts*). **Investigating judges** (*juges d'instruction*) at each of the District Courts are responsible for conducting a pretrial judicial inquiry into the more serious categories of offence (*affaires criminelles and affaires correctionnelles*).
In civil and commercial cases the District Court is the court that **has residual jurisdiction**: it tries all cases other than those falling expressly within the jurisdiction of another court by reason of the nature or the amount of the claim.
It has **jurisdiction ratione valoris** in claims in excess of EUR 15 000.
It has **exclusive jurisdiction** to hear cases which, owing to their nature, are specifically assigned to it by law. It alone can hear applications for authority to enforce judgments handed down by foreign courts and legal instruments authenticated by public officers in other countries. District Courts also exercise noncontentious jurisdiction, for example in respect of adoption, guardianship, emancipation, etc.
The District Court hears **appeals** against judgments given at first instance by justices of the peace hearing cases within the Court's judicial district.
Proceedings before the District Court are as a rule initiated by the issue of a writ (*assignation*), which is served on the defendant by a bailiff.
The presidents of the District Courts, or the judges replacing them, hear applications for interim measures in urgent cases, both civil and commercial.

District Courts exercise criminal jurisdiction through their **criminal divisions** (*chambre criminelle ou correctionnelle*). They have jurisdiction in all offences in the intermediate category (*délits*) and in the most serious category of offences (*crimes*) where the case is referred to the District Court by the pre-trial division (*Chambre du Conseil*) or by the pre-trial division of the Court of Appeal. Defendants must appear in person, except where the punishment for the offence is no more than a fine, in which case they may be represented by a lawyer.
As a rule, representation by a lawyer is compulsory before the District Court, although the law does permit certain exceptions, for example in commercial cases and applications for an interim order, when the parties may argue their own cases.

Justices of the Peace

There are **three courts of justices of the peace** (*justices de paix*): one in Luxembourg, one in Esch-sur-Alzette (which is in the Luxembourg judicial district), and one in Diekirch (Diekirch judicial district).
In civil and commercial cases, justices of the peace hear all cases over which they have been given jurisdiction by the new Code of Civil Procedure or by other legislation; They have **final jurisdiction** up to a value of EUR 2 000, and jurisdiction **subject to appeal** up to a value of EUR 15 000.
They hear certain cases such as, for example, garnishee orders for attachment of earnings, pensions and annuities, and rule on the distribution of sums raised by such orders whatever the amount of the debt.
As a rule, an action is brought before a justice of the peace by the issue of a summons (*citation*) served by a bailiff. A certain number of cases are brought by filing an application with the office of the clerk of the court (*greffe*). Parties appear before justices of the peace either in person or through a representative. This representative may be a lawyer, or a spouse, a relative by blood or marriage in the direct line, or a relative by blood or marriage in a collateral line up to and including the third degree of kinship, or a person working exclusively in the service of the party or in his or her business.
In criminal proceedings, the courts of the justices of the peace are also known as **police courts**. In this capacity they try minor offences (*contraventions* or *infractions*) punishable by fines of between EUR 25 and EUR 250, and intermediate offences (*délits*) where the case is referred to the police court by the pretrial division (*Chambre du Conseil*).
They also hear cases concerning minor offences which carry a penalty that exceeds the levels normally within the jurisdiction of a police court, where jurisdiction is given to them by statute. Judgments handed down by police courts are always open to appeal. The time allowed for lodging **notice of appeal** is forty days counting from the date judgment is delivered or, if judgment is delivered by default, from the date the judgment is served on the person or at the person's address. The appeal will be heard by the District Court (*Tribunal d'Arrondissement*).
All justices of the peace have jurisdiction in industrial disputes and the power to adjudicate in disputes relating to employment contracts and apprenticeship agreements. Appeals in such cases are made to the Supreme Court of Justice.

Legal databases

Is access to the database free of charge?

Yes, access to the databases is **free of charge**.

Brief description of contents

Please refer to the Ordinary courts website.
Please refer to the Administrative courts website.

Related links

Ministry of Justice

Last update: 05/05/2023

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National ordinary courts - Hungary

This section provides you with information on the organisation of ordinary courts in Hungary.

Ordinary courts – Introduction

Civil justice system

Courts of first instance

District courts and general courts

All proceedings not referred to the general courts by law come under the jurisdiction of the **district courts (járásbíróságok)**.
The **general courts (törvényszékek)** act as courts of first instance in respect of:
property law claims, where the amount at stake exceeds HUF 30 million (approx. EUR 106 000), except where the proceedings are initiated along with a petition for divorce;
proceedings relating to copyright and related rights, and industrial patent protection;
compensation proceedings for damage caused in the course of carrying out official procedures by persons acting within their public administrative competence;
proceedings relating to international agreements on the carriage and forwarding of goods;
proceedings to enforce civil rights claims arising as a result of the infringement of moral rights, including proceedings for compensation for such infringement if they are initiated with or in the course of such proceedings;
proceedings relating to securities;
libel claims;
certain company law disputes defined by law:
proceedings for the repeal of a court of registration decision granting a registration application;
proceedings for declaratory judgments on the existence, invalidity or effect of deeds of foundation or articles of association;
proceedings relating to the court review of decisions of business associations;
proceedings based on the membership between members (former members) and business associations, and among members (former members);
proceedings relating to the acquisition of a qualifying holding;
proceedings relating to the modification of rules on liability for members holding shares with limited liability;
certain proceedings relating to registered associations not qualifying as business associations:
proceedings initiated against such organisations by the body legally overseeing them;
proceedings based on the membership between members (former members) and business associations, and among members (former members);
proceedings relating to financing contracts concluded with healthcare service providers;

proceedings to establish the facts for cases where the value of the subject of the proceedings would exceed the value provided for above;
proceedings relating to unfair contractual conditions;
compensation proceedings brought in connection with the parties' right to a fair trial and to complete the trial within a reasonable period;
proceedings referred by law to the jurisdiction of the general courts.
If any of the co-plaintiffs belongs to the jurisdiction of a general court, the proceedings will come under that court's jurisdiction.

Courts of second instance

General courts (törvényszékek): cases coming under the jurisdiction of the district courts acting at first instance, as well as cases heard by the administrative and labour courts.

Regional courts of appeal (ítélőtáblák): for cases falling within the competence of the general courts acting at first instance.

Curia (Kúria): for cases referred from the regional courts of appeal. Also for cases where a decision was delivered by the general courts as court of first instance, and where the parties, acting with legal representation, jointly request that their case be decided by the Curia – if the appeal is based on a violation of substantive law. Requests for the Curia to hear property law claims can only be made if the sum in dispute exceeds HUF 500 000 (approx. EUR 1 840). The Curia also decides in respect of motions for review.

Composition of the courts

The court of **first instance** usually consists of a **single judge**, but in cases defined by law the court is composed of **one professional judge and a three-member panel consisting of two assessors**. The assessors have the same rights and obligations in the proceedings as the professional judge. However, only professional judges may act as single judges and presidents of panels.

The **courts of second instance** (general courts and regional courts of appeal) **consist of a panel of three professional judges**.

In the course of **judicial review, three** (or in certain cases – if justified by the particularly complex nature of the case – **five) professional judges sit in the Curia**.

Jurisdiction of the court

General jurisdiction: As a rule, the court with jurisdiction at the permanent address of the defendant is competent to act, if no other court has exclusive jurisdiction. Additional jurisdiction rules are also laid down by law (e.g. in the absence of a permanent address, jurisdiction depends on the defendant's place of residence).

The law also recognises special jurisdiction grounds in addition to general jurisdiction (alternative jurisdiction, exclusive jurisdiction).

In the case of alternative jurisdiction, where no exclusive jurisdiction is specified, the plaintiff may initiate proceedings before another court of its choice provided for by law rather than before the court with general jurisdiction (e.g. child custody proceedings may also be initiated before the court with jurisdiction according to the child's permanent address, compensation proceedings may also be initiated before the court with jurisdiction according to the place or area where the damage occurred, etc.)

In the case of exclusive jurisdiction, proceedings may only be initiated before a specific court.

Criminal justice system

Courts of first instance

As a general rule, **the district courts** have competence to conduct criminal proceedings.

However the **general courts** may conduct proceedings in the following specific cases:
crimes which are punishable by law by a prison sentence of up to 15 years or a life sentence; and
crimes against the state (Chapter X of the Criminal Code);
crimes against humanity (Chapter XI of the Criminal Code);
conspiracy to commit murder, negligent homicide [Section 166(3) and (4) of the Criminal Code], murder committed in the heat of passion (Section 167 of the Criminal Code), physical injury creating a substantial risk of death (causing death) [third alternative in Section 170(6) and (7) of the Criminal Code], kidnapping (Section 175/A of the Criminal Code), trafficking in human beings (Section 175/B of the Criminal Code), crimes against the rules on medical intervention and medical research and the right to medical self-determination (Title II of Chapter XII of the Criminal Code);
crimes against the order of elections, referendums, citizens' initiatives and European citizens' initiatives (Section 211 of the Criminal Code), misuse of qualified data (Title III of Chapter XV of the Criminal Code), malfeasance in office (Title IV of Chapter XV of the Criminal Code), violence against a person under international protection (Section 232 of the Criminal Code), prison riots (Section 246 of the Criminal Code), obstruction of justice in international court (Section 294/B of the Criminal Code), crimes against public (international) justice (Titles VII and VIII of Chapter XV of the Criminal Code);
terrorist acts (Section 261 of the Criminal Code), violation of international economic restrictions (Section 261/A of the Criminal Code), seizure of aircraft and railway vehicles, seagoing vessels and road vehicles of mass transportation or vehicles suitable for the mass transportation of goods (Section 262 of the Criminal Code), participation in a criminal organisation (Section 263/C of the Criminal Code);
misuse of military products and services, as well as dual-use products (Section 263/B of the Criminal Code), insider trading (Section 299/A of the Criminal Code), capital investment fraud (Section 299/B of the Criminal Code), organisation of a pyramid scheme (Section 299/C of the Criminal Code), money laundering (Section 303 of the Criminal Code);
causing public danger resulting in major or serious financial loss [Section 259(2)(b) of the Criminal Code], interference with the operation of public utilities causing major or exceptionally serious financial loss [Section 260(3) and (4) of the Criminal Code], criminal offences against computer systems and data, causing major or exceptionally serious damage [Sections 300/C(4)(b) and (c) of the Criminal Code]; tax fraud and failure to fulfil one's supervisory or auditing obligation in connection with the related tax fraud, resulting in a major or serious loss of revenue [Section 310(4)(a), (5)(a) and (6) as well as Section 310/A of the Criminal Code], misuse of cash substitutes causing major or exceptionally great damage [Sections 313/C(5)(a) and 313/C(6) of the Criminal Code], theft [Sections 316(6)(a) and 316 (7) of the Criminal Code] and embezzlement [Sections 317(6)(a) and 317(7) of the Criminal Code] of items of major or exceptionally high value; fraud causing major or exceptionally great damage [Sections 318(6)(a) and 318(7) of the Criminal Code], misappropriation of funds, resulting in major or exceptionally great financial loss [Section 319(3)(c) and (d) of the Criminal Code], negligent mismanagement of funds resulting in major or serious financial loss [Section 320(2) of the Criminal Code], robbery [Section 321 (4)(b) of the Criminal Code] and plundering [Section 322(3)(a) of the Criminal Code] of major or high value, vandalism causing major or exceptionally great damage [Section 324(5) and (6) of the Criminal Code], receiving stolen goods of major or exceptionally high value [Section 326(5)(a) and (6) of the Criminal Code], violation of copyright or associated rights, resulting in major or exceptionally great financial loss [Section 329/A(3) of the Criminal Code], and violation of rights protected by industrial patent law [Section 329/D(3) of the Criminal Code];
criminal offences subject to military law;
Communist crimes and crimes not subject to a statute of limitations under international law, laid down in the law on criminal liability for and non-applicability of statutory limitation to crimes against humanity and the prosecution of certain crimes committed during the Communist dictatorship.

The areas of **competence** of the courts are, as a rule, determined by the area in which the **criminal act is committed**.

If the accused committed crimes coming under the jurisdiction of different courts, then the **general court** shall be competent to hear the case.

Courts of second instance

General courts: for cases falling within the competence of the district court acting at first instance.

Regional courts of appeal: for cases falling within the competence of the general court acting at first instance.

Curia: for cases falling within the competence of a regional court of appeal, where the decision of that court is appealable.

Courts of third instance

Regional courts of appeal: for cases decided by the general court acting at second instance.

Curia: for cases decided by a regional court of appeal acting at second instance.

Composition of the courts

Where the criminal offence in question is punishable by eight or more years of imprisonment, the **district court acts as a panel of one professional judge and two assessors**.In other cases **the judge sits alone**.

The general court, acting as a court of first instance, also conducts its proceedings **in a panel consisting of one professional judge and two assessors**.

The court acting as a **court of second or third instance** conducts its proceedings **in a panel consisting of three professional judges**.The **Curia** conducts its proceedings **in a panel consisting of three or five professional judges**.

Related links

Official website of the Hungarian courts

Last update: 29/10/2019

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National ordinary courts - Malta

This section provides information on the organisation of ordinary courts in Malta.

Ordinary courts - introduction

You can find information on Malta's civil and criminal courts in the tables below.

Civil courts

The Court of Appeal	Second instance Appeal	The Court of Appeal hears appeals from the **civil courts** in both their superior and inferior jurisdiction. (i) This court hears appeals from the First Hall of the Civil Court and the Civil Court (Family Section). (ii) Appeals from the Court of Magistrates in its civil jurisdiction, the Small Claims Tribunal and the administrative tribunals are also heard by this court.	(i) Composed of three judges. (ii) Composed of one judge.
The Civil Court: The First Hall of the Civil Court Civil Court (Voluntary Jurisdiction Section) The Civil Court (Family Section)	First instance	The First Hall of the Civil Courts hears **cases of a civil and/or a commercial nature** exceeding the jurisdiction of the Court of Magistrates. Within its constitutional jurisdiction, it also hears cases relating to violations of the **human rights and fundamental freedoms** protected by the Constitution and by the European Convention of Human Rights and Fundamental Freedoms. The Civil Court (Voluntary Jurisdiction Section) is a voluntary jurisdiction court and is responsible for the **interdiction or incapacitation of persons of unsound mind**, the nomination of tutors for these persons, the opening of successions and the confirmation of testamentary executors. It is also a repository for secret wills. This court hears all cases relating to **family matters** such as marriage annulment, personal separation, divorce, maintenance and custody of children.	Presided over by a judge Presided over by a judge Presided over by a judge
The Court of Magistrates	First instance	In the **civil field** the Courts of Magistrates only have inferior jurisdiction of first instance, in general limited to **claims not exceeding €15 000**.	Presided over by a magistrate
The Court of Magistrates for Gozo	First instance	In the civil field, the Court of Magistrates for Gozo has **two-fold jurisdiction**: an inferior jurisdiction comparable to that exercised by its counterpart court in Malta, and a superior jurisdiction, with the same competence as the First Hall of the Civil Court, apart from the constitutional jurisdiction, and as the Civil Court (Voluntary Jurisdiction Section).	Presided over by a magistrate
Small Claims Tribunal	First instance	This tribunal summarily decides, on principles of equity and law, **claims of a value of less than €5 000**.	Presided over by an adjudicator

Criminal courts

The Court of Criminal Appeal	Second instance	This court, with superior jurisdiction, hears **appeals** by persons convicted by the **Criminal Court**. This court, with inferior jurisdiction, hears **appeals** in respect of cases decided by the Court of Magistrates sitting as a criminal court.	Composed of three judges Composed of one judge

The Criminal Court	First instance	This court serves as a criminal court and hears **criminal cases** beyond the competence of the Court of Magistrates.	Presided over by a judge who sits with a jury of nine persons.
The Court of Magistrates	First instance	In the **criminal field**, the Court has a twofold jurisdiction: as a court of criminal judicature for cases falling within its jurisdiction, and as a court of inquiry in respect of crimes falling within the jurisdiction of the Criminal Court. (i) **Court of Criminal Judicature** – this Court is competent to hear all cases related to offences punishable by a sentence of up to six months' imprisonment. (ii) **Court of Inquiry** – the Court conducts preliminary inquiries in respect of indictable offences and transmits the corresponding records to the Attorney General. If there is no objection from the accused, the Attorney General may refer cases punishable by up to ten years' imprisonment back to the Court of Magistrates to be heard and decided upon.	Presided over by a magistrate
The Court of Magistrates for Gozo	First instance	In the criminal field, the Court of Magistrates for Gozo has the same competence as the Court of Magistrates when sitting as a criminal court and as a court of inquiry.	Presided over by a magistrate
The Juvenile Court	First instance	The Juvenile Court hears charges against, and holds other proceedings relating to, **minors** under the age of 16 years, and may also make care orders.	Presided over by a magistrate and two members

Legal databases

Please refer to the Maltese page "**Organisation of justice in Member States - Malta**" where you will find detailed information on and links to the relevant databases.

Related Links

- Ministry for Justice, Culture and Local Government
- Court Services
- Court Services - Sentenzi Online
- Court Services - Court Proceedings
- Court Services - Hall Usage
- Court Services – Statistics
- Court Services - Judicial Sales by Auction
- Court Services - Civil Forms (in Maltese)
- Court Experts
- Legal Services (Laws of Malta)

Last update: 04/05/2021

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National ordinary courts - Netherlands

This section provides you with information on the organisation of ordinary courts in the Netherlands.

District courts (*rechtbanken*)

There are 11 district courts in the Netherlands.

Each court is made up of several divisions:

Civil justice (conflicts between private individuals and/or organisations)

Administrative law (conflicts between individuals or organisations and public authorities)

Criminal law (criminal offences)

The court also has a sub-district (*kanton*) sector, in which the sub-district judge handles, inter alia, minor criminal and civil cases involving amounts of up to EUR 25 000.

Appeals

A party who does not accept the district court's judgment can appeal. Criminal and civil cases are heard by one of the four courts of appeal (*gerechtshoven*).

In administrative cases, depending on the subject the appeal may be heard by:

Courts of Appeal (*gerechtshoven*)

The Central Appeals Tribunal (*Centrale Raad van Beroep*)

The Trade and Industry Appeals Tribunal (*College van Beroep voor het Bedrijfsleven*)

The Council of State (*Raad van State*), administrative disputes division (*Afdeling bestuursrechtspraak*)

Supreme Court (*Hoge Raad*)

The Supreme Court of the Netherlands is the highest court in the Netherlands in civil, criminal and tax law. The Supreme Court can overturn judgments, in particular those of the appeal courts (whose judgments can be challenged in the Supreme Court on points of law, a process known as *cassatie*). The Supreme Court is also responsible for ensuring legal uniformity and the development of Dutch law.

More information on how the judicial system is organised can be found on the rechtspraak.nl website.

Legal databases

The case-law database publishes a significant number of judgments. These decisions and judgments are made available to the public through inclusion in the database on the rechtspraak.nl website.

Is access to the database free of charge?

Yes, access is **free of charge**.

Related Links

Dutch judiciary and the Supreme Court of the Netherlands

Information on the Dutch judicial system (in English)

Last update: 05/05/2023

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National ordinary courts - Austria

In the following section you will learn about ordinary courts in civil and criminal matters in Austria.

Ordinary courts – Introduction

The system of ordinary courts is organised in four levels. At present (in March 2023), legal cases can be **adjudicated** by the following courts:

113 district courts (Bezirksgerichte)

20 regional courts (Landesgerichte)

4 higher regional courts (Oberlandesgerichte)

the Supreme Court (Oberster Gerichtshof).

From the start of 2013 the number of district courts has been gradually reduced from 141 to currently 113 (as at 1 March 2023) by amalgamating and in some cases establishing new district courts in Upper Austria, Lower Austria, Styria, Salzburg, Tyrol and Burgenland.

Prosecutor's offices exist to uphold the public interest in criminal matters; there are:

16 public prosecutor's offices (Staatsanwaltschaften),

a central public prosecutor's office (Zentrale Staatsanwaltschaft) to prosecute economic crimes and corruption,

4 senior public prosecutor's offices (Oberstaatsanwaltschaften),

the Procurator General's Office (Generalprokuratur).

There are 28 prisons to **enforce sentences of imprisonment**.

A. Organisation of the courts: civil and criminal courts

Disputes are assigned at first instance to either the district courts or the regional courts. In civil cases the court with jurisdiction is determined essentially by the nature of the dispute (Eigenzuständigkeit); for all other matters it is determined by the value of the claim in dispute (Wertzuständigkeit). The nature of the case always takes precedence over the value criterion.

In criminal cases, jurisdiction is decided on the basis of the severity of the penalty attached to the offence.

District courts (first level)

District courts are courts of first instance responsible for:

adjudicating civil-law disputes involving **claims of up to EUR 15 000** (Wertzuständigkeit);

ruling on certain types of case irrespective of the amount of the claim (Eigenzuständigkeit), especially **family, tenancy and enforcement cases**;

ruling on some **criminal cases** where the offence carries merely a fine, a fine plus a prison sentence of not more than 1 year, or a prison sentence of not more than 1 year only (e.g. negligent physical injury, theft).

Regional courts (second level)

Regional courts, also known **in civil cases as 'courts of justice of first instance'** (Gerichthöfe erster Instanz), have jurisdiction:

to adjudicate **at first instance** on all legal matters which are not reserved to the district courts; on the basis of the nature of the case, to try disputes involving nuclear liability law, administrative liability law and data protection law, and competition and intellectual property cases;

to rule on **appeals** against the decisions of district courts.

Higher regional courts (third level)

The higher regional courts, also known as 'courts of justice of second instance' (Gerichtshöfe zweiter Instanz), form the third organisational level. They sit in Vienna (covering Vienna, Lower Austria and Burgenland), Graz (covering Styria and Carinthia), Linz (covering Upper Austria and Salzburg) and Innsbruck (covering Tyrol and Vorarlberg).

In both civil and criminal cases these courts deal only with **appeals** (i.e. at second instance).

They also play a special role in the administration of the **judicial system**. The president of a higher regional court is the head of the administration of all courts in the area within the court's jurisdiction. In this function, the president of a higher regional court is responsible only to the Federal Minister for Justice.

The Supreme Court (fourth level)

The Supreme Court in Vienna is the court of **final appeal in civil and criminal cases**. Alongside the Constitutional Court (Verfassungsgericht) and the Administrative Court (Verwaltungsgericht), it is one of the 'highest courts' (Höchstgerichte) in the country. This means that no further domestic remedy is possible against its decisions.

The judgments of the Supreme Court play an essential role in preserving the **uniform application of the law** throughout the country.

Although the lower courts are not legally bound to follow precedent, as a rule they will be guided by the judgments of the highest courts.

B. The civil court system

Civil justice can be subdivided into ordinary civil proceedings, employment cases, commercial cases and non-contentious proceedings (Außerstreitverfahren). Civil-law matters are adjudicated in ordinary civil proceedings when they are not under the jurisdiction of the commercial or labour courts and are not to be dealt with in non-contentious proceedings.

C. Appeals

C.1. Appeals in civil cases

In **ordinary civil proceedings** there are in principle two different sequences of courts, each of which may be divided into three stages. Disputes are assigned at first instance to either the district courts or the regional courts.

If the court of first instance is a district court, any appeal has to be lodged with the regional court, where it will be decided by an appeals division (Berufungssenat).

If the court of first instance is a regional court, any appeal has to be lodged with the higher regional court, where it will be decided at second instance by an appeals division.
The courts of second instance only review the first-instance judgment. This means that in principle they decide the matter only on the basis of the motions for judgment available at the conclusion of the oral proceedings in the court of first instance and the facts submitted at that point. The court of second instance may decide the case itself, to uphold or vary the judgment. In order to do so – within the framework defined by the motions and submissions in the court below – the court of second instance may repeat or extend all or some of the proceedings; or it may quash the decision of the court of first instance and instruct it to retry the matter; or it may dismiss the appeal.
For cases that require a decision on legal issues of fundamental importance, a further appeal may be brought before the Supreme Court.
The Supreme Court decides only on legal issues, and is therefore bound in its judgment by the facts previously established. It decides only on the correctness of the judgment made on the basis of the established facts, though it may identify points that are invalid and, to a limited extent, procedural errors in the previous proceedings. The Supreme Court does not only quash the judgments of lower courts: it too may decide the matter itself, to uphold or vary the judgment; or it may quash the previous decisions and instruct the court of first or second instance to retry the matter; or it may dismiss the action.
In the first instance, the vast majority of cases are tried by a single judge (or by a panel of three judges, but only in disputes over EUR 100 000 and at the request of one of the parties). In the second instance, cases are tried by a panel of three, or in the Supreme Court five, judges. Where the case involves a legal issue of fundamental importance (such as a change to established case-law), the Supreme Court convenes an augmented panel of 11 judges.

C.2. Appeals in criminal cases

Judgments in criminal trials may be appealed against once.
If the court of first instance is a district court, an appeal may:
seek the annulment of the judgment; or
challenge the conviction and the terms of the sentence.
The appeal will be considered by a three-judge division of the regional court.
If the case is decided at first instance by a single judge of a regional court (this happens in regional court cases where the defendant is charged with an offence carrying a maximum sentence of 5 years' imprisonment, such as, for example, giving false testimony in court), an appeal may likewise:
seek the annulment of the judgment; or
challenge the conviction and the terms of the sentence.
The appeal will be then considered by a three-judge division of the higher regional court.
If the case is decided at first instance by a regional court sitting with lay assessors (Schöffengericht) or with a jury (Geschworenengericht), any application for annulment has to be lodged with the Supreme Court. If the appeal relates only to the terms of the sentence, however, it must be brought before the higher regional court.

D. Forms of appeal

In **ordinary civil proceedings,** first-instance judgments may be challenged by means of an appeal on points of fact and law (Berufung). An appeal on points of fact and law may be lodged in all cases on the grounds of invalidity or mistaken legal assessment, and such an appeal may be lodged in some specific matters or in any case above a value in dispute of EUR 2 700 on the grounds of procedural errors or incorrect findings of fact.
Second-instance judgments may be challenged by means of an appeal to the Supreme Court only on points of law (Revision). This form of appeal is, however, subject to various restrictions, depending on the matter in question. In principle the Supreme Court adjudicates only on legal issues of considerable importance, and the presence of such issues is a prerequisite for the Supreme Court accepting an appeal on points of law. In any event, in certain matters appeals against second-instance judgments are not allowed below a value in dispute of EUR 5 000, while, if the value in dispute does not exceed EUR 30 000, the appeal on points of law to the Supreme Court may also need to be authorised by the court of second instance (directly or by means of a fresh application).

E. Legal databases

The Austrian Justice website provides general information on the Austrian judicial system.

Is access to the database free of charge?

Yes, access to the Austrian Justice website is free.

Related links

Jurisdiction of the courts – Austria

Last update: 11/09/2023

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National ordinary courts - Poland

This section provides you with information on the organisation of ordinary courts in Poland.

Ordinary courts

The system of ordinary courts in Poland includes the district courts, regional courts and appeal courts. The ordinary courts exercise the administration of justice in all matters, except for those reserved by law for other courts, i.e. administrative courts, military courts and the Supreme Court, as well as (in wartime) extraordinary courts. Proceedings before ordinary courts have a two-tier structure.
Matters within the competence of the ordinary courts include cases concerning criminal, civil, family and guardianship law, commercial law, and labour and social security law, unless it is apparent from the nature of the case that it falls within the competence of other courts (for example, the administration of justice in criminal cases in respect of persons serving in the Polish Armed forces is exercised by military courts to the extent provided for by law).
The ordinary courts also perform other tasks relating to legal protection assigned to them by statute, by international law binding on the Republic of Poland or by law established by an international organisation, if the founding treaty binding on the Republic of Poland provides for that law to have direct effect. Among other things, district courts maintain the National Court Register, the pledge register and the land and mortgage register.
The following divisions may exist within district courts: civil, criminal, family and minors, labour and social security, commercial, land and mortgage register and enforcement.
The following divisions may be established at regional courts: civil, criminal, labour and social insurance, commercial, control of telecommunications, postal, and internet data.
The courts of appeal are divided into the following divisions: civil, criminal, labour and social security.
Adjudicatory activity of ordinary courts is supervised by the Supreme Court.

Ordinary courts also maintain **land and mortgage registers**, as well as the pledge register, the National Court Register and the National Criminal Register.

Jurisdiction in civil matters

There is a civil unit in each **appeal court**, **regional court** and **district** court.

Jurisdiction in criminal matters

There is a criminal unit in each **appeal court**, **regional court** and **district** court.

Legal databases

The *Online Database of Polish Legislation [Internetowy System Aktów Prawnych - ISAP]* is a legal information system maintained by a team of specialists at the IT Centre of the Chancellery of the Sejm; it contains bibliographical descriptions and the texts of legislation published officially in the Journal of Laws and the Polish Monitor and issued by the Prime Minister.

The Database contains legislation published in the Journal of Laws since 1918 and in the Polish Monitor since 1930 (available at https://isap.sejm.gov.pl/)

Access to the database is **free of charge.**

Last update: 30/01/2024

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National ordinary courts - Portugal

This section contains information on the organisation of the ordinary courts in Portugal.

Organisation of the ordinary courts

Apart from the Constitutional Court (*Tribunal Constitucional*), which is specifically competent to administer justice on legal-constitutional issues, the following categories of court exist in Portugal:

The Supreme Court of Justice (*Supremo Tribunal de Justiça*) and the judicial courts of first and second instance;

The Supreme Administrative Court (*Supremo Tribunal Administrativo*) and the other administrative and fiscal courts;

The Court of Auditors (*Tribunal de Contas*).

Maritime and Arbitration Courts and Justices of the Peace are also possible.

The law sets out the cases and ways in which the above-mentioned courts may constitute, separately or jointly, a conflict court *(Tribunal dos Conflitos* - court dealing with conflicts of jurisdiction).

Without prejudice to the provisions regarding military courts (*tribunais militares*), which may be created during states of war, courts with exclusive competence to rule on certain categories of crime are prohibited.

Judicial Courts

Supreme Court of Justice

The Supreme Court of Justice is the highest body in the hierarchy of the judicial courts, without prejudice to the competence of the Constitutional Court. It is made up of civil, criminal and social sections.

It has its seat in Lisbon and jurisdiction over the entire Portuguese territory.

The Supreme Court of Justice operates under the direction of a President (presiding judge), and sits as a full bench (consisting of all the judges who make up the different sections), in specialised divisions and in sections.

Save in the case of legally enshrined exceptions, the Supreme Court of Justice only deals with matters of law.

Courts of Appeal

The Courts of Appeal *(tribunais da relação*) are, as a rule, courts of second instance.

Courts of Appeal currently sit in Lisbon, Porto, Coimbra, Évora and Guimarães. They are presided over by a President (presiding judge) when sitting both in full bench and by section.

The Courts of Appeal have Civil, Criminal, Social, Family and Youth, Business, Intellectual Property and Competition, Regulation and Supervision sections.

The existence of the Social, Family and Youth, Business, Intellectual Property and Competition, Regulation and Supervision sections will depend on the quantity or complexity of the work that is needed. They are set up by order of the Supreme Council of the Judiciary on a proposal of the President of the respective Court of Appeal.

Courts of First Instance (*Tribunais judiciais de 1.ª instância*)

The Courts of First Instance are, as a rule, district courts (*tribunais de comarca*). They exercise jurisdiction in all matters that are not assigned to other courts.

District Courts are of both general and specialised competence.

District Courts are divided into benches of specialised or general competence, as well as local ‘satellite’ benches. Benches are named in accordance with the type of proceeding they deal with and the name of the municipality in which they are located.

The following benches of specialised competence may be created:

Central Civil (*Central cível*);

Local Civil (*Local cível*);

Central Criminal (*Central criminal*);

Local Criminal (*Local criminal*);

Local Minor Criminal (*Local de pequena criminalidade*);

Criminal Enquiry *(Instrução criminal*);

Family and Youth (*Família e menores*);

Employment (*Trabalho*);

Commercial (*Comércio*);

Enforcement (*Execução*).

The judicial courts of first instance work either with judges sitting alone, with full benches, or with a full bench and jury, depending on the case. Each District Court has a President with powers of representation and leadership, case management and administrative and functional management.

When there are more than five judges in the same court or bench, the presiding judge, after having heard the other judges, may present a nomination for a judge-coordinator (*magistrado judicial coordenador*) to the Supreme Council of the Judiciary for one or more of the benches, with the prior consent of the respective judge. Under the guidance of the presiding judge, the judge-coordinator carries out the duties delegated to them by that judge, without prejudice to the right of the case to be delegated to a higher court (*avocação*), and has to provide an account of their work whenever called upon to do so by the presiding judge.

Administrative and Fiscal Courts

The administrative and fiscal courts are competent to rule on actions and appeals relating to the settlement of disputes arising from legal relations in administrative and fiscal matters. The administrative and fiscal courts are as follows:
The Supreme Administrative Court;
central administrative courts;
district administrative courts;
fiscal courts.

The Supreme Administrative Court

The Supreme Administrative Court is the highest body in the hierarchy of the administrative and fiscal courts, without prejudice to the competence of the Constitutional Court.
It has its seat in Lisbon and jurisdiction over the entire Portuguese territory.
The Supreme Administrative Court consists of a section for administrative disputes and a section for fiscal disputes. Its main responsibility is to rule on appeals against judgements handed down by the central administrative courts.
The Supreme Administrative Court operates under the direction of a President (presiding judge) assisted by three Vice-Presidents.
Depending on the subject-matter, the court functions with a full bench, a full bench for each section, or by section. The full bench and the full bench for each section examine points of law only.

Central Administrative Courts

The central administrative courts are, as a rule, courts of second instance of administrative jurisdiction. There are currently two central administrative courts (North and South).
Their main function is to rule on appeals against decisions made by district administrative courts and fiscal courts.
Each court consists of a section for administrative disputes and a section for fiscal disputes.
The central administrative courts operate under the direction of a President (presiding judge) assisted by two Vice-Presidents.
The central administrative courts examine facts and points of law.

District Administrative Courts and Fiscal Courts

These are courts of first instance, whose main function is to rule on disputes on administrative and fiscal matters. They may function autonomously, under the titles of district administrative courts or fiscal courts, or jointly, under the title of administrative and fiscal court.
They operate under the direction of a President, who is appointed for a five-year term by the CSTAF (*Conselho Superior dos Tribunais Administrativos e Fiscais* - Supreme Council of Administrative and Fiscal Courts).
These courts are generally presided over by a sole judge, but the law states that in certain case different arrangements may apply.

Justices of the Peace

Justices of the Peace (*julgados de paz*) offer an alternative method for the settlement of disputes that are exclusively civil in nature, in matters involving small sums of money and not involving family, inheritance or employment law.
Under the terms of the current version of Law No 78/2011 of 13 July 2011, Justices of the Peace are competent to assess and judge declaratory actions whose value does not exceed the jurisdiction of the courts of first instance (EUR 15 000).
Under Article 9 of this same law, Justices of the Peace are competent to hear and determine:
actions to enforce compliance with obligations, with the exception of those involving compliance with financial contracts of accession;
actions for the surrender of moveable goods;
actions arising from the rights and duties of joint property owners, where the respective general meeting has not made it mandatory for there to be arbitration to settle disputes between joint owners, or between the joint owners and the administrator;
actions for the settlement of disputes between the owners of buildings concerning temporary forced passage, natural drainage of water, works to protect against flooding, sharing of drains, channels, and hedges; opening of windows, doors, verandas and similar constructions; roof rainwater run-off, planting of trees and bushes, internal and external party walls;
actions for the recovery of property, possessory actions, actions relating to usucapion, acquisition and division (of assets held in common;
actions concerning the right to use and administrate jointly-owned property, surface rights, rights of usufruct, , rights of usage and habitation and the right in rem of time-share contracts;
actions concerning property leases, with the exception of evictions;
actions concerning civil liability, both contractual and non-contractual;
actions relating to the non-fulfilment of contracts, with the exception of employment contracts and rural leases;
actions involving the general guaranteeing of obligations.
Justices of the Peace are also competent to hear requests for civil compensation where charges have not been pressed or have been dropped, arising from:
bodily harm;
bodily harm caused by negligence;
slander;
libel;
theft;
damage;
defacing of landmarks;
fraud to obtain food, drink or services.
In accordance with Article 16, each Justice of the Peace has a mediation service available to those who require it as an alternative method for the settlement of disputes. The aim of this service is to encourage the early settlement of disputes by agreement between the parties. The service is competent to mediate in any disputes subject to mediation, even those which do not fall under the jurisdiction of the Justices of the Peace.

Last update: 29/01/2024

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National ordinary courts - Romania

This page provides you with information on Romanian ordinary courts.

Introduction to Romania's judicial system

Romania's judicial system has the following structure:

Courts of law and prosecutor's offices

Level 1

District courts (176)

Prosecutor’s offices

Level 2

Tribunals (42)

Special tribunals (3)

Tribunal for Children and Family Matters (1)

Prosecutor’s offices

Level 3

Courts of appeal (15)

Prosecutor’s offices

Level 4

High Court of Cassation and Justice

Prosecutor’s Office

Romania's judicial system comprises the High Court of Cassation and Justice and the other courts of law.

Courts

High Court of Cassation and Justice

As the highest court in Romania, it is the only judicial institution with the power to ensure **uniform interpretation and application of the law by the other courts. The review in the interest of law** is the main procedure for achieving this.

The High Court of Cassation and Justice has four sections, each having its own jurisdiction:

Civil Section I;

Civil Section II;

Criminal Section;

Administrative and Tax Litigation Section.

The four five-judge panels, the Joint Sections, the panel on reviews in the interest of law, and the panel on clarifying certain legal matters are other sections of the supreme court, which have their own jurisdictions.

Civil Section I, Civil Section II, and the Administrative and Tax Litigation Section of the High Court of Cassation and Justice, hear applications for review against judgments handed down by courts of appeal and other court decisions, as provided for by the law, and applications for review against non-final judgments or judicial acts of any nature which cannot be appealed against by any other means, and in the case of which the legal proceedings before a court of appeal have been interrupted.

The Criminal Section of the High Court of Cassation and Justice hears:

at first instance, the cases and applications referred, under the law, to the High Court of Cassation and Justice having first instance jurisdiction;

The Criminal Section of the High Court of Cassation and Justice hears, as a court of first instance, cases involving high treason offences, offences committed by senators, deputies, and Romanian members of the European Parliament, by members of the Government, by judges of the Constitutional Court, by members of the Superior Council of Magistracy, by judges of the High Court of Cassation and Justice, and by prosecutors of the Prosecutor's Office attached to the High Court of Cassation and Justice.

applications for review against judgments in criminal cases handed down, at first instance, by a court of appeal and by the Military Court of Appeal;

applications for review against judgments in criminal cases handed down, at first instance, by a court of appeal, by the Military Court of Appeal and by the Criminal Section of the High Court of Cassation and Justice;

applications for review against non-final judgments or judicial acts of any nature which cannot be appealed against by any other means and in the case of which the legal proceedings before a court of appeal have been interrupted;

appeals against final criminal judgments, as provided for by the law;

requests for a preliminary ruling for clarifying certain legal matters;

conflicts of jurisdiction, where it is the common higher court over conflicting courts;

requests for referral from the competent court of appeal to another court of appeal;

other cases provided for by the law.

The five-judge panels

Under Article 24 of Law No 304/2004, as republished, as subsequently amended and supplemented, the five-judge panels hear applications for review against judgments handed down, at first instance, by the Criminal Section of the High Court of Cassation and Justice, appeals against the judgments handed down, on appeal, by the five-judge panels after initial admission, applications for review against conclusions delivered, at first instance, by the Criminal Section of the High Court of Cassation and Justice, disciplinary cases under the law and other cases referred to them and falling under their jurisdiction under the law, and applications for review against judgments rejecting the referrals to the Constitutional Court, which are handed down by another five-judge panel. In accordance with Article 51(3) of Law No 317/2004, as republished, the five-judge panels hear applications for review against judgments handed down by the Superior Council of Magistracy in disciplinary matters.

The High Court of Cassation and Justice meet as **Joint Sections** for the following:

to address referrals regarding changes to the case-law of the High Court of Cassation and Justice;

to refer to the Constitutional Court in order to verify the constitutionality of laws before their promulgation.

Court of Appeal

The courts of appeal in Romania are headed by a President, who may be assisted by one or two Vice-Presidents.

A court of appeal has specialised sections or panels for:

civil cases,

criminal cases,

cases involving children or family matters,

cases involving administrative or tax disputes,

cases related to labour disputes and social insurance, companies, the Trade Register, insolvency, unfair competition, or other matters, and

maritime and fluvial cases.

The 15 courts of appeal have legal personality, each court covering the jurisdiction of several tribunals (around 3).

In civil matters, the courts of appeal hear the following cases:
as **courts of first instance**, they hear applications relating to administrative and tax disputes, in accordance with the special legal provisions;
as **courts of appeal**, they hear appeals against judgments handed down by tribunals at first instance;
as **courts of review**, they hear applications for review against judgments handed down by tribunals on appeal or against judgments handed down at first instance by tribunals which, under the law, are not subject to appeal, and in any other cases expressly provided for by the law.
In criminal matters, the courts of appeal hear the following cases.
As courts of first instance:
offences referred to in Articles 394-397, 399-412 and 438-445 of the Criminal Code;
offences relating to the national security of Romania, as provided for by special laws;
offences committed by judges of a district court or a tribunal, and by prosecutors of the prosecutors' offices attached to those courts;
offences committed by lawyers, notaries, judicial enforcement officers or auditors of the Court of Accounts, and external public auditors;
offences committed by leaders of religious denominations organised in accordance with the law and other high-ranking religious figures, who have at least the rank of bishop or the equivalent;
offences committed by assistant magistrates of the High Court of Cassation and Justice, judges of a court of appeal and the Military Court of Appeal, and prosecutors of the prosecutor's offices attached to those courts;
offences committed by members of the Court of Accounts, the President of the Legislative Council, the Ombudsman, the deputy ombudsmen and Quaestors;
applications for referral to another jurisdiction, as provided for by the laws.
As **courts of appeal**, they hear appeals against criminal judgments handed down by district courts and tribunals at first instance.
The courts of appeal also decide on **conflicts of jurisdiction** between tribunals or between district courts and tribunals within their area of jurisdiction, or between district courts within the jurisdiction of different tribunals in a court of appeal's area of jurisdiction.
The courts of appeal also decide on requests for the **extradition** or transfer abroad of convicted persons.

Tribunals

The **42 national tribunals** have legal personality, and are organised at county level. The area of jurisdiction of each tribunal covers all district courts in the county in which the tribunal is situated.
The tribunals have specialised sections or panels for:
civil cases,
criminal cases,
cases involving children or family matters,
cases involving administrative or tax disputes,
cases related to labour disputes and social insurance, companies, the Trade Register, insolvency, unfair competition, or other matters, and
maritime and fluvial cases.
In civil matters, the tribunals hear the following cases
As **courts of first instance**, the tribunals hear all the applications which are not by law within the jurisdiction of other courts.
As **courts of appeal**, they hear appeals against judgments handed down by district courts at first instance.
As **courts of review**, they hear applications for review against judgments handed down by district courts, which, under the law, are not subject to appeal, and in any other cases expressly provided for by the law.
In criminal matters, the tribunals hear the following cases
As courts of first instance:
offences against life, corporal integrity and health, offences against personal freedom, serious property destruction offences, offences having produced extremely serious consequences, migrant trafficking, torture, corruption and service offences, disclosure of State secret intelligence, disclosure of service or non-public secret intelligence, the unlawful procurement of funds, misappropriation, failure to comply with the regime of nuclear materials or other radioactive materials, failure to comply with the regime of explosives, transmission of the acquired immune deficiency syndrome, offences against the security and integrity of information systems and data, the establishment of an organised crime group;
intent offences that result in a person's death;
offences with regard to which prosecution has been conducted by the Directorate for Investigation of Organised Crime and Terrorist Offences (*Direcția de Investigare a Infracțiunilor de Criminalitate Organizată*) or the National Anticorruption Directorate, unless they are by law within the jurisdiction of higher courts;
offences involving money laundering and tax evasion under Article 9 of Law No 241/2005 for the prevention and combating of tax evasion, as subsequently amended;
other offences which are by law within their jurisdiction.
The tribunals decide on conflicts of jurisdiction between district courts within their area of jurisdiction, and applications for review against judgments handed down by district courts in the cases provided for by the law.

District courts

The district courts do not have legal personality, and are established within national counties and in Bucharest.
In civil matters, the district courts hear mainly the following cases:
applications which are, pursuant to the Civil Code, within the jurisdiction of the custody and family court, excluding the cases where the law provides expressly otherwise;
applications related to civil status records, in accordance with the law;
applications related to the administration of multi-storey buildings, apartments or spaces owned exclusively by different persons, or to legal relationships established by homeowners' associations with other natural or legal persons, as applicable;
applications for eviction;
applications referring to shared walls or ditches, the distance between buildings or plantations, the right of passage, and any other encumbrances or limitations affecting ownership rights as provided for by the law, agreed by the parties or imposed by a court;
applications related to changes in boundaries or to marking boundaries;
applications for the protection of possessions;
applications related to obligations to carry out or not to carry out actions which cannot be measured in terms of money, regardless of whether they are based on a contract, excluding those which are by law within the jurisdiction of other courts;
applications for court declaration of a person's death;

applications for judicial partition, regardless of the value involved;
applications in heritage matters, regardless of the value involved;
applications for adverse possession, regardless of the value involved;
applications in land tenure matters, excluding those which are by special law within the jurisdiction of other courts;
any other applications which can be expressed in terms of money, up to and including RON 200 000, regardless of whether the parties have the status of professionals.
Moreover, district courts hear appeals against decisions of the local public administration authorities with local jurisdiction and other bodies with such jurisdiction, in the cases provided for by the law, and any other applications which are by law within their jurisdiction.

In criminal matters, the district courts hear mainly the following cases:

In general, all types of offence, excluding those which by law are to be heard at first instance by the tribunals, the courts of appeal or the High Court of Cassation and Justice.

Valid information on these courts can be found on the Courts' Portal maintained by the Romanian Ministry of Justice.

Legal databases

The following legal databases are available online:

the High Court of Cassation and Justice publishes its case-law on its own website;

the courts publish summaries of their judgments on the Courts' Portal. For example, see the summaries of judgments issued by the Bucharest Court of Appeal;

the legal database owned and administered by the **Romanian Legislative Council**, Courts' jurisdiction – Romania

Last update: 24/02/2020

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National ordinary courts - Slovenia

This section provides you with information on the organisation of ordinary courts in Slovenia.

Ordinary courts

Under Article 98 of the Courts Act, the ordinary courts in Slovenia include:
local courts (okrajna sodišča),
district courts (okrožna sodišča),
higher courts (višja sodišča),
the Supreme Court of the Republic of Slovenia (Vrhovno sodišče) (hereinafter 'the Supreme Court').

Jurisdiction of local courts

Under Article 99 of the Courts Act, local courts in Slovenia have jurisdiction in the following matters:

Criminal matters

To adjudicate at first instance on criminal offences that are punishable by a fine or a term of up to three years imprisonment, except where they concern criminal defamation offences committed by the press, via radio, television or other means of public information
To investigate criminal offences as described above
To perform other tasks determined by statute

Civil matters

To adjudicate or decide at first instance:
In civil cases in accordance with the Civil Procedure Act
In succession and other non-contentious matters, unless otherwise determined by statute, and in respect of the land register
In matters of the enforcement and securing of claims, unless otherwise determined by statute.

Other matters

Adjudicating or deciding on other matters, where determined by statute.

Legal aid

To deal with matters involving legal aid where other courts have no statutory jurisdiction, and to deal with international legal aid in cases of minor offences.

Jurisdiction of district courts

Under Article 101 of the Courts Act, district courts in Slovenia have jurisdiction in the following matters:

Criminal matters

To adjudicate at first instance on criminal offences that do not fall under the jurisdiction of local courts.
To carry out an investigation or investigatory actions concerning criminal offences (as described at point 1 above).
To conduct preliminary proceedings and adjudicate at first instance on criminal offences committed by minors.
To decide at first instance on the enforcement of a criminal judgment issued by a foreign court.
To execute criminal judgments (arising from points 1, 3 and 4 above) and to execute the criminal judgments of local courts.
To decide on permission to interfere with human rights and fundamental freedoms.
To reach decisions in a pre-trial chamber (also in criminal matters falling within the jurisdiction of local courts).
To perform other tasks determined by statute.
To exercise supervision in respect of the lawful and correct treatment of convicts and supervision of detainees.
Specialised departments of the (district) courts are responsible for dealing with the tasks in points 1, 2, 3, 6, 7 and 8 in more complex cases involving organised and economic crime, terrorism, corruption and other such criminal activities.

Civil matters

To adjudicate or decide at first instance:
In civil matters in accordance with the Civil Procedure Act
On recognition of the decisions of foreign courts
In cases of compulsory settlement, bankruptcy and liquidation when it is within the court's jurisdiction, and in connected disputes
In disputes concerning intellectual property rights
On proposals for issuing interim measures filed prior to the commencement of a dispute, on which the court will decide in line with the rules on economic disputes, matters in which the arbitration jurisdiction has been agreed and applications for interim relief in intellectual property matters.

In non-contentious proceedings where determined by statute.

Other matters

Keeping the commercial register.

Adjudicating or deciding on other matters, where determined by statute.

To deal with matters involving legal aid in civil, criminal and other matters.

Dealing with international legal aid.

Jurisdiction of higher courts

Under Article 104 of the Courts Act, higher courts have jurisdiction in the following areas:

To adjudicate or decide at second instance on appeals against decisions of local and district courts in their territory

To decide on jurisdiction disputes between local or district courts in their territory, and to decide on the transfer of jurisdiction to another local or district court in their territory

To perform other tasks determined by statute.

Legal databases

Name and URL of the database

Sodstvo Republike Slovenije (Courts of the Republic of Slovenia)

Is access to the database free of charge?

Yes access to the database is **free of charge**.

Brief description of content

Sodstvo Republike Slovenije (Courts of the Republic of Slovenia) gives you access to several databases, such as:

Judicial system of the Republic of Slovenia

Judicial administration

Public registers (land registers, judicial register).

Related links:

List of courts

Last update: 16/04/2020

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National ordinary courts - Slovakia

This section provides information on the organisation of ordinary courts in Slovakia.

Ordinary courts – introduction

Judicial power in the Slovak Republic is exercised by independent and impartial courts. At all levels, judicial matters are separated from those of other national authorities.

Legal databases

Slovak Ministry of Justice database Slov-Lex

The Slovak Ministry of Justice's 'Electronic Collection of Legislative Acts (Slov-Lex)' project is based on two interconnected information systems:

eZbierka (eCollection) — an information system providing binding consolidated electronic texts of legislation and other standards to those addressed by the law

eLegislatíva (eLegislation) — a process management information system for all stages of the legislative process, equipped with advanced editing tools for legislators

Benefits for target groups:

The fundamental legal principle that all people are familiar with the law as valid and in force and are aware of their rights and obligations is increasingly difficult to apply in practice in view of the increasing volume and complexity of laws. The Slov-Lex project will help to improve implementation of this principle by ensuring effective access for all to the legislation in force:

citizens – the eZbierka section of the project in particular will bring benefits in the form of formally and substantively improved access to the legislation in force, free of charge, and increased awareness of new legislation

legal practitioners — will obtain continuous access to the legislation in force and the possibility of being made aware of new Slovak or European Union legislation, both generally and specifically in terms of the regulations governing the fields in which they specialise

entrepreneurs — will also obtain continuous access free of charge to the legislation in force and the possibility of being made aware of new Slovak or European Union legislation, both generally and specifically in terms of the regulations governing the fields in which they operate; a better regulatory environment will create more favourable conditions for entrepreneurship and reduce the administrative burden associated with doing business

local and regional authorities — will obtain continuous access free of charge to sources of the legislation in force, while at the same time their administrative burden (the administratively demanding and costly obligation to provide access on working days to the Collection of Legislative Acts, linked to a subscription to and the archiving of a paper copy of the Collection) will be reduced, replacing the burdensome obligation to ensure assisted access to the Collection on working days

public administrations — the project will on the one hand provide continuous access free of charge to sources of the legislation in force and, on the other, reduce the administrative burden and, therefore, the financial cost of the legislative process, as well as the possibility of improving the performance of tasks in the field of lawmaking and the implementation of European Union law

judicial authorities — will obtain continuous and rapid access to the legislation in force on any chosen day in history, and the possibility of references from judicial decisions to the legislation in force at a given time, resulting in the possibility of at least partially eliminating routine activities and increasing the efficiency of the work of judges and court officials

legislative bodies — will be able to use an efficient tool to draft legislation and administer the legislative process, which will release them from some burdensome red tape and enable them to better focus on the content of pending proposals.

The organisation of ordinary courts

Slovakia's system of courts

The Slovak judiciary comprises:

district courts (54)

regional courts (8)

the Specialised Criminal Court
the Supreme Court of the Slovak Republic

Jurisdiction of courts

District courts

District courts act as courts of first instance in civil and criminal cases, save where the rules governing court proceedings provide otherwise.
They also deal with electoral cases, where stipulated by the relevant legislation.

Regional courts

Regional courts act as courts of second instance in civil and criminal cases heard at first instance by district courts.
The rules of procedure specify the civil and criminal cases in which regional courts act as courts of first instance.
Regional courts act as courts of first instance in administrative cases, save where otherwise stipulated by special legislation.
They also deal with other cases where stipulated by special legislation (Act No 166/2003 on the protection of privacy against unauthorised use of information technology and amending certain other acts).

The Specialised Criminal Court

The Specialised Criminal Court rules on criminal matters and other matters as laid down by the rules governing court proceedings.

The Supreme Court

The Supreme Court has jurisdiction in:
ordinary appeals against decisions by regional courts and the Specialised Criminal Court, where provided by the rules governing court proceedings;
extraordinary appeals against decisions by district courts, regional courts, the Specialised Criminal Court and the Supreme Court, where provided by the rules governing court proceedings;
conflicts of jurisdiction between courts and bodies of central government administration;
reassignment of a case to a court other than the competent court, where provided by the rules governing court proceedings;
other cases, where provided by an Act or international treaty.
The Supreme Court **reviews decisions taken by courts** in cases where final judgment has been given.
The Supreme Court oversees the **uniform interpretation and consistent application of laws** and other acts of general application:
through its own decision-making;
by issuing opinions aimed at unifying the interpretation of laws and other acts of general application;
by publishing final court decisions of key significance in the Reports of Opinions of the Supreme Court and Decisions of the Courts of the Slovak Republic.

Related links

Ministry of Justice

Last update: 27/02/2023

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National ordinary courts - Finland

This section provides you with information on general and administrative courts in Finland.

General and administrative courts – introduction

Finnish courts are divided into **general courts**, which deal with criminal and civil cases, **administrative courts** that provide judicial oversight of administrative acts, and certain **special courts**.

'General courts' refers to courts with general jurisdiction. In other words, they handle legal disputes that do not fall under the jurisdiction of any other court of law. Finnish general courts comprise
20 **district courts** (*käräjäoikeudet/tingsrätterna*),
5 **courts of appeal** (*hovioikeudet/hovrätterna*) and
the Supreme Court (*korkein oikeus/högsta domstolen).*

Administrative courts are the general administrative courts (*hallinto-oikeudet/förvaltningsdomstolarna*) in Finland.
General administrative courts are divided into the Supreme Administrative Court (*korkein hallinto-oikeus/högsta förvaltningsdomstolen*) and regional administrative courts. There are six regional administrative courts in Finland: the Administrative Courts of Helsinki, Hämeenlinna, Eastern Finland, Northern Finland, Turku and Vaasa. In addition, the Åland Islands have a separate administrative court, called the Administrative Court of Åland.
The Supreme Administrative Court is **the court of last resort in administrative cases**.

District courts

District courts function as courts of first instance. They deal with criminal and civil cases and certain petitionary matters, such as divorces. At the moment, there are 20 district courts in Finland. They range in size considerably both in terms of personnel and case load. Annually, district courts handle around 550,000 cases (80,000 criminal cases, 420,000 civil cases and 50,000 petitionary matters). The district courts have around 1,900 employees in total.
Provisions and regulations governing the operations and administration of district courts are set out in the **Courts Act** (*tuomioistuinlaki/domstolslag*, 673 /2016) as well as in the rules of procedure of the district courts. According to the act, the senior judge in a court of first instance is also the administrative head of the court in question.
A district court also has as other members lay judges who participate in deciding more serious criminal cases and matters concerning land rights cases. The municipal councils appoint the lay judges. The Ministry of Justice confirms the number of lay judges to be chosen by each municipality. Compensation is paid to lay judges from state funds.

Procedure in district courts

A **civil procedure** in a district court has two stages: **preparation** and **main hearing**. Preparation begins with written statements of the parties. Cases concerning uncontested claims are often settled already during this stage. Oral preparation takes place in a preparatory hearing in front of one judge.
If a settlement is not reached at this stage, the matter is referred to a separate main hearing. Either one or three judges can be present at the main hearing. Where possible, the main hearing is held immediately after the preparatory hearing.
In a **criminal case**, the composition of the court depends on the offence. If the offence is petty, the case can be heard by one judge, while more serious crimes are typically heard by a panel of one judge and two lay judges, or by three judges.
The **criminal procedure** follows the same principles as in civil cases. A criminal case may also begin with a preparatory hearing. The court can request the defendant to present their views on the case prior to the main hearing. The procedure is oral, and the judgment is based on the facts and evidence presented

to the court by the parties. All evidence is received in the main hearing. In criminal cases as well, the main hearing is held immediately after the preparatory hearing, where possible. The composition of the court may not be changed during a main hearing. Some criminal cases may, under conditions laid down in the law, be considered by means of a written procedure without arranging a main hearing.
Where the court fails to reach a **consensus** on the judgment, a vote is taken; each member of the panel has one vote. If there is a tie in a civil case, the option favoured by the judge prevails; in a criminal case, the more lenient alternative prevails.
The judgment consists of a decision and a statement of reasons. In most cases, the judgment is usually pronounced at the end of the main hearing. In extensive or otherwise complex cases, however, the judgment may be handed down at most two weeks after the main hearing. In that case, the parties can collect the judgment in writing at the registry of the court.

Courts of appeal

There are five courts of appeal in Finland: Helsinki, Eastern Finland (in Kuopio), Rovaniemi, Vaasa and Turku.
As courts of second instance, appeal courts consider appeals and complaints against decisions of district courts. In some cases, appeal courts can also act as the court of first instance. For example, they consider cases concerning offences in office involving judges or senior public officials of administrative courts within their jurisdiction.
Each court of appeal is also responsible for supervising the operation of the district courts within its jurisdiction, as well as for certain judicial administration matters, such as issuing a statement to the Judicial Appointments Board on the applicants for the position of district court or appeal court judge. The court of appeal must issue the statement in the composition prescribed in the law. The president of the court of appeal is responsible for the operations and productiveness of the court.
The court of appeal is divided into **departments**. A department consists of a department head and other judges. Cases are typically heard by a panel of three judges.

Procedure in courts of appeal

In certain criminal and civil cases, the appellant needs the appeal court to grant leave for further consideration. The provisions concerning the granting of leave for further consideration are laid down by law. The consideration of the case takes place in written procedure or in an oral main hearing.

Supreme Court

The Supreme Court is the **highest appellate court** in Finland. It is divided into chambers, which have a quorum with five members present.
To refer a case to the Supreme Court, a relevant party must apply for leave to appeal against a judgment of a court. The Supreme Court reviews the application and decides whether leave to appeal may be granted in the case in question. The decision is taken by a **panel** consisting of two or three members. Leave to appeal may only be granted under the conditions laid down in law.
Since 1980, the Supreme Court has been a precedent-setting institution. In practice, a decision of the Supreme Court creates a rule of law that other courts must follow in similar cases. Leave to appeal is not needed in cases where a court of appeal acted as the court of first instance.
The operations of the Supreme Court are presided over by its **president**. The other members of the Supreme Court are called justices. A matter may be presented by the secretary general, a referendary counsellor, a senior judicial secretary, or a judicial secretary.
In addition to the consideration of judicial procedure matters, the Supreme Court is responsible for appointing general court judges for fixed-term positions lasting more than one year. The Supreme Court also gives statements on bills and presidential pardons submitted to the President of the Republic for confirmation.
The **procedure** in the Supreme Court is usually **written**, but **oral hearings** may be arranged if necessary.

General administrative courts

Administrative courts

The Constitution of Finland requires the law to be strictly observed in all public activity. A person or a corporation who considers that a decision of a state or local authority in a matter concerning them is illegal has, as a rule, the right to appeal against the decision.
When making a decision, an authority must provide information on how and where to appeal against the decision. In many cases, it is possible first to seek rectification from the relevant administrative authority, after which a dissatisfied party may lodge an appeal with an administrative court. The judicial districts of the administrative courts are based on the Finnish regions, so that one district covers one or several regions.
On appeal, the administrative court reviews the legality of the decision of the authority. If the appellant is dissatisfied with the decision of the administrative court, it is in most cases possible to appeal further to the Supreme Administrative Court, or at least apply to the Supreme Administrative Court for leave to appeal.
Provisions on administrative courts are laid down in the Act on Administrative Courts (*hallinto-oikeuslaki/lag om förvaltningsdomstolarna*, 430/1999), Government Decree on the Jurisdictions of Administrative Courts (*valtioneuvoston asetus hallinto-oikeuksien tuomiopiireistä/statsrådets förordning om förvaltningsdomstolarnas domkretsar*, 865/2016) and in various rules of procedure. The procedural provisions applied to administrative courts are set out in the Administrative Judicial Procedure Act (*hallintolainkäyttölaki/förvaltningsprocesslag* 586/1996).
Some 20,000 appeals are lodged with the administrative courts annually. The majority of these cases concern appeals, but the administrative courts also consider administrative litigation and submission cases. The register classification includes nearly 300 different case categories, which demonstrates the wide variety of matters considered by the administrative courts. Administrative courts are general regional courts and, as a rule, deal with all matters of administrative justice. However, some matters are centralised to certain administrative courts:
the Administrative Court of Helsinki has exclusive competence over matters of value-added tax and customs duties;
the Administrative Court of Vaasa has exclusive competence over permit and compulsion matters under the Water Act and the Environmental Protection Act;
Hämeenlinna Administrative Court considers appeals concerning agricultural subsidies, support for rural development and structural support to agriculture;
Northern Finland Administrative Court considers appeals in matters concerning subsidies to reindeer husbandry and natural livelihoods, as well as appeals in certain matters decided under the Skolt Act (*kolttalaki/skoltlag* 253/1995).
The members of an administrative court are the chief judge and the administrative court judges. The chief judge manages the work of the court and is responsible for its productiveness. An administrative court may divide itself into departments for its work. A department is headed by a legally trained judge appointed as department head. In addition to administrative court judges, the staff of the administrative courts include referendaries and office personnel. The number of administrative court personnel totals around 550.

Administrative court decision compositions

The administrative courts are collegial courts that normally have a quorum with three members present. The members of an administrative court are the chief judge and the administrative court judges. In certain matters, such as those involving mental health or taking a child into care, a part-time expert member also participates in the consideration and decision of the matter. Matters in accordance with the Environmental Protection Act and the Water Act are considered in a composition consisting of legally trained members, as well as experts in either natural sciences or engineering. The usual decision composition in such matters includes four members.

Administrative courts may also decide certain simple appeals in smaller compositions, provided that this does not risk the legal protection of the parties. Certain appeals, listed in law, may be decided in a composition of two members when the issue is clear and does not require new interpretation of the law. This includes certain appeals relating to income, real estate and vehicle taxes and building permits. If the members in a composition of two members disagree on the decision, the case must be decided by a normal composition of three members. One member may decide, for example, appeals relating to parking tickets, charges for towed vehicles, driving licences and public transport fines. One member may also make decisions on all provisional prohibitions on enforcement and prohibit or stay the enforcement of taxes or payments.

Procedure in administrative courts

In administrative courts, the consideration of the case primarily takes place in written procedure, but oral hearings and judicial viewings have become more common in recent years. The number of oral hearings has especially increased in cases concerning child protection or foreign nationals.

As a rule, the appellant or applicant has the obligation to present their claims and grounds for the claims. However, the administrative court is *ex officio* responsible for ensuring proper examination of the case. According to the Administrative Judicial Procedure Act, the administrative court must review the case to the extent required by the impartiality and fairness of the procedure and the nature of the case.

Administrative courts aim to hear their cases in the order they are received. However, certain matters are heard urgently. Once a matter has become pending in an administrative court, the referendary prepares the case. Referendaries at the administrative courts include assistant judges and notaries, at times also administrative judges. The referendary is responsible for obtaining all the required statements or reports from the relevant authorities, as well as for hearing the parties.

Once the matter has become pending, the preconditions for the proceedings are examined and, in appeal cases, a statement and any relevant background documents are obtained from the authority responsible for the appealed decision. After this, any other parties and the appellant are heard.

The referendary prepares a draft decision on the case under consideration. The judges familiarise themselves with the documents and the draft decision, after which the case is decided in a session of the administrative court.

The administrative court takes all circumstances arising in the case into consideration and decides which circumstances are relevant to the decision. If the members participating in the decision do not reach a consensus, a vote is taken. The referendary has the right to state a dissenting opinion in the case. After the session, the statement of reasons may still be revised, and once it has been signed, the decision is then handed down to the parties.

Supreme Administrative Court

The Supreme Administrative Court is the court of last resort in administrative cases and has the highest judicial powers in judicial procedure matters. The majority of the categories of cases handled by the Supreme Administrative Court are appeals concerning other administrative courts. In some cases, the appellant must first apply for leave to appeal to the Supreme Administrative Court.

In Finland, it also possible to appeal against decisions made by the Government or a ministry, i.e. the bodies representing the highest executive powers. The Supreme Administrative Court may also give statements and submit proposals on legislative issues. It also supervises the judicial procedure within its field of competence. Its duty is to ensure that the administrative court system operates in unison and in an efficient manner. The Supreme Administrative Court is also responsible for appointing administrative court judges for fixed-term positions lasting more than one year.

The president leads the operations of the Supreme Administrative Court. The other members of the Supreme Administrative Court are called justices. The number of justices is around 20. In addition, the Supreme Administrative Court has around 50 referendaries and a corresponding number of other employees. The Supreme Administrative Court is divided into chambers. The Secretary General heads the office staff.

Around 6,000 appeals are lodged with the Supreme Administrative Court annually. The cases before the Supreme Administrative Court are generally decided by a panel of five judges. When refusing leave to appeal, the panel may be composed of three judges. In cases referred to in the Water Act and the Environmental Protection Act as well as in cases concerning certain intellectual property rights such as patents, the chamber is composed of legally trained members and two part-time expert members. Expert members have the status of an independent judge. In the Supreme Administrative Court, the consideration of the case primarily takes place in written procedure; the number of oral hearings and judicial viewings held each year is under 10.

Legal databases and websites

Database name

Finlex website

Website of the Finnish Judiciary

Is access to the website or database free of charge?

Yes, access is **free of charge**.

The website Oikeus.fi contains information on the judicial system of Finland. It is a centralised online service for those seeking information on the courts, prosecutors, bailiffs, legal aid bureaus and other public bodies dealing with the administration of justice in Finland.

It includes, for example, the latest case-law from the courts of appeal and administrative courts. More extensive databases concerning the Supreme Court, courts of appeal, administrative courts and special courts are available from the free Finlex service maintained by the Finnish Ministry of Justice.

Last update: 02/02/2021

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National ordinary courts - Sweden

This section provides information on the organisation of ordinary courts in Sweden.

Ordinary courts – introduction

General courts deal with criminal and civil cases. They are organised in a **three-tier system**:

District courts (tingsrätt)

Courts of appeal (hovrätt) and

The Supreme Court (Högsta domstolen).

The general administrative courts deal with cases relating to public administration They are organised in a three-tier system:

County administrative courts (länsrätt)

Administrative courts of appeal (kammarrätt) and

Supreme Administrative Court (Högsta förvaltningsdomstolen).

In addition, a number of special courts and tribunals have been established to hear specific kinds of cases and matters, such as the **Labour Court** (Arbetsdomstolen) and the **Market Court** (Marknadsdomstolen).

Last update: 09/11/2020

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National ordinary courts - England and Wales

This page provides you with information about the ordinary courts in England and Wales.

Ordinary courts – introduction

The organisation of the various courts in England and Wales is as follows. You can find more details on the website of Her Majesty's Courts and Tribunals Service, which provides administration and support for all courts except the Supreme Court.

Supreme Court

The **Supreme Court of the United Kingdom** took over the jurisdiction of the Appellate Committee of the House of Lords on 1 October 2009. It also took over the devolved functions of the Judicial Committee of the Privy Council (the highest court of appeal in several independent Commonwealth countries, UK overseas territories and British Crown dependencies).

The Supreme Court is the **final court of appeal** in the United Kingdom for both criminal and civil cases, although Scottish criminal cases do not have the right of appeal to the Supreme Court. Permission to refer a case for appeal to the Supreme Court will usually be granted only if it involves points of law of public importance.

Court of Appeal

The Court of Appeal is divided into criminal and civil divisions and usually sits in London.

The **Criminal Division**, presided over by the **Lord Chief Justice**, hears appeals against conviction and sentencing from people convicted or sentenced in the Crown Court. The Court of Appeal criminal division has power to quash or uphold a conviction, order a re-trial and, in sentence appeals, vary the sentence (but not increase it). However, in instances where the Attorney General refers a case to the Court of Appeal, the court has the power to increase a sentence if it considers it unduly lenient.

The court has a wider jurisdiction to hear ad hoc appeals, such as appeals regarding reporting or public access restriction, appeals against rulings adverse to the prosecution, and various appeals under the Proceeds of Crime Act 2002. Additionally, the court deals with appeals in court martial cases.

Three judges usually sit together in the Court of Appeal criminal division, but only one judgement (the majority opinion) is given as the court's decision.

The Court of Appeal, **Civil Division**, is presided over by the **Master of the Rolls**. The court hears appeals mainly against decisions of the High Court (including Chancery, Queens Bench and Family Division) and of county courts across England and Wales and certain tribunals. Three Lord Justices usually sit together, forming a constitution. In reaching their decision, the judges may make any order they decide ought to have been made in the court from which the case was referred. In some cases, a re-trial is ordered.

Witnesses are rarely heard in the Court of Appeal. Decisions are usually based on documents, transcripts of previous hearings and the arguments of the lawyers appearing for the parties.

High Court

The High Court is based in London, although cases can be heard in other parts of England and Wales. The High Court can hear almost any civil action – although, in practice, it deals mainly with larger or more complex cases. The court is organised into three divisions:

The **Queen's Bench Division** is the largest of the three and deals with a wide range of civil matters. These include actions for damages arising from breaches of contract, tort, libel, commercial disputes, technology and construction and admiralty cases (civil actions relating to ships, such as collision, damage to cargo and salvage).

The **Chancery Division** is particularly concerned with property matters, including the administration of the estates of people who have died, the interpretation of wills, patents and intellectual property, insolvency and disputes about companies and partnerships.

The **Family Division** deals with many of the more complex divorce and related financial and matrimonial matters. It deals with care cases concerning children (in particular wardship, adoption and child abduction) cases involving those within the Court of Protection, and cases related to the medical treatment of children under the inherent jurisdiction of the court.

Administrative Court

The work of the Administrative Court is varied, consisting of the **administrative law jurisdiction** of England and Wales as well as **supervisory jurisdiction** over inferior courts and tribunals.

The supervisory jurisdiction, exercised in the main through the procedure of **judicial review**, covers persons or bodies undertaking a public law function. The purpose of judicial review is to ensure that the decisions of these bodies or individuals are properly and lawfully made, and do not go beyond the powers given to them by Parliament.

Other matters dealt with by the Administrative Court include a number of **statutory appeals and applications**:

The right given by certain statutes to challenge decisions of ministers, local government, tribunals

Applications under the Nationality, Immigration and Asylum Act 2002

Appeals by way of case stated against certain decisions of magistrates' courts and the Crown Court

Applications for habeas corpus

Applications for committal for contempt of court

Applications relating to vexatious litigants

Applications under the Coroners Act 1988

Various applications made under the Prevention of Terrorism, Proceeds of Crime, Drugs Trafficking and Criminal Justice Acts.

In 2009, regional offices of the Administrative Court opened in Birmingham, Cardiff, Leeds and Manchester, making it possible for claimants/applicants to issue certain types of applications closer to the region with which they have the closest connection. A further regional office opened in Bristol in November 2012.

Divisional courts

Certain **appeals from the lower courts** are heard in the divisional courts of the High Court (i.e. a court consisting of at least two judges).

Appeals from county courts, with respect to Chancery and Queen's Bench jurisdictions, are heard by the respective divisional courts.

Divisional courts of the Queen's Bench division hear, among other things, appeals on points of law from magistrates' courts and the Crown Court (except where the Crown Court is dealing with a matter on indictment).

A divisional court of the family division hears appeals against decisions about family matters made by magistrates' courts.

County courts

County courts deal with the majority of **civil cases** in England and Wales. Put in the simplest terms, the less complicated civil cases are heard in the county courts and the more complex cases in the High Court. The greater number of cases handled by county courts relate to debt recovery. However, property repossession (e.g. where mortgage payments have lapsed), personal injury or negligence claims and bankruptcy matters are also heard in the county court. Some County Courts also act as High Court District Registries, where High Court cases can be issued. In addition some have specialist jurisdiction to allow them to hear less complex matters that otherwise would be in the High Court.

Claims for debt or damages under £5000 are usually decided under a **special small claims procedure**. This is designed to provide a low cost and informal way of resolving disputes without the need to use a lawyer. In such cases, the judge can adopt an inquisitorial role and help both the claimant and defendant to explain their case. County courts also offer an in-house small claims mediation service, although external mediation is available for other disputed claims.

County courts also deal with **family work**, which includes divorce, children's matters like residence, and care cases and adoptions. Some family work is complex and may be dealt with in the High Court. In central London, all family work is dealt with by the principal registry of the family division and not the local county courts. Family mediation is available through the Children and Family Court Advisory and Support Service (CAFCASS).

Crown Court

The Crown Court is a national court, which sits in different centres in England and Wales. It deals with all **serious criminal cases** passed up from the magistrates' courts. Cases for trial are heard before a judge and a jury of 12 members of the public.

Sometimes jurors are also needed in civil cases (such as libel and actions against the police for malicious prosecution), although this does not happen often. When it does, the trial will take place in the High Court or a county court. The Crown Court also acts as an appeal court for cases heard by magistrates in the magistrates' courts.

Magistrates' courts

Magistrates' courts deal mainly with **criminal matters**; most criminal offences are heard in the magistrates' courts. The more serious offences are passed to the Crown Court for trial. Magistrates' courts also deal with **some civil cases**, including family law matters; the recovery of some types of debt, such as council tax; and licensing issues (for example, liquor licences), breaches of the terms of licences or court orders, and betting and gaming issues.

Most cases in magistrates' courts are heard by **lay magistrates** (also known as justices of the peace or JPs). Lay magistrates are not legally trained. They usually sit in threes and are advised on matters of law by legally-qualified clerks. The more complex matters that come before magistrates' courts are heard by members of the professional judiciary, known as district judges (magistrates' courts) who sit full-time. Deputy district judges (magistrates' courts) sit part-time.

The magistrates' courts have the power to fine and imprison (for limited periods) those who have been convicted of crime – thus some cases are referred up to the Crown Court for sentence.

Certain magistrates' courts are designated 'youth courts' or 'family proceedings courts'. These are composed of specially trained magistrates and deal respectively with charges against, and applications relating to, children and young people, or with family cases.

Related Links

Her Majesty's Courts and Tribunals Service

Last update: 30/11/2016

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National ordinary courts - Northern Ireland

This page gives you an overview of the different types of courts in Northern Ireland.

Ordinary courts – introduction

The various courts in Northern Ireland are organised as follows:

The Supreme Court

In 2009, the new **Supreme Court of the United Kingdom** took over the jurisdiction of the Appellate Committee of the House of Lords. It also took over the devolved functions of the Judicial Committee of the Privy Council (the highest court of appeal in several independent Commonwealth countries, UK overseas territories and British Crown dependencies).

The Supreme Court is the **final court of appeal** in the United Kingdom for both criminal and civil cases, although Scottish criminal cases do not have the right of appeal to the Supreme Court. Permission to refer a case for appeal to the Supreme Court will usually be granted only if it involves points of law of public importance.

The Court of Appeal

The Court of Appeal in Northern Ireland is based in the Royal Courts of Justice in Belfast. It hears criminal appeals from the Crown Court and civil appeals from the High Court.

The High Court

The High Court in Belfast deals with civil cases, hears appeals in criminal cases, and also has the power to review the actions of individuals or organisations to make sure they have acted legally and justly. The High Court usually deals with cases if the value of the claim is over £30,000. In some circumstances, a case with a value over £30,000 can be sent from the High Court to the county court; similarly a case under the value of £30,000 may be transferred from the county court to the High Court.

The High Court has three divisions, as follows:

The Family Division: The Family Division deals with complex defended divorce cases, wardship, adoption, domestic violence and so on. It also deals with appeals from magistrates' and county courts in matrimonial cases, deals with the affairs of people who are mentally ill and with simple probate matters.

The Queens Bench Division: The Queens Bench Division deals with large and/or complex claims for compensation. It also deals with a limited number of appeals from magistrates' or Crown Courts. It also reviews the actions of organisations to see whether they have acted legally, and deals with libel and slander actions.

The Chancery Division: The Chancery Division deals with trusts, contested wills, winding up companies, bankruptcy, mortgages, charities, contested revenue (usually income tax) cases, etc.

The Crown Court

The Crown Courts deal with the following types of cases:

More serious criminal offences which are tried by judge and in most cases a jury

Convictions in the magistrates' courts that are referred to the Crown Court for sentencing.

Imprisonment and fines in the Crown Courts are more severe than in the magistrates' courts.

The County Court

County Courts deal with civil cases, which are heard by a judge or district judge. The County Court usually deals with cases that are under £30,000 in value (or £45,000 in equity matters). Cases with a higher value are heard in the High Court – see above. All claims arising from regulated credit agreements must be started in the County Court, whatever their value.

Examples of cases dealt with by the County Court:

County Courts can deal with a wide range of cases, but the most common ones are:

Landlord and tenant disputes: for example, possession (eviction), rent arrears, repairs

Consumer disputes: for example, faulty goods or services

Personal injury claims (injuries caused by negligence): for example, traffic accidents, falling into holes in the pavement, accidents at work

Undefended divorce cases, but only in some County Courts.

Race and sex discrimination cases

Debt problems: for example, a creditor seeking payment

Employment problems: for example, wages or salary owing or pay in lieu of notice.

Appeals from the magistrates' court which are dealt with by a judge (and at least two lay magistrates if the defendant is a young person)

Small claims cases

Small claims cases are also heard in the County Court. In general, a small claim is one where the value of the claim is not more than £3000.

The Magistrates' Courts

Magistrates' courts deal with criminal and some civil cases. Cases are heard by a district judge (magistrate's court).

Criminal cases in the Magistrates' Courts

Magistrates' courts deal with criminal offences where the defendant is not entitled to trial by jury. These are known as summary offences. Summary offences involve a maximum penalty of six months imprisonment and/or a fine of up to £5,000.

Magistrates' courts also deal with offences where the defendant can choose trial by jury but decides to have his or her case heard in the magistrates' courts. If the defendant chooses trial by jury, the case will be passed on to the Crown Court.

The Youth Court

The youth court deals with young people who have committed criminal offences, and who are aged between 10 and 17. The youth court is part of the magistrates' court and cases are heard before a district judge (magistrate's court) and two other specially trained lay magistrates. If a young person is charged with a very serious offence – which in the case of an adult is punishable by 14 years imprisonment or more, the youth court can commit him or her for trial at the Crown Court.

Civil Cases in the Magistrates' Courts

Magistrates' courts deal with a limited number of civil cases as follows:

Some civil debts: for example, arrears of income tax, national insurance contributions, VAT arrears, rates

Licenses: for example, granting, renewing or taking away licenses for pubs and clubs

Some matrimonial problems: for example, maintenance and removing a spouse from the matrimonial home

Welfare of children, for example, local authority care or supervision orders, adoption proceedings and residence orders.

Coroners Courts

Investigate the circumstances of sudden, violent or unnatural deaths.

Related Links

Northern Ireland Courts and Tribunals Service

Last update: 16/01/2019

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National ordinary courts - Scotland

This page provides you with an introduction to the ordinary courts in the Scotland jurisdiction of the UK.

Ordinary courts – introduction

The Court of Session, High Court of Justiciary, Sheriff Courts and Justice of the Peace Courts are administered by the Scottish Courts and Tribunals Service (SCTS), which is an independent body corporate chaired by the Lord President, the most senior judge in Scotland.

Scotland's Supreme Courts

In Scotland, these consist of the Court of Session and the High Court of Justiciary.

Court of Session

The Court of Session is the supreme civil court in Scotland and is situated at Parliament House in Edinburgh. It sits in an appeal capacity and also as a civil court dealing with disputes including cases relating to recovery of debt, damages, family actions and commerce.

High Court of Justiciary

The High Court of Justiciary deals with criminal appeals arising from solemn matters and serious criminal cases. Trials are held before a judge and jury. When hearing cases on appeal the court sits in Edinburgh. For other business the court has permanent bases in Edinburgh, Glasgow and Aberdeen, but trials are also held in towns and cities throughout Scotland.

Sheriff Courts

For legal purposes, Scotland is split into six regions called 'Sheriffdoms'. Each Sheriffdom has a Sheriff Principal who, in addition to hearing appeals in civil matters whilst sitting as appeal Sheriffs, have responsibility for the efficient disposal of all business in the Sheriff Courts.

Within these Sheriffdoms, there are a total of 39 Sheriff Courts varying in size and design, but all serving the same purpose.

Cases are heard before a judge called a Sheriff. The work of the Sheriff Courts can be divided into three main categories of civil, criminal and commissary work, and is administered by local sheriff clerks and their staff.

Summary Sheriffs have authority to perform some of the duties of a Sheriff in both criminal and civil proceedings.

In addition there is a new all-Scotland Personal Injury Court which sits in Edinburgh.

The civil Sheriff Appeal Court has provision to have single or triple Sheriff benches presiding over civil appeals arising from business in the Sheriff Courts.

The criminal Sheriff Appeal Court hears appeals in relation to summary criminal business against decisions of Sheriffs and Justices of the Peace. It also hears all appeals against decisions in relation to bail made in Sheriff and Justice of the Peace Courts.

Civil cases

Most civil business involves disputes between persons or organisations. Sheriff Courts deal with three different types of case:

Ordinary actions, which deal mainly with cases involving divorce, children, property disputes and debt/damages claims exceeding £5,000. With the exception of family actions (unless the only order sought is aliment) actions of £100,000 or under can only be raised in the Sheriff Court.

Summary causes, which use a simplified procedure dealing mainly with disputes involving rent arrears in respect of social housing, and damages resulting from personal injuries with a monetary value of £5000 or less.

Simple procedure, dealing with claims which have a monetary value of £5000 or less which seek payment, delivery or recovery of possession of moveable property, or an order for someone to do something specific.

In addition, the Sheriff Court deals with many other civil applications and procedures including:

Adoption of children

Liquidation of companies

Fatal accident inquiries

Bankruptcies

Criminal cases

Sheriff Court criminal cases may be brought under either solemn or summary procedure. It is the responsibility of the Procurator Fiscal (prosecutor) to decide which procedure should be followed for a particular case.

Solemn procedure is used in serious cases where the charge may attract a sentence in excess of twelve months in prison or an unlimited fine. Trials are heard before a Sheriff sitting with a jury.

Summary procedure is used for less serious cases where a Sheriff hears a case without a jury. Although the Sheriff's sentencing powers are restricted to twelve months imprisonment, there are occasions when this may be increased.

Commissary work

Commissary work deals mainly with the disposal of a deceased person's estate. The power granted by the court to allow an executor to in-gather and distribute the estate is called ‘confirmation’. This is only granted after an inventory of the deceased's estate has been lodged in court.

If the estate has a gross value not exceeding £36,000, it is classed as a ‘small estate’ and the person seeking confirmation will be assisted in completing the appropriate form by the staff of the local sheriff clerk's office. If the value of the estate is in excess of £36,000, people seeking confirmation will be advised to consult a solicitor.

Justice of the Peace Courts

The Justice of the Peace Court is a lay court where a justice of the peace who is not legally qualified sits with a legally qualified clerk. The clerk provides advice to the justice on matters of law and procedure. The Court deals mainly with less serious summary criminal cases. The maximum sentence that a justice of the peace may impose is 60 days imprisonment or a fine not exceeding £2,500.

The sheriff clerk is responsible for all the administrative work in the Sheriff Court and Justice of the Peace Court including:

Recovery of fines and compensation orders

Issuing copies of court orders, such as those relating to bail, community payback orders or restriction of liberty orders.

Citation and management of jurors.

More detailed information about courts in Scotland can be found on the website of the Scottish Courts and Tribunals Service.

Related Links

Scottish Courts and Tribunals Service

Last update: 28/10/2019

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