Questionnaire

**HOW CAN THE APPOINTMENT AND ASSESSMENT (QUALITATIVE AND QUANTITATIVE) OF JUDGES BE MADE CONSISTENT WITH THE PRINCIPLE OF JUDICIAL INDEPENDENCE.**

Country: Republic of Bulgaria

We do not consider the question of the initial appointment of the "judge", because we want to discuss the question of appointment together with the question of assessment. We therefore deal with the appointment of judges to another position/function. The question of (first) appointment has already been discussed by the First Commission several times.

1. Are there assessments on the occasion of the appointment (of a judge) to another position or function?
   - Yes. The judges are appointed after having successfully passed competitive written and oral exams.

2. Are there assessments on other occasions?
   - Yes. Judges are assessed on achieving status of irremovability and on being promoted for a higher rank or office.

3. Who is in charge of the assessments?
   - The Supreme Judicial Council is in charge of all judicial assessments according to the Constitution.

4. Please describe how an assessment is conducted?

   The assessment procedure starts with an evaluation of the work of the respective judge in connection with the cases distributed for him/her to decide. The evaluation is enclosed with a statement of the administrative head of the respective court. If the assessment is on the occasion of promotion in rank or office and removal in another court, the judge has to pass a competitive exam. To achieve status of irremovability the law requires assessment for a longer period of time. An instruction is forthcoming establishing novel and numerous requirements.

5. Has this assessment a quantitative character (eg. number of cases undertaken; files completed)? Please describe. What figures are taken into consideration?

   In the assessment procedure every aspect of the judicial conduct is taken into account. However, the most important is the number of cases undertaken and the results of the appeals.

6. Has this assessment a qualitative character (eg. someone assesses how well the judge performs at various tasks)? Please describe. What aspects are taken into consideration?

   Yes. In the assessment procedure the legal complexity of the cases decided is taken into account, as well as the ratio between the cases approved by the higher instances and the total number of cases decided.

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1 De quelle manière la nomination et l'évaluation (qualitative et quantitative) des juges est-elle mise en concordance avec les principes de l'indépendance judiciaire?
2 See General Reports of the 1st Study Commission of the I.A.J. of 2001 (Madrid) and 1999 (Taipei).
7. Do the number and/or the outcome of the cases handled by the judge play any role in the assessment? Please explain.

Yes. The assessment counts the work-loading of every judge.

8. Is the duration of a case dealt with by a judge an item which is considered in an assessment? In what way? Please, explain.

Yes. The assessment counts the number of times and the grounds the case has been delayed, as well as the responsible person and the sanctions, if any, imposed on parties for having caused ungrounded delay. For failure to follow the law on these matters judges bear disciplinary liability.

9. How are judges who sit in court assessed?

All judges sit in court and are assessed under the same procedure.

10. What are the consequences of these assessments?

If the assessment procedure ends with a positive evaluation, the judge achieves status of irremovability and remains to work within the system; or, depending on the proposal, is promoted to a higher rank or office. If not, he / she is expelled, if he / she is not irremovable, and is denied promotion, if is.

11. Is there any connection between assessment and remuneration?

No, there is no such connection.

12. Do you see any infringement on the independence by virtue of the assessment of judges in your country? Please, explain.

No, on the contrary. This would even lead to greater discipline among judges and higher successiveness, respectively improvement of the public confidence within the judicial profession and institutions.

13. What topic do you suggest for next meeting?

Structure and manner of establishment of supreme judicial councils.

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