



European Network of Councils
for the Judiciary (ENCJ)

Reseau européen des Conseils
de la Justice (RECJ)

**Questionnaire indicators independence and accountability of the Judiciary
2022-2023**

Country: Bulgaria

Methodology used for filling out questionnaire ¹	
Who filled out the questionnaire	Members of the Project team
Was a national expert group set up to validate the reply?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Who were the members of the national expert group? (names and positions)	

¹ See paragraph 3.3 page 24 of the IA&Q report 2018-2019

INDEPENDENCE INDICATORS

Formal independence of the Judiciary as a whole

1. Legal basis of the independence of the Judiciary as a whole	
1a. Is the independence of the Judiciary or the judge formally guaranteed ² ?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1b. If the answer to 1a. is yes, is this done in/by:	<input checked="" type="checkbox"/> Constitution or equivalent text ³ <input type="checkbox"/> Law ⁴ <input type="checkbox"/> Constitutional court <p>Note 1: Note 1: In relation to the answers to 1 b, c, d, e and f: Possible answers to these questions also include "law", insofar as there is a regulation in law alongside with regulation in the Constitution. In this sense, when filling out the Questionnaire in 2019-2020 the respective answers were given. There is no change in the regulations from the previous period, but as far as one answer shall be given, "Constitution or equivalent text" is answered.</p>
1c. Are judges formally bound only by law?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>See note 1</p>
1d. If the answer to 1c. is yes, is this done in/by:	<input checked="" type="checkbox"/> Constitution or equivalent text <input type="checkbox"/> Law <input type="checkbox"/> Constitutional court <p>See note 1</p>
1e. Are judges appointed permanently until retirement?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

² See question 1b.

³ Equivalence means here specifically that the position of the Judiciary cannot be changed by simple majority.

⁴ That can be changed by simple majority.

	See note 1
1f. If the answer to 1e. is yes, is this guaranteed in/by:	<input checked="" type="checkbox"/> Constitution or equivalent text <input type="checkbox"/> Law <input type="checkbox"/> Constitutional court See note 1
1g. Is the mechanism to fix the salary of judges determined by law?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note 2: The highest and the lowest salary of a judge are set out in art. 218 of the Judiciary System Act. The amount of the other judges' salaries shall be determined by the Plenum of the Supreme Judicial Council
1h. If the answer to 1g is yes, is this guaranteed in:	<input type="checkbox"/> Constitution or equivalent text <input checked="" type="checkbox"/> Law
1i. Is there a formal mechanism to adjust the salaries of judges to keep pace with the average development of salaries in the country and/or with inflation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1j. Is the involvement of the Judiciary in law and judicial reform ⁵ formally guaranteed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note 3: Pursuant to art.30, p.13, of the Judiciary System Act, the Plenum of the Supreme Judicial Council shall provide opinions on draft laws that are relevant for the Judiciary. In addition, opinions to the Council of Ministers and the National Assembly on draft laws relating to the activity of the relevant body of the judiciary may be given by: <ul style="list-style-type: none"> - The General Assembly of the regional court - The general Assembly of the district court - The General Assembly of the Court of Appeal - The General Assembly of the Military Court - The General Assembly of the Administrative court

⁵ The objective of a judicial reform process should be to improve the quality of justice and the efficacy of the Judiciary, while strengthening and protecting the independence of the Judiciary, accompanied by measures to make more effective its responsibility and accountability. See the ENCJ Report on Judicial Reform 2011-2012.

	- The Plenum of the Supreme Court of Cassation - The Plenum of the Supreme Administrative Court
1k. If the answer to 1j. is yes, is this done in:	<input type="checkbox"/> Constitution or equivalent text <input checked="" type="checkbox"/> Law <input type="checkbox"/> Constitutional court
1l. If the answer to 1j. is yes, does the Judiciary have:	<input type="checkbox"/> The right to put forward a formal proposal to change a law <input checked="" type="checkbox"/> The right to advise on legislative proposals
1m. Is the Judiciary involved in the formation and the implementation of judicial reform?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note 4: The possibility of participation of the judiciary in the formation and implementation of judicial reform is formally regulated in legal acts. Actual participation in these processes is carried out in different ways by different bodies.
1n. Has the Judiciary initiated judicial reform?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note 5: The SJC has initiated legislative changes in individual legal institutions and activities, for example to introduce mandatory mediation in certain civil cases; centralized allocation of order of payment proceedings; improvement of attestation procedures, disciplinary proceedings of judges, etc.

2. Organizational autonomy of the Judiciary	
2a. Does your country have a Council for the Judiciary ⁶ ?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2b. Is the position of the Council for the Judiciary formally	<input checked="" type="checkbox"/> Constitution or equivalent text

⁶ See article 6 ENCJ Statutes. National institute which is independent of the executive and legislature, or which is autonomous and which ensures the final responsibility for the support of the Judiciary in the independent delivery of justice.

guaranteed, and if so where?	<input type="checkbox"/> In the Law <input type="checkbox"/> No See note 1 above.
2c. Is the Council organized in accordance with ENCJ Guidelines concerning:	
At least 50% of the members of the Council are judges who are (with the exception of ex-officio members) chosen by their peers ⁷	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note 6: The Supreme Judicial Council of the Republic of Bulgaria consists of two Colleges - Judges` and Prosecutors`, which have jurisdiction over a range of issues defined in the Judiciary System Act, which apply respectively to judges and prosecutors and investigators. The Plenum of the SJC, which consists of all members of both colleges, has jurisdiction over other issues. The Judges` College consists of 14 members, of whom 6 are elected by their peers, 6 by the Parliament and two ex officio members - the presidents of the Supreme Court of Cassation and Supreme Administrative Court. The Prosecutors` College consists of 11 members, of whom 5 are elected by their peers (4 from the prosecutors and 1 from the investigators), 5 from the Parliament and one ex officio member - the Prosecutor General.
The judicial members represent the whole judiciary (all tiers of the Judiciary are represented in the Council)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note 7: In the election of the members of the Judges` College of the SJC, all judges in the country participate and, accordingly, representatives of each of the levels may be elected; there are no regulated quotas for each level. Depending on the results of the particular election, it is possible to have representatives from all

⁷ Only in case of a Council representing judges and prosecutors, please read magistrates.

	levels. In the current composition of the Judges' College of the SJC, there are no representatives from all levels.
(Former) Members of government are not a member of the Council ⁸	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note 8: In the current composition of the Supreme Judicial Council there are no such members, but according to the law there is no prohibition for this.
(Former) Members of parliament are not a member of the Council ⁹	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note: See note 8
The Council controls its own finances (including the administrative and human resources) independently of both the legislative and executive branches ¹⁰	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The Council controls its own activities independently of both the legislative and executive branches	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2d. Is the Council responsible¹¹ for the following:	
The appointment and promotion of magistrates	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The training of magistrates	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Judicial discipline	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Judicial ethics	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Complaints against the Judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note 9: Each of the two Colleges of the SJC can consider proposals from the Inspectorate at the SJC in connection with disciplinary responsibility of magistrates, made on the occasion of a complaint against a specific magistrate.
The performance management of the Judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The administration of courts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

⁸ ENCJ Standards report on non-judicial members in judicial self-governance 2016

⁹ Idem

¹⁰ The finances of the Council for the Judiciary refer to the budget of the Council itself and not to the budget of the Judiciary as a whole.

¹¹ Responsible implies that the Council executes these tasks. But it can also mean that the Council has delegated these tasks to a separate body.

The financing of the courts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Proposing legislation concerning the courts and the Judiciary ¹²	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2e. If the answer to question 2a. is no or if the Council is not responsible in the following areas do judges have decisive influence on decisions in the following areas?		
The appointment and promotion of magistrates	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The training of magistrates	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Judicial discipline	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Judicial ethics	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Complaints against the Judiciary	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The performance management of the Judiciary	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The administration of courts	<input type="checkbox"/> Yes	<input type="checkbox"/> No
The financing of the courts	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Proposing legislation concerning the courts and the Judiciary ¹³	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

3. Funding of the Judiciary		
3a. Is the funding of the Judiciary sufficient as to allow the courts: (not part of the formal indicators)	[several answers possible]	
	<input checked="" type="checkbox"/> To handle their caseload	
	<input checked="" type="checkbox"/> To engage experts/translators/etc. in cases when necessary if fees paid by court	
	<input checked="" type="checkbox"/> To keep the knowledge and skills of judges up to date	
	<input checked="" type="checkbox"/> To keep the knowledge and skills of court staff up to date	
3b. Who makes the decisions?	<input type="checkbox"/> To facilitate judges and other personnel in matters of IT-systems, buildings etc.	
	Judiciary	Executive¹⁴

¹² To the Parliament or the Ministry of Justice.

¹³ To the Parliament or the Ministry of Justice.

Please insert an "x" into the box that corresponds to the situation in your country.			
a) Involvement in the preparation of the "budget allocated to courts"	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Formal proposal on the budget allocated to courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Adoption of the budget allocated to courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Control of the budget allocated to courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Evaluation/audit of the budget allocated to courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3c. In case the government does not allocate sufficient funds, may the Judiciary address the parliament?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>Note 10: Representatives of the SJC may participate in meetings of the Budget Committee of the Parliament, when the budget of the judiciary is discussed.</p>		
3d. Is the funding of the Judiciary based upon transparent and objective criteria?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
3e. If the answer to 3d is yes, is the funding based on:	<p>[several answers possible]</p> <input checked="" type="checkbox"/> Actual costs ¹⁵ (e.g. number of judges and court staff) <input type="checkbox"/> Workload of courts <input type="checkbox"/> Fixed percentage of government expenditure or GDP <input checked="" type="checkbox"/> Other (specify): ... <p>Note 11: In the financing of the judiciary, the historical principle is applied, taking into account the expenses incurred for the previous financial year and taking into account the inflationary processes that have occurred. The budget of the judiciary includes expenses for labour remuneration of magistrates and judicial staff, social security, maintenance, capital expenses.</p>		

¹⁴ Such as the Minister of Justice

¹⁵ Figure based upon historic or realized costs.

	Currently, the SJC is participating in the implementation of a project under the "Good Governance" Operational Programme for the introduction of programme budgeting in the bodies of the judiciary, within the framework of which clear and objective criteria should be introduced to achieve budgeting based on goals and results.
3f. Where have these criteria been defined	<input checked="" type="checkbox"/> In well-established practice <input type="checkbox"/> In law <input type="checkbox"/> Other (specify)

4. Court management¹⁶			
Which authorities can take the following decisions? Please cross the box that corresponds to the situation in your country.	Judiciary	Executive	Legislature
General management of a court	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appointment of court staff (other than judges)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Redeployment of judges to address temporary workload issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other human resource management decisions on court staff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decisions regarding the implementation and use of Information and Communication Technology in courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decisions regarding court buildings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decisions regarding court security	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decisions regarding outreach activities ¹⁷	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Formal independence of the judge

5. Human resource decisions about judges			
5a. Selection, appointment and dismissal of <u>judges</u> and <u>court</u>	Judiciary	Executive	Legislature

¹⁶ Court management also refers to non-budgetary decisions with impact on the functioning of the courts.

¹⁷ This includes all communication and promotional activities aimed to inform society about the Judiciary.

<p>presidents</p> <p>Which authorities can take the following decisions?</p> <p>Please cross the box that corresponds to the situation in your country.</p>			
Proposal of candidates ¹⁸ for the appointment as judges (not supreme court judges)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision ¹⁹ on the appointment of a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal for the dismissal of a judge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the dismissal of a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal of candidates for the appointment as court presidents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the appointment of a court president	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal for the dismissal of a court president	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the dismissal of a court president	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>5b. Selection, appointment and dismissal of Supreme Court judges and the President of the Supreme Court</p> <p>Which authorities can take the following decisions?</p>	Judiciary	Executive	Legislature
Proposal of candidates for the appointment as Supreme Court judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision ²⁰ on the appointment of a Supreme Court judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal for the dismissal of a Supreme Court judge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the dismissal of a Supreme Court judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal of the candidate(s) for the appointment of the President of the Supreme Court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the appointment of the President of the Supreme Court	<input checked="" type="checkbox"/> <p>Note 12: According to Art. 129, para. 2 of the</p>	<input type="checkbox"/>	<input type="checkbox"/>

¹⁸ The final proposal of candidate(s) which is transmitted to the body that appoints/elects them.

¹⁹ In the context of this question a decision includes a binding proposal addressed to the body which formally makes the relevant decision.

²⁰ In the context of this question a decision includes a binding proposal addressed to the body which formally makes the relevant decision.

	Constitution of the Republic of Bulgaria, the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court and the Prosecutor General shall be appointed and released by the President of the Republic on a proposal by the Plenum of the Supreme Judicial Council for a single term of seven years. The President may not refuse to decree any such appointment or release upon a second proposal.		
Proposal for the dismissal of the President of the Supreme Court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Decision on the dismissal of the President of the Supreme Court	<input checked="" type="checkbox"/> See note 12	<input type="checkbox"/>	<input type="checkbox"/>
5c. Is the appointment of judges in compliance with the ENCJ guidelines?			
Is the appointment process open to public scrutiny	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

and fully and properly documented?	<p>Note 13: The appointment process is regulated by law. Written documents are drawn up for each stage of the procedure. The process of evaluating the candidates is carried out at the discretion of a competition committee, which ranks the candidates and prepares brief reasons. This process is not open to public scrutiny and excluded from judicial review.</p>		
Is the appointment process undertaken according to published criteria?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is the appointment of judges solely based on merit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>See note 13</p>		
Is there in place a written policy designed to encourage diversity in the range of persons available for appointment?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Does the appointment process provide for an independent complaint procedure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
5d. Evaluation, promotion²¹ and training of judges. Which authorities can take the following decisions?	Judiciary	Executive	Legislature
Decision ²² on the evaluation of a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evaluation of the performance management of courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the promotion of a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adoption of ethical standards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Application of ethical standards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the program/content of training for judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5e. Probationary periods after first appointment²³			
Before permanent appointment do judges serve a probationary period?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

²¹ Promotion of judges in the sense of this sub-question and sub-question 5e also covers applications by judges to a new judicial position within the judicial system.

²² In the context of this question 5d) a decision includes a binding proposal addressed to the body which formally makes the relevant decision.

²³ Venice Commission 2010 report on the Independence of Judges

If yes, is the refusal to confirm the judge in office made according to objective criteria and with the same procedural safeguards as apply when a judge is to be removed from office?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the body that decides include a majority of Judges?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Note 14: The body that decides is the Judges' College of the Supreme Judicial Council whose members during their mandate are not acting judges, with the exception of the <i>ex officio</i> members.
Is this body independent from the executive and legislature?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5f. Is the promotion²⁴ of judges in compliance with the ENCJ standards?	
Is the promotion process open to public scrutiny and fully and properly documented?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See note 13
Is the promotion process undertaken according to published criteria?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the promotion of judges solely based on merit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See note 13
Is there in place a written policy designed to encourage diversity in the range of persons available for promotion?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the promotion process provide for an independent complaint procedure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

6. Disciplinary measures	
6a. Are disciplinary measures against judges in accordance with ENCJ standards, namely	
Is there a list of types of judicial conducts/ethics the breach of which would be unacceptable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is there a time limit for the conducting of the investigation, the making of a decision and the imposition of any sanction?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the name of the judge withheld prior to any sanction being imposed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note 15: According to Art. 313, para. 3 of the Judiciary System Act, facts and circumstances related to the disciplinary proceedings may not be

²⁴ Promotion of judges in the sense of this sub-question and sub-question 5d also covers applications by judges to new judicial position within the judicial system.

	disclosed until the act of imposing disciplinary punishment on the person brought to disciplinary responsibility is issued.		
Does a judge have the right to be legally represented or assisted by a person of her/his choosing?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is there is a right of appeal by way of judicial review or cassation appeal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
6b. Which is the competent body to make the following decisions in the context of disciplinary procedures against judges:	Judiciary	Executive	Legislature
Proposal for the appointment of a member of the disciplinary body for judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the appointment of a member of the disciplinary body for judges	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Investigation of a complaint against a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposal for a disciplinary decision regarding a judge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disciplinary decision regarding a judge	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Decision on the follow-up to a complaint against the Judiciary/a judge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Note 16: The Minister of Justice has the right to appeal to the court only when, on his proposal, the initiation of disciplinary proceedings or the imposition of a disciplinary penalty is refused.	<input type="checkbox"/>

6c. Can disciplinary measures be initiated against a judge (except in cases where there has been malice or gross negligence) for the following reasons:			
His/her interpretation of the law	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
His/her assessment of facts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
His/her weighing of evidence in determining a case	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
For exercising his/her freedom of expression in order to address threats to the independence of the judiciary, threats to judicial integrity, fundamental aspects of the administration of justice ²⁵ and when fundamental rights and the Rule of Law are in peril ²⁶	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

7. Non-transferability of judges	
7a. Choose one of the following three options:	<input type="checkbox"/> Judges cannot be transferred to another court or location without their consent [go to Q7b] <input checked="" type="checkbox"/> Judges cannot be transferred to another court or location without their consent except for : - a disciplinary sanction, - the lawful alteration of the court system and - a temporary assignment to reinforce a neighbouring court, the maximum duration of such assignment being strictly limited by the statute [go to Q7c] <input type="checkbox"/> Judges can be transferred to another court or location without their consent also for other reasons [go to Q7c]
7b. If transfer without consent is prohibited, is the prohibition guaranteed in: [go to Q7g]	<input type="checkbox"/> Constitution or equivalent text <input type="checkbox"/> Law <input type="checkbox"/> Jurisprudence
7c. Which authority or body decides on a (temporary or permanent) transfer of a judge without his/her consent?²⁷	<input checked="" type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> The legislature

²⁵ ICJ - <https://www.icj.org/judgesexpression2019/>

²⁶ ENCJ report on Judicial Ethics 2010

²⁷ This relates to the allowed exceptions under 7a and to any other reasons.

7d. In case a judge is transferred (temporarily or permanently) without his/her consent is he/she guaranteed an equivalent post (in terms of a position, salary...)?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <p>Note 17: Answer is "YES" when the transfer is due to a lawful alteration of the court system and temporary assignment to reinforce a neighbouring court (secondment). The answer is "No" when the transfer is under disciplinary sanction</p>
7e. Can a judge appeal if he/she is transferred (temporarily or permanently) without his/her consent?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7f. If yes, which authority or body decides on such an appeal?	<input checked="" type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> The legislature
7g. Can a judge be taken off a case without his/her consent?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7h. If no, is the prohibition guaranteed in:	<input type="checkbox"/> The Constitution or equivalent text <input checked="" type="checkbox"/> Law <input type="checkbox"/> Custom

8. Allocation of cases	
8a. Is there a well-defined mechanism for the allocation of cases?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8b. If yes, where have these criteria been defined?	<input type="checkbox"/> In well-established practice of the court <input type="checkbox"/> In an act adopted by the court <input type="checkbox"/> In implementing regulations <input checked="" type="checkbox"/> In law <input type="checkbox"/> Other (specify): Click or tap here to enter text.
8c. What are the criteria for the allocation of cases?	<input checked="" type="checkbox"/> Random-based <input checked="" type="checkbox"/> Specialization <input type="checkbox"/> Experience <input type="checkbox"/> Workload <input type="checkbox"/> Other (specify): Click or tap here to enter text. <p>Note 18: Pursuant to Art. 9 of the</p>

	Judiciary System Act, cases and case files shall be distributed in the judicial authorities based on the random selection principle through even electronic assignment in the order of their receipt, i.e. random-based. The principle of random selection in the allocation of cases in the courts is applied within the colleges or divisions, i.e. according to specialization.
8d. Who assigns the cases to judges at the courts?	<input type="checkbox"/> President of the court assigns cases
	<input type="checkbox"/> A member of the court staff assigns cases (e.g. listing officer)
	<input type="checkbox"/> A special chamber of the court assigns cases
	<input checked="" type="checkbox"/> The cases are assigned randomly (e.g. through a computerized system)
	<input type="checkbox"/> Other (specifyClick or tap here to enter text.
8e. Is the allocation of cases subject to supervision within the Judiciary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8f. Is the method of allocation of cases publicly accessible?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8g. Are the parties entitled to be informed about the allocation of the case prior to the start of the hearing of the case?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8h. Is the mechanism of allocation being applied uniformly within the country?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8i. Is the motivation for any derogation recorded?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

9. Internal independence

9a. In your system, can higher ranked judges change a verdict of a lower ranked judge (outside of an appeal system, the	<input type="checkbox"/> Yes
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precedent doctrine or a preliminary ruling system)?	<input checked="" type="checkbox"/> No
9b. What kind of decisions can higher ranked judges deliver on their own initiative to ensure the uniformity or consistency of judicial decisions (outside of an appeal system or the precedent doctrine)?	<input type="checkbox"/> None <input type="checkbox"/> Non-binding guidelines <input checked="" type="checkbox"/> Binding guidelines <p>Note 19: Pursuant to Section X of the Judiciary System Act, in case of controversial or incorrect practice in the interpretation and application of the law, an interpretive judgment or interpretative decree is adopted by the Plenums of the Supreme Court of Cassation and the Supreme Administrative Court, individually or jointly, which are binding.</p>
9c. Can judges at the same level develop guidelines to ensure uniformity or consistency of judicial decisions?	<input type="checkbox"/> None <input checked="" type="checkbox"/> Non-binding guidelines <input type="checkbox"/> Binding guidelines
9d. Can the management of the court exert pressure in individual cases on the way judges handle their cases with respect to the uniformity/consistency?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9e. Can the management of the court exert pressure in individual cases on the way judges handle their cases with respect to the timeliness/efficiency of judicial decisions?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Perceived independence

10. Independence as perceived by society

Please don't answer these questions. The data will be filled in by the secretary of the project group for each

member and observer.

10a. Perceived independence according to Flash Eurobarometer 461 (2018) ‘Perceived independence of the national justice systems in the EU among the general public’ and

Flash Eurobarometer 462 (2018) ‘Perceived independence of the national justice systems in the EU among companies’.

Percentage of respondents that rate very good or fairly good.

Score 461:: Click or tap here to enter text.

Score 462: Click or tap here to enter text.

Total Score: Click or tap here to enter text.

10b. Perceived independence according to the World Economic Forum Competitiveness Report 2018, item 1.07. Score on 7-point scale.

Score1.07: Click or tap here to enter text.

10c. Perceived independence according to the World Justice Rule of Law Index 2017/2018, average of Q1.2, Q7.4 and Q8.6.

Q1.2 Score: Click or tap here to enter text.

Q7.4 Score: Click or tap here to enter text.

Q8.6 Score: Click or tap here to enter text.

Total: Click or tap here to enter text.

11. Independence as perceived by the clients of the courts

11a. Are national client satisfaction surveys available of the past three years which contain a question with respect to the perceived independence (impartiality) of the Judiciary?

☐ Yes
☒ No

11b. If yes, please state the percentage of respondents that rate the perceived independence (impartiality) very good or fairly good.

Percentage: Click or tap here to enter text.

12. Independence as perceived by lawyers

Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.

Perceived independence according to the CCBE survey, question 10 (figure 48 I,A&Q report 2019-2020)	Score: Click or tap here to enter text.
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13. Independence as perceived by judges

Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.

Perceived independence according to the ENCJ survey, question 16	Score: Click or tap here to enter text.
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14. Perceived Judicial corruption

Please don't answer this question. The data will be filled in by the secretary of the project group for each member and observer.

Perceived Judicial corruption according to Special Eurobarometer 470 (2017) 'Corruption', QB7. Percentage of respondents that believe corruption is widespread.	Score: Click or tap here to enter text.
Perceived Judicial corruption according to WJP, Q2.2.	Score: Click or tap here to enter text.

15. Trust in Judiciary

Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.

Trust in judiciary, relative to trust in other state powers by citizens, according to EC Public Opinion, eu.europa.eu Percentage that trusts the justice system vs percentages that trust national parliament and national government.	Score: Click or tap here to enter text.
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ACCOUNTABILITY INDICATORS

Formal accountability of the Judiciary as a whole Transparency about the functioning of the Judiciary

1. Periodic reporting on the Judiciary	
1a. Is an annual report published on how the Judiciary has discharged its functions?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1b. If the answer to 1a is yes, who publishes the report?	<input checked="" type="checkbox"/> Judiciary <input type="checkbox"/> Executive
1c. If the answer on 1a is yes, does this report include data on:	[several answers possible] <input checked="" type="checkbox"/> The number of completed cases? <input checked="" type="checkbox"/> Duration of cases? <input checked="" type="checkbox"/> Disciplinary measures <input checked="" type="checkbox"/> (Successful) complaints <input checked="" type="checkbox"/> (Successful) requests for recusal
1d. Are the courts periodically and publicly benchmarked with respect to their performance, e.g. timeliness?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

2. Relations with the press	
2a. Do officials (communication officers or press judges) of the courts explain judicial decisions to the media?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2b. Has the Judiciary established press guidelines?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2c. Does the Judiciary give authorization to broadcast court cases that draw particular public interest on television?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

3. Outreach activities aimed at civil society	
3a. Do Open Door days take place in the Courts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3b. Are educational programmes conducted at schools	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3c. Have television/radio/social media programme formats been developed with the relevant broadcast companies to provide insight in the work of the judge?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

4. External review	
4a. Is the performance of the courts regularly reviewed or evaluated by external bodies?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4b. Who can commission an external review of the Judiciary?	[several answers possible] <input type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> The legislature

Formal accountability of the Judiciary as a whole
Involvement of civil society in judicial governance

5. Participation of civil society in governance bodies of the judiciary			
Please fill in the table			
Governing body which is responsible for:	Are persons with a non-judicial background members? ²⁸	How many non-judicial persons are member of the governing body?	Are the non-judicial members appointed through a transparent procedure, based on merit?
Selection & Appointment of judges	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> less than half <input type="checkbox"/> half <input type="checkbox"/> more than half	<input type="checkbox"/> Yes <input type="checkbox"/> No
Disciplinary measures against judges	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> less than half <input type="checkbox"/> half <input type="checkbox"/> more than half	<input type="checkbox"/> Yes <input type="checkbox"/> No
Complaints about judges and the court(s) in general	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> less than half <input type="checkbox"/> half <input type="checkbox"/> more than half	<input type="checkbox"/> Yes <input type="checkbox"/> No

Formal accountability of the judge and staff
Mechanisms to promote and maintain ethical standards of the judiciary

6. Complaints procedure	
6a. Does the Judiciary or do the individual courts have a complaint procedure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6b. Is it admissible to complain about:	[several answers possible] <input checked="" type="checkbox"/> Behaviour of judges <input checked="" type="checkbox"/> Timeliness <input checked="" type="checkbox"/> Administrative mistakes <input type="checkbox"/> Other

²⁸ Not being ex officio members, Minister of Justice or members of parliament.

6c. Is an appeal against a decision on a complaint possible?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <p>Note 20: The possibility of an appeal depends on the subject matter of the appeal and the applicable procedure.</p>
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7. Withdrawal and recusal	
7a. Is a judge obliged to withdraw from adjudicating a case if the judge believes that impartiality is in question or compromised or that there is a reasonable perception of bias?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7b. If yes, what is the source of the obligation to withdraw from adjudicating a case?	<p>[one answer only]</p> <input type="checkbox"/> Well-established practice of judges <input type="checkbox"/> Set in an act adopted by a court <input type="checkbox"/> Set in an act adopted by the Council for the Judiciary <input type="checkbox"/> Set in an act adopted by the Minister of justice <input checked="" type="checkbox"/> Set in law <input type="checkbox"/> Other (specify):
7c. If a judge disrespects the obligation to withdraw from adjudicating a case, which sanctions could the judge be subjected to?	<p>[several answers possible]</p> <input type="checkbox"/> Oral warning <input type="checkbox"/> Written warning <input type="checkbox"/> Suspension <input type="checkbox"/> Disciplinary dismissal <input checked="" type="checkbox"/> None
7d. Which authority or body takes the first decision on a request for recusal by a party who considers that a judge is partial / biased?	<input checked="" type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> Other (specify): Click or tap here to enter text.
7e. Is an appeal against a decision on a request for recusal possible?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7f. If yes, which authority or body decides on such an appeal?	<input type="checkbox"/> The Judiciary <input type="checkbox"/> The executive <input type="checkbox"/> Other (specify): Click or tap here to enter text.

8. Admissibility of accessory functions and disclosure of interests	
8a. Are judges allowed to have other functions?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [if no go directly to Q. 8f]
8b. Is an authorisation for the exercise of accessory functions by judges necessary?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8c. If the answer to 8b. is yes, who gives authorisation?	<input type="checkbox"/> The Judiciary <input type="checkbox"/> The Executive <input type="checkbox"/> The Legislature
8d. If 8a is yes, is there a register of the other jobs and/or functions judges have?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8e. If the answer to 8d is yes is this register public?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8f. Is there a register which discloses financial interests judges may have?	<input checked="" type="checkbox"/> Yes, please specify the minimum amount which needs to be disclosed: Click or tap here to enter text. <input type="checkbox"/> No <p>Note 21: According to Art. 175 b) of the Judiciary System Act judges, prosecutors and investigators submit a declaration of property and interests in the country and abroad. According to Art. 175 c), within one month from the expiration of the terms under para. 1, 2 and 5 the Inspectorate at the Supreme Judicial Council publishes on its website the declarations of judges, prosecutors and investigators and a list of persons who have not submitted declarations in time. The list is removed from the website at the end of the respective calendar year to which it refers.</p>

8g. If the answer to 8f is yes, is this register public?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

9. Code or guidelines of judicial ethics	
9a. Does the Judiciary have a code or guidelines of judicial ethics?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9b. If the answer to 9a. is yes, is it available to the public?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9c. Is judicial training on judicial ethics available?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9d. Is there a body with responsibility to provide judges with guidance or advice on ethical issues?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>Note 22: The Committee on Professional Ethics at the Judges' College gives non-binding opinions when a question is addressed to it, but this is not regulated in a normative act.</p>

Formal accountability of the judge and staff

Mechanisms to evaluate performance and promote and maintain ethical standards of the judiciary

10. Evaluation of judges	
10a. Existence of evaluation and its purpose	
Is the performance of judges evaluated on a systematic basis?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No - questions ends
Has the purpose and consequences of evaluation been made explicit in a binding document (primary legislation or court regulation)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
10b. Purposes of evaluation	

A. Personal learning and professional development	
Is the purpose of evaluation personal learning and professional development of a judge? Decisions taken on the basis of the outcome of this type of evaluation are, in principle, only by the judge. Example: personal resolve to improve communication with parties or a request for specific training.	<input type="checkbox"/> Yes: proceed to next question <input checked="" type="checkbox"/> No: Go to B
Who evaluates?	<input type="checkbox"/> Peer(s) <input type="checkbox"/> Other
Is the Report of the evaluation available to only the judge or also management?	<input type="checkbox"/> Only evaluated judge <input type="checkbox"/> Also management
What is the frequency of the evaluation?	<input type="checkbox"/> More frequent <input type="checkbox"/> Every 2-4 years <input type="checkbox"/> Less frequent
B. Performance evaluation by management, not aimed at individual human resource/career decisions.	
Is the purpose of performance evaluation by management, not aimed at individual human resource/career decisions? Examples: (1) Development of the competences and skills of the judges of a court or a department of a court, in connection with the distribution of judges across areas of law, including their specialization and training needs. Example of a decision by (knowledge) management: allocation of specialisations. (2) Promoting the quantitative and qualitative performance of the judges of a court in connection with the efficiency and effectiveness of the court. Example of decision by management: determination of individual case load and timeliness.	<input type="checkbox"/> Yes: proceed to next question <input checked="" type="checkbox"/> No: go to C
Is all information on which the evaluation is based documented?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are all documents available to the judge?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Has the judge the right to respond to any findings on him/her?	<input type="checkbox"/> Yes <input type="checkbox"/> No
What is the frequency of the evaluation?	<input type="checkbox"/> More frequent <input type="checkbox"/> Every 1-2 years <input type="checkbox"/> Less Frequent
C. Performance evaluation by management or other responsible authority, aimed at individual human resource/career decisions.	
Is the purpose of evaluation performance evaluation aimed at taking human resource/career decisions about judges such as promotion and career steps (i.e. switch from a first instance court to an appeal court and vice versa)?	<input type="checkbox"/> Yes : proceed to next question <input checked="" type="checkbox"/> No : questions ends
Can evaluation in itself lead to the dismissal (demotion/transfer) of a judge?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the body that conducts the evaluation consist of a majority of judges?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the executive or legislative powers take part in the evaluation?	<input type="checkbox"/> Yes <input type="checkbox"/> No (0)
What is the frequency of the evaluation, if it is conducted on a regular basis?	<input type="checkbox"/> More frequent <input type="checkbox"/> Every 2-4 years <input type="checkbox"/> Less frequent
Is all information on which the evaluation is based documented?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are all documents available to the judge?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the judge have the right to respond to any findings on him/her?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is a procedure of appeal in place which allows for an independent review of all materials?	<input type="checkbox"/> Yes

	<input type="checkbox"/> No
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Perceived accountability of the Judiciary and individual judge

11. Adherence of judges to ethical standards, as perceived by judges

** Please don't answer this question. The data will be filled in by the secretary of the project group for each member and observer.*

ENCJ survey, Q19

Score: Click or tap here to enter text.

12. Adequacy of actions by judicial authorities to address judicial misconduct and corruption, as perceived by judges

** Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.*

ENCJ survey, average of Q20 and Q21.

Score: Click or tap here to enter text.

13 Adequacy of actions by judicial authorities to address judicial misconduct and corruption, as perceived by lawyers

** Please don't answer these questions. The data will be filled in by the secretary of the project group for each member and observer.*

CCBE survey, average of Q11 and Q12.

Score: Click or tap here to enter text.