



CCJE-BU (2014)1

Strasbourg, 14 January 2014

## **CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)**

**Questionnaire for the preparation of the CCJE Opinion No. 17 (2014)**

**on justice, evaluation and independence**

**Replies from Bulgaria**

## Introduction

The questionnaire aims at collecting information, as much as possible, about the evaluation of performance of functioning judges. Therefore, the questionnaire is not related to the process of selection and/or recruitment of judges. The replies to the questionnaire will serve to identify the prevailing practices in the member States, and they will be used in the process of preparation of the CCJE Opinion No. 17 (2014), indicated above.

## A. Individual evaluation and assessment of judges: purpose and regulatory framework

1. Does individual evaluation and/or assessment of judges exist in your country? **Yes**
2. If yes, what is its purpose and rationale?  
Individual evaluation is done in two cases:
  - 1/ for the purpose of acquiring tenure, after completing a five year length of service as a judge
    - the appraisal for acquiring tenure shall have the objective of making an objective assessment of the professional qualifications and the performance characteristics shown after the completion of a five-year length of service at the position of a judge; when making an appraisal for the purposes of acquiring tenure the results of the periodic appraisal of the judge shall be taken into consideration (Art.197(1) Judicial System Act (JSA))
    - 2/ periodically, every four years after a previous appraisal, until completion of 60 years of age
      - periodic appraisal shall be an assessment of the professional qualifications and the performance characteristics of a judge, of an administrative head and deputy administrative head for a period of four years (Art.197(2) JSA)
3. Is it compulsory or optional, and does it apply to all judges in the country? **Yes** - it is compulsory and it applies to all judges in the country
4. How it is established and regulated:
  - by legislation – **Yes** (Judicial System Act);
  - by subordinate legislation – **Yes** (Judge, Prosecutor, Investigator, Administrative Head, Vice Administrative Head Attestation Methodology);
  - by internal institutional regulatory instruments - **No**.

## B. Criteria for evaluation and assessment

5. Are there quantitative performance indicators that have to be taken into account, such as:
  - the number of cases in which a decision has been made by a judge;
  - the average time spent on each of these cases;
  - the average number of hearings per case;
  - clearance rate (number of the cases, where a decision has been made, vis-à-vis the total of the cases forwarded to the judge);
  - the average time to judgment (the time required to deliver a judgment by a judge after the completed hearing);
  - any other quantitative indicators.

**Yes**

6. Are there qualitative performance indicators that have to be taken into account, such as:
- analysis of the type, subject and complexity of the cases dealt with by a judge and his/her decisions;
  - the number of appeals vis-à-vis the number of the cases, where a decision has been made;
  - the number of decisions reversed and/or cases remitted by the appellate court;
  - the types of cases where decisions were reversed and/or cases remitted (criminal, civil, administrative or other);
  - the grounds for reversal and/or remittal;
  - any other qualitative indicators.

**Yes**

7. Are there any other indicators that are taken into account in assessing the judge, such as the opinions of the court users, the judicial hierarchy, court experts and others concerned in the judicial process, as well as press articles? - **No**
8. Does the evaluation take into account possible violations of ethical and professional rules/standards adopted for judges?- **Yes**
9. Is there any set scale of importance or of priority between various performance indicators? (please specify) – **Yes**

There are two kinds of criteria for appraisal of a judge – general and specific.

The general ones bring 0-20 points; the specific – 0-10points

There are indicators to each criterion which are explicitly established in the Attestation Methodology and put down in the appraisal form to be filled in.

**Article 198 JSA general criteria/**

(1) The criteria for the appraisal of a judge, prosecutor or an investigating magistrate shall be:

1. legal knowledge and skills for its implementation;
2. skills for analysis of legally relevant facts;
3. skills for optimal organisation of work;
4. expediency and discipline.

(2) In the course of the appraisal under paragraph 1 the following indicators shall be taken into account:

1. compliance with terms,
2. the number of acts confirmed and repealed and the grounds therefor,
3. the outcomes of inspections carried out by the Inspectorate at the Supreme Judicial Council,
4. the overall workload of the respective judicial area and judicial body as well as the workload of the appraised judge, prosecutor or investigating magistrate compared to other judges, prosecutors or investigating magistrates in the same judicial body.

(3) When appraising a junior judge and junior prosecutor the evaluation of the judge or prosecutor appointed as his/her mentor shall also be taken into account.

(4) The time served by the judge, prosecutor or investigating magistrate as a permanent professor at the National Institute of Justice shall also be included in the appraisal period. The evaluation of the work performance as a professor shall be given by the managing board.

**Article 199.1. JSA /specific criteria/**

(1) Specific criteria for the appraisal of judges shall be:

1. The compliance with the schedule of court hearings
2. The skills for conducting court hearings and drawing up records of proceedings

## C. Procedures and mechanisms

10. Who is responsible for individual evaluation and/or assessment of judges? Please specify all institutions and officials taking part in this process (including the Ministry of Justice, presidents of courts, Council for the Judiciary, bodies for the inspection of courts), and indicate their specific roles

**1/ Proposals and Attestation Commission** (composed by Supreme Judicial Council members; in order to discharge its powers the commission shall form from its membership two sub-commissions - a sub-commission for judges and a sub-commission for prosecutors and investigating magistrates – Art.37(4) JSA)

**2/ Auxiliary assessment commissions** (composed by judges from the relevant upper court)

**3/ Presidents of courts** (where the judges who are evaluated work)

**4/ Supreme Judicial Council**

### **The Proposals and Attestation Commission**

The Proposals and Attestation Commission shall:

1/ conduct the appraisal of judges, as well as the administrative heads and their deputies - by being supported by auxiliary assessment commissions in the bodies of the judiciary

2/ hold

- appraisal for acquisition of irremovability status of a judge
- periodical appraisal of the deputy administrative heads and the judges from the Supreme Court of Cassation and the Supreme Administrative Court
- periodical appraisal of the administrative heads in the bodies of the judiciary except for the Chairpersons of the Supreme Court of Cassation and the Supreme Administrative Court
  
- The Proposals and Attestation Commission is proposed by the auxiliary assessment commissions a summary report on the results of their examination and motivated complex evaluation mark. It might: refer the report back to the auxiliary assessment commission for further examination, hear the judge or collect addition information.
- The Proposals and Attestation Commission elaborates complex evaluation mark (positive – with grades satisfactory, good, very good, or negative) and refers it to the judge in question. The evaluation mark shall be motivated and may contain recommendations.

### **Auxiliary assessment commissions**

- the auxiliary assessment commissions shall participate in the conduct of periodic appraisals of judges and of deputies of administrative heads, except for the cases of periodical appraisal of the deputy administrative heads and the judges from the Supreme Court of Cassation and the Supreme Administrative Court
- they shall assist the Proposals and Attestation Commission and shall be elected by the respective judiciary bodies on a random selection principle for each specific appraisal;
- the commissions shall consist of three regular members and one substitute; the administrative head may not be elected as a member of an assessment commission; the auxiliary assessment commission shall elect a chairperson from amongst its members; in case there is no possibility to form an assessment commission by the respective judiciary body its membership shall be supplemented by the higher judiciary body in the respective region; no auxiliary assessment commissions shall be elected at the district and the administrative courts

- auxiliary assessment commissions propose to the Proposals and Attestation Commission summary report on the results of their examination and motivated complex evaluation mark.

### **Presidents of Courts**

The administrative heads of the courts where the judges who are evaluated work shall give opinion on their activity with regard to the appraisal to the Supreme Judicial Council. Their opinions constitute appendix II of the appraisal form (Article 30 (2) JSA).

### **The Supreme Judicial Council**

The Supreme Judicial Council shall:

- hear the judge, who has submitted a written objection against the Proposals and Attestation Commission's complex evaluation mark – and either overrules the objection or refers it back to the relevant auxiliary assessment commission for a new complex evaluation;
- adopt the final complex evaluation mark

11. Are there different evaluation procedures for different judges, depending on their position in the judicial hierarchy, their experience or any other aspect? – **Yes**

In certain cases the assessment is conducted by the Proposals and Attestation Commission itself without the assistance of auxiliary assessment commissions /appraisal for acquisition of irremovability status of a judge; periodical appraisal of the deputy administrative heads and the judges from the Supreme Court of Cassation and the Supreme Administrative Court; periodical appraisal of the administrative heads in the bodies of the judiciary except for the Chairpersons of the Supreme Court of Cassation and the Supreme Administrative Court/; in others – in fact in the majority of the cases, the assessment is conducted with the help of the auxiliary assessment commissions, who propose The Proposals and Attestation Commission summary report on the results of their examination and motivated complex evaluation mark /see answer 10/

12. Is evaluation a continuous process or is it done periodically; if the latter, how often are judges evaluated? - **Periodically**, every **four years** after a previous appraisal, until completion of 60 years of age

11. Are the evaluations done routinely, or only or additionally for specific occasions and/or for specific reasons?

Individual evaluation is done in two cases:

1/ **routinely** - periodically, every four years after a previous appraisal, until completion of 60 years of age

2/ **for the purpose of acquiring tenure**, after completing a five year length of service as a judge

12. How is the evaluation conducted? (please specify exact procedures, including possible pre-evaluation, interviews, hearings, oral and verbal submissions and the role of the evaluators and a judge)

### **Initiative**

The evaluation of a judge or administrative head is conducted upon proposal of the judge in question or proposal of the administrative head of the respective judicial body.

### **Terms**

Proposal for appraisal for acquisition of tenure shall be lodged with The Proposals and Attestation Commission at least three months before the expiration of the 5year term.

The Proposals and Attestation Commission shall commence periodic appraisal at least 6 months before the expiration of the 4 year term

### **Evaluation**

The evaluation is conducted by the Proposals and Attestation Commission, which, in certain cases, is assisted by auxiliary assessment commissions - composed by judges from the relevant upper court.

The evaluation of judges' work is done following the Judicial System Act and Methodology rules.

The auxiliary assessment commissions propose to the Proposals and Attestation Commission summary report on the results of their examination and motivated complex evaluation mark. The Proposals and Attestation Commission may: refer the report back to the auxiliary assessment commission for further examination, hear the judge or collect addition information. It elaborates complex evaluation mark (positive – with grades satisfactory, good, very good, or negative) and refers it to the judge in question. The evaluation mark shall be motivated and may contain recommendations. The judge who is evaluated can object in writing within 7 days time limit before the Supreme Judicial Council. In that case they shall be heard by the Supreme Judicial Council - which either overrules the objection or refers it back to the relevant auxiliary assessment commission for a new complex evaluation. The final complex evaluation mark is adopted by the Supreme Judicial Council.

In fact there are appraisal forms (approved with the Attestation Methodology) to be filled in by the commissions. The system works on points where every criterion is pointed by range of points. The forms contain criteria/results and points/marks.

#### Stages of assessment

The evaluation of the qualification, the achievements and the availability of a judge, an administrative head or a vice administrative head includes three stages:

- 1/ verbal findings on the indicators of the appraisal criteria on the basis of the facts and circumstances found regarding the activity of the judge who is evaluated;
- 2/ numeral mark to each criterion with number of points based on the findings regarding the indicators of the relevant criterion;
- 3/ formation of complex verbal mark on the basis of the sum of the points awarded to each criterion (Art.74 Attestation Methodology).

#### Criteria

There are two kinds of criteria for appraisal of a judge – general and specific. The general ones bring 0-20 points; the specific – 0-10points /see answer 9/.

#### Methods of evaluation

The helping commission evaluate judges' work through the following methods:

- 1/ evaluation of the quantity of the work - done on the basis of statistic data
- 2/ evaluation of the quality of the work – done on the basis of statistic data
- 3/ personal observation – including
  - a/ entire check up of files processed by the judge who is evaluated
  - b/ hearings' visits
  - c/ interviews with colleagues of the judge who is evaluated on questions related to the subject of attestation
  - d/ interview with the judge who is evaluated
  - e/ analysis of authentic written information about the relevant judge's activity (annual reports on the relevant court's activity, information, transmitted by the relevant ethic commissions, information from the Inspectorate of the Supreme Judicial Council, administrative heads' opinions, information from checks or data on Conflict of Interest Prevention and Ascertainment Act, National Institute of Justice opinions about the relevant judge's contribution in training activities, data about participation in trainings for improvement of qualification, etc.) (Art.46 Attestation Methodology)

Article 204a

(1) When conducting the periodic appraisal the auxiliary appraisal commissions and the Commission on proposals and appraisal of judges, prosecutors and investigating magistrates shall carry out an inspection of the records, the protocols of the procedural actions performed by the judges, prosecutors and investigating magistrates and of their acts for the period of the appraisal.

(2) In order to conduct the appraisal the auxiliary appraisal commissions and the Commission on proposals and appraisal of judges, prosecutors and investigating magistrates may hear the appraised judge, prosecutor, investigating magistrate and deputy administrative head as well as collect any additional information on the appraisal indicators.

(3) After the appraisal the Commission on proposals and appraisal of judges, prosecutors and investigating magistrates shall draw up an aggregate evaluation which may be positive or negative. The grades of the positive aggregate evaluations shall be:

1. satisfactory;
2. good;
3. very good.

(4) The aggregate evaluation shall be substantiated and shall contain recommendations to the person appraised.

Article 205

(1) The Commission on proposals and appraisal of judges, prosecutors and investigating magistrates shall present the aggregate evaluation under Article 203a, paragraph 3 to the appraised who may file within seven days a written objection to the Supreme Judicial Council.

(2) In case of an objection the Supreme Judicial Council shall hear the appraised person and if necessary shall collect additional information. The appraised person shall be notified at least seven days prior to the date of the hearing.

(3) When the Supreme Judicial Council complies with the objection the Commission on proposals and appraisal of judges, prosecutors and investigating magistrates shall draw up a new aggregate evaluation.

Article 206

The aggregate evaluation of the periodic appraisal together with the recommendations to the appraised person shall be adopted with a resolution of the Supreme Judicial Council.

13. What are the ratings used during evaluations?

The complex evaluation mark is;

- |                           |              |                 |
|---------------------------|--------------|-----------------|
| 1/ positive – with grades | satisfactory | /41-65 points/  |
|                           | good         | /66-85 points/  |
|                           | very good    | /86-100 points/ |
| 2/ negative               |              | /0-40/          |

14. What are the consequences of the evaluation and how may it affect the career of a judge? Can it result in:

- the promotion or demotion of a judge – **Yes** (it's relevant to promotion procedure):

*ex. results of periodic appraisals are taken into account in the course of competition for promotion and transfer*

Art.192(1) JSA The competition commission shall conduct the competition through an interview with the candidates on practical issues related to the implementation of the law; when determining the performance of each candidate the score from the interview and the **results of the periodic appraisals** conducted thus far shall be taken into account on the basis of which an aggregate score shall be made of the professional characteristics of the candidate.

- a professional award to a judge - **Yes**
- disciplinary or other measures - **Yes**
- a requirement of further training - **No**
- dismissal from office – **Yes**

*ex. negative evaluation mark prevents acquiring tenure and results in relief from office*

Art.207(1) JSA A judge shall acquire tenure after completing a five-year length of service at the respective position and after receiving a **positive aggregate evaluation from the appraisal**

Art.209 (5) JSA When the **aggregate evaluation is negative** the Supreme Judicial Council shall refuse the acquirement of tenure with a resolution and the appraised person shall be relieved from office.

Article 165(1)6 JSA

A judge shall be relieved from office upon a resolution of the Supreme Judicial Council refusing the status of tenure

;

- any other actions or measures (positive or negative)  
*ex. a positive "very good" aggregate evaluation is a prerequisite for obtaining a higher rank*

Article 234 JSA On-the-job promotion of a judge, prosecutor and an investigating magistrate to a higher rank and remuneration may take place against substantiated high qualifications and the exemplary discharge of official duties, where the judge, prosecutor and investigating magistrate has served at least three years at this or an assimilated position and has a **positive "very good" aggregate evaluation from the last periodic appraisal.**

*ex. a negative aggregate evaluation prevents the judge from receiving compensation upon relief*

#### Article 225 Judicial System Act

(1) Upon relief from office, a judge, prosecutor or an investigating magistrate with more than 10 years in service at such position shall have the right to a one-off compensation at the number of gross monthly remunerations equaling the number of years in service with judicial system bodies, not exceeding 20.

(2) Compensation under paragraph 1 shall not be paid in cases under Article 165, paragraph 1, item 3, as well as where the **aggregate score of the last appraisal of the judge**, prosecutor or investigating magistrate concerned **has been negative**. No compensation shall be paid in cases referred to in Article 308(3).

How are the evaluation and the recommended measures recorded, where are the records deposited, who may examine them and for how long they are kept?

The Supreme Judicial Council maintains a service file for every judge, where appraisal forms are applied. The judges shall be entitled to familiarize themselves with their service files on request. The service files of candidates for elected members of the Supreme Judicial Council are published on the internet site of the Supreme Judicial Council

#### Art. 30a Judicial System Act

The Supreme Judicial Council shall open, maintain and keep a service file for every judge, prosecutor and investigating magistrate.

(2) The service file shall contain the documents related to the appointment and relieving from office of judges, prosecutors and investigating magistrates, to their professional development, results from inspections related to received complaints and alerts, incentives - distinctions and awards received and sanctions imposed. The declarations on incompatibility, copies of appraisal forms and other documents on the professional and moral characteristics shall also be attached to the service file.

(3) Copies of the documents under paragraph 2 shall be kept at the judiciary body in which the respective judge, prosecutor or investigating magistrate is appointed.

(4) Judges, prosecutors and investigating magistrates shall be entitled to familiarize themselves with their service files on request as well as to receive certified copies of the documents kept therein.

#### Art.20a JSA

(1) Nominations of candidates for elected members of the Supreme Judicial Council shall be immediately forwarded to the Supreme Judicial Council by the administrative heads of the judicial authorities that convoked the assemblies concerned. The nominations shall be sent only if they are supported by the candidate's written consent and detailed CV and the name and written reasons of the assembly participant who made the relevant nomination.

(2) The Supreme Judicial Council may also require other documents to be presented by the candidates.

(3) Within three business days from the date of receiving the documents under paragraph 1, the Supreme Judicial Council shall publish them on its website. Within the same time limit, the Supreme Judicial Council shall, of its own motion, also publish on its website each candidate's documents contained in his or her service file under Article 30a(2). The publication shall comply with the Personal Data Protection Act and the Classified Information Protection Act.

(4).....

(5)....

(6)....

(7)....



15. Apart from the formal evaluations referred to above, are any informal evaluations undertaken? (for example, in the form of informal consultations and advice from more senior judges) - **No**
16. Please provide, if possible, an example (anonymous) of an evaluation/assessment form/sheet/record filled out (if possible, in English or French) **/please see: 1/ appraisal form in Bulgarian/English (texts regarding judges) – in the end; 2/ attachment - attestation methodology & appraisal form in Bulgarian/**

#### **D. Evaluation and assessment vis-à-vis the independence of judges**

17. By what means is the transparency of the evaluation process ensured? Is the evaluating body clearly defined? Are there published guidelines setting out evaluation criteria and the procedural rules to be applied? **Yes**

The evaluation body is clearly defined. The evaluation criteria and the procedural rules to be applied (including attestation forms) are also set in law and subordinate legislation, published and accessible to all.

18. Are there any protective measures during the evaluation process to avoid personalised opinions or political pressures?

The judge who is evaluated may challenge a member of the auxiliary assessment commission. Besides there are indicators, based on statistic data, which give objective information. However, the subjective factor is always present and it may result either positively or negatively.

19. How is the participation of a judge in the evaluation procedure ensured and how are his/her views taken into account?

The judges are interviewed in the process of elaboration of their evaluation. Thereafter, they are served with the appraisal. In case they disagree with the evaluation mark awarded, they can submit written objections with the Supreme Judicial Council. The latter shall hear the judge and either overrules the objection or refers it back to the relevant auxiliary assessment commission for a new complex evaluation.

19. Is any self-evaluation by a judge or evaluation by his/her peer judges at the same hierarchical level possible? **No**

20. Can a judge demand the dismissal or removal (temporary or permanent) of a member of the evaluation body from that body? (for example, where there are serious reasons to believe that such member may have an *a priori* negative attitude towards the evaluated judge) - **Yes**

The members of the auxiliary assessment commission are determined by order of the administrative head of the relevant judicial body at random through electronic distribution for each appraisal. The judge who will be evaluated may be present at the time the random electronic distribution takes place. Each member of the auxiliary commission shall declare the absence of the provided by law obstacles preventing them to participate in the assessment procedure.

The judge who will be evaluated may challenge by way of motivated objection a member of the auxiliary commission within 2 days time limit. The administrative head shall decide on the challenge immediately /art. 63-65 Attestation Methodology/.

21. What are the possibilities of review (including judicial) of an evaluation of a particular judge, if a judge does not agree with the evaluation and the measures taken as a result of its conclusions?

No judicial review. The judge who is evaluated may lodge written objections with the Supreme Judicial Council and shall be heard by it /see answer 19/.

### **E. Achievements and problems**

22. Please briefly describe achievements and problems of the evaluation system used in your country.

#### Achievements

- Clearly defined procedure, evaluation bodies and rules - published and accessible to all
- participation of the judge who is evaluated in the evaluation procedure /interview, written objections, hearing before the Supreme Judicial Council
- possibility to demand the removal of a member of the evaluation body

#### Problems

- high percentage of "very good" marks ( 93%-95% - according to Supreme Judicial Council member interviewed on questions related to judges' appraisal by 'Legal world", accessible on-line)
- absence of an unified appraisal body, conducting direct appraisal to all judges – in fact the majority of the judges are evaluated by auxiliary assessment commissions (who propose reports and evaluation marks to the Proposals and Attestation Commission), which have different members in each case, with different background and personal criteria when applying the appraisal rules; colleagues evaluate colleagues and that results in large amount of "very good" marks - thus preventing the real distinction of those who have exceptional performance from those who just work well or satisfactory.

### **Unified form for appraisal of judge, prosecutor, investigator, administrative head, vice administrative head**

The unified form has the following content:

1. Part I – job reference
2. Part II – administrative head opinion under Article 30 (2) JSA
3. Part III – files inspected, hearings visited, interviews, authentic information used
4. Part IV – findings on general criteria under Article 198 JSA
5. Part V - findings on specific criteria under Article 199 JSA
6. Part VI – findings on additional criteria under Article 201 JSA /for occupying administrative position/
7. Part VII - findings and verbal evaluation by the board of the National Institute of Justice for the period of service of judges, prosecutors and investigators as permanent teachers at the National Institute of Justice
8. Part VIII - numerical score on the general criteria for the appraisal of judge, prosecutor, magistrate, administrative head and deputy administrative head
9. Part IX - numeric score on specific appraisal criteria
10. Part X - numeric score on additional criteria for occupying administrative positions
11. Part XI - auxiliary assessment commission's proposal for aggregate evaluation
12. Part XII - final proposal for aggregate evaluation of the Proposals and Attestation Commission

ЕДИНЕН ФОРМУЛЯР ЗА АТЕСТИРАНЕ НА СЪДИЯ, ПРОКУРОР И  
СЛЕДОВАТЕЛ, АДМИНИСТРАТИВЕН РЪКОВОДИТЕЛ И ЗАМЕСТНИК НА  
АДМИНИСТРАТИВЕН РЪКОВОДИТЕЛ

Unified form for the performance appraisal of judges, prosecutors and  
Investigators, administrative heads and deputy  
Administrative head

Част I  
Кадрова справка

Part I  
Job reference

Лични данни за лицето  
(име, презиме, фамилия)

Personal information about the person  
(name, surname)

Дата и място на раждане:  
Date and place of birth

ЕГН  
Identification number

Телефон, e-mail  
Phone, e-mail

Орган на съдебната власт  
Judicial body

Длъжност (включително адм. длъжност по чл. 172 от ЗСВ):  
Position (including administrative position under Art. 172 JSA)

Юридически стаж:  
Legal experience

- в орган на съдебната власт  
in the body of the judiciary

(конкретизира се всяка заемана длъжност и периода на заемането ѝ в съответния орган на съдебната власт)  
(every position and the period for which it had been occupied shall be specified)

- извън органите на съдебната власт  
outside the judiciary

Допълнителни квалификации и специализации  
Additional qualification and specialisation

Повишаване на място в ранг и заплата  
(последен ранг- решение на ВСС)

On the job promotion to a higher rank and salary  
(last rank - Supreme Judicial Council decision)

Дата, място и резултати от предходната атестация  
**Date, place and results from previous appraisal**

Период на атестацията:  
**Period of appraisal**

Част II  
Становище на административния ръководител по чл. 30, ал. 2 от ЗСВ

**Part II**  
**Opinion of the administrative head under Article 30 (2)JSA**

Орган на съдебната власт  
**Judicial body**

Административен ръководител  
**Administrative head**

Становище:  
**Opinion**

Подпис: (административен ръководител)  
**Signature (administrative head)**

Част III  
Проверени дела; посетени съдебни заседания; събеседвания; използвана  
достоверна писмена информация  
**Part III**  
**Files inspected; hearings visited; interviews, authentic written information used**

Проверени дела:  
**Files inspected**

Посетени съдебни заседания:  
**Hearings visited**

Събеседвания:  
**Interviews**

Достоверна писмена информация:  
**Authentic written information**

Част IV  
Констатации по показателите на общите критерии за атестиране  
**Part IV**  
**Findings upon indicators to the appraisal general criteria**

A. Съдии  
**A. Judges**

I Брой и вид на преписките и делата  
**Number and kind of cases**

## 1.1 Първоинстанционни дела

### 1.1. First-instance cases

граждански **civil**

търговски **commercial**

администр. **administrative**

НДОХ **penal cases (general character)**

НДЧХ **penal cases (private character)**

ЧНД **penal private cases**

АНД **penal-administrative cases**

## 1.2 Въззивни дела

### 1.2 appeal cases

граждански **civil**

търговски **commercial**

НДОХ **penal cases (general character)**

НДЧХ **penal cases (private character)**

## 1.3 Касационни дела

### 1.3. Cassation cases

граждански **civil**

търговски **commercial**

администр. **administrative**

НДОХ **penal cases (general character)**

НДЧХ **penal cases (private character)**

АНД **penal-administrative cases**

Констатации:

**Findings**

## 2. Спазване на сроковете

### Compliance with terms

#### 2.1 Подготовка за разглеждане на делото от съдия докладчик

##### Preparation for handling the case by the judge rapporteur

#### 2.2 Брой висящи дела /от датата на образуване/

##### Number of pending cases /from the date of institution/

до 3 месеца **up to 3 months**

от 3 до 6 месеца **3 to 6 months**

от 6 месеца до 1 година **6 months - 1 year**

над 1 година **over 1 year**

Срочност на изготвяне на съдебните актове  
**Compliance with terms regarding judgements delivered**

2.3 Дела през периода на атестиране  
**Cases during the appraisal period**

година  
**year**

останали несвършени  
**pending**

постъпили  
**instituted**

насрочени  
**scheduled**

свършени  
**done**

2.4 Срокове за изготвяне на съдебните актове  
**Terms for delivery of judgements**

година  
**year**

брой свършени дела  
**number of cases done**

свършени в срок до 1 месец  
**done within 1 month period**

свършени в срок до 3 месеца  
**done within 3 months period**

свършени в срок до 1 година  
**done within 1 year period**

Констатации:  
**Findings**

3. Брой потвърдени и отменени актове и основанията за това  
**Number of judgements and decisions upheld and reversed and grounds for reversal**

Постановени актове  
**Judgements and decisions issued**

Година  
**year**

Подлежащи на обжалване  
**Appealable**

Обжалвани  
**Appealed**

Потвърдени  
Upheld

Изцяло отменени  
Entirely reversed

Изменени  
Amended

Прекратени  
Terminated

Уважени жалби за бавност  
Complaints for slowness granted

Недопуснати до касационно обжалване  
Not admitted to cassation

Констатации:  
Findings

4. Разбираемо и обосновано мотивиране на актовете  
Understandable and justified reasoning of acts

Констатации:  
Findings

5. Резултати от проверките на Инспектората към Висшия съдебен съвет  
Results from Supreme Judicial Council Inspectorate's inspections

Констатации:  
Findings

6 (а) Поощрения през периода, за който се извършва атестирането  
Incentives during the appraisal period

Констатации:  
Findings

6 (б) Наказания през периода, за който се извършва атестирането  
Penalties during the appraisal period

Констатации:  
Findings

7. Спазване правилата за професионална етика  
Compliance with Ethical rules

Констатации:

**Findings**

8. Обща натовареност на съответния съдебен район и орган на съдебната власт, както и натовареността на атестираните в сравнение с другите съдии, прокурори и следователи от същия орган на съдебната власт  
**Total workload of the respective judicial district and judicial authority, and workload of the evaluated compared with the other judges, prosecutors and investigators from the same judicial body**

Констатации:

**Findings**

9. Способност за прилагане на процесуалните закони, свързани с образуването и движението на делата  
**Ability to apply the procedural laws related to institution and processing of cases**

Констатации:

**Findings**

10. Правилна и законосъобразна оценка на относимите факти и обстоятелства и умение за тяхното систематизиране в хода на производството;  
**Proper and legitimate assessment of the relevant facts and circumstances and skill for their systematization in the proceedings**

Констатации:

**Findings**

Б. Прокурори **Prosecutors**

1. Брой и вид на преписките и делата

Наказателни преписки и дела от общ характер

Наказателни преписки и дела от частен характер

Административни дела

Граждански дела

1.1 Общ брой възложени преписки-

1.2 Предмет

Изготвени обвинителни актове

Предложения за споразумение

Приключени бързи и незабавни полицейски производства

Изпълнение на присъди

Дежурства и извършване на лични проверки

Постановления за спиране и прекратяване



Прекратени наказателни производства от съд

1.3 Брой досъдебни производства, взети на специален отчет

1.4 Брой проведени и приключени разследвания-

Констатации:

2 Спазване на сроковете

2.1 Срок за приключване на преписките  
Несвършени преписки в началото на периода

Възложени преписки

Приключени в 1-месечен срок

Приключени с разрешението 2 месеца

Приключени в срок над 3 месеца

Приключени в срок над 6 месеца

Несвършени преписки в края на периода

2.2 Изпълнение на присъди

В 7-дневен срок

В срок до 1 месец

В срок над 1 месец

Констатации:

3. Брой потвърдени и отменени актове и основанията за това

година

потвърдени

изцяло отменени

изменени

оправдателни присъди по внесени обвинителни актове

дела, върнати от съда за доразследване

Констатации:

4. Разбираемо и обосновано мотивиране на актовете

Констатации:

5. Резултати от проверките на Инспектората към Висшия съдебен съвет

Констатации:

6 (а) Поощрения през периода, за който се извършва атестирането

Констатации:

6 (б) Наказания през периода, за който се извършва атестирането

Констатации:

7. Спазване правилата за професионална етика

Констатации:

8. Обща натовареност на съответния съдебен район и орган на съдебната власт, както и натовареността на атестираните в сравнение с другите съдии, прокурори и следователи от същия орган на съдебната власт

Констатации:

9. Способност за прилагане на процесуалните закони, свързани с образуването и движението на делата

Констатации:

10. Правилна и законосъобразна оценка на относимите факти и обстоятелства и умение за тяхното систематизиране в хода на производството;

Констатации:

В. Следователи

**Investigators**

1. Брой и вид на преписките и делата

1.1 Приключени дела срещу известен извършител

Обвинителни заключения

Заключения с мнение за прекратяване

Заключения с мнение за спиране

1.2 Приключени дел срещу неизвестен извършител

Заключения с мнение за прекратяване

Заключения с мнение за спиране

1.3 Дела, останали на производство в края на периода

над 2 месеца

над 4 месеца

над 6 месеца

1.4 Брой следствени поръчки и извършени проверки

Възложени от прокурор

Възложени от други следствени служби

Международни следствени поръчки

Констатации:

2. Спазване на сроковете

Неприключили в началото на периода

Възложени

Неприключили над 6 месеца

Неприключени над 1 год с повдигнато обвинение за умишлено престъпление

Неприключени над 2 год. с повдигнато обвинение за тежко умишлено престъпление

Дела без искано разрешение за продължаване на срока

Неприключили в края на периода

Констатации:

3. Брой потвърдени и отменени актове и основанията за това

3.1 Съпоставимост между актовете на следователя и на прокурора

актове на следователя

актове на прокурора

вид

брой

вид

брой

Обвинително заключение

Обвинителен акт

Заключение с мнение за прекратяване

Постановление за прекратяване

Заключение с мнение за спиране

Постановление за спиране

3.2 Брой дела, върнати от съда за доразследване

Констатации:

4. Разбираемо и обосновано мотивиране на актовете

Констатации:

5. Резултати от проверките на Инспектората към Висшия съдебен съвет

Констатации:

6 (а) Поощрения през периода, за който се извършва атестирането

Констатации:

6 (б) Наказания през периода, за който се извършва атестирането

Констатации:

7. Спазване правилата за професионална етика

Констатации:

8. Обща натовареност на съответния съдебен район и орган на съдебната власт, както и натовареността на атестираните в сравнение с другите съдии, прокурори и следователи от същия орган на съдебната власт

Констатации:

9. Способност за прилагане на процесуалните закони, свързани с образуването и движението на делата

Констатации:

10. Правилна и законосъобразна оценка на относимите факти и обстоятелства и умение за тяхното систематизиране в хода на производството;

Констатации:

## ЧАСТ V

Констатации по специфичните критерии за атестиране

### Part IV

#### Findings on special appraisal criteria

#### A. Съдии

##### Judges

Констатации

##### Findings

Спазване на графика за провеждане на съдебни заседания – Умения за целенасочено разпределение и оптимална организация на работата на атестираните

Compliance with the schedule of hearings - Skills for targeted distribution and optimal organization of work of the appraised;

Умение за водене на съдебно заседание и съставяне на протокол – ниво на познания на атестираните в областта на процесуалното право и практическото им приложение при разглеждане на делата.

Skills for conducting court hearings and drawing up records of proceedings - level of knowledge of procedural rules and their practical application when examining cases.

#### B. Прокурори

##### Prosecutors

Констатации

Умения за планиране и структуриране на действията в досъдебното и съдебното производство – Оперативни умения на атестираните за целенасочено планиране и оптимална организация на работата му в досъдебното и съдебното производство

Изпълнение на писмените указания и разпореждания на по-горестоящия прокурор – Отговорно отношение на атестираните към работата му

Способност за организиране на работата и ръководство на разследващите органи и екипите, които участват в досъдебното производство – Способност на атестираните за сътрудничество и уменията му за оперативно ръководство и контрол

#### B. Следователи

##### Investigators

Констатации

Умения за планиране и структуриране на действията в досъдебното и съдебното производство – Оперативни умения на атестираните за целенасочено планиране и оптимална организация на работата му в досъдебното производство

Изпълнение на писмените указания и разпореждания на прокурора – Отговорно отношение на атестираните към работата му

#### Част VI

Констатации по специфичните критерии за заемане на ръководна длъжност

##### Part VI

##### Findings on specific criteria for occupying administrative position

Констатации

1. Способност за работа в екип и разпределение на задачи в него – Управленска, организационна и комуникационна компетентност на атестирания
2. Способност за вземане на правилни управленски решения – Умения на атестирания правилно да възприема и анализира ситуации, свързани с изпълнение на професионалните задължения и да реагира своевременно с вземане на управленски решения
3. Поведение, което издига авторитета на съдебната власт – Персоналните достижения на атестирания за подобряване на дейността на ръководения от него орган на съдебната власт и уменията му да защитава авторитета на съдебната власт
4. Умение за комуникация с други държавни органи, граждани и юридически лица - Способност за взаимодействие с държавните органи, граждани и юридически лица, участващи в процеса на правораздаване, както и осигуряване на атмосфера на доверие към органите на съдебната власт

#### Част VII

Констатации и словесна оценка от управителния съвет на Националния институт по правосъдието за времето, прослужено от съдия, прокурор и следовател като постоянен преподавател в НИП

##### Part VII

##### Findings and verbal evaluation by the board of the National Institute of Justice for the period of service of judges, prosecutors and investigators as permanent teachers at NIJ

Подписи на членовете на УС на НИП:

##### Signatures /Board of the National Institute of Justice/

#### Част VIII

Цифрови оценки по общите критерии за атестиране на съдия, прокурор, следовател, административен ръководител и заместник на административния ръководител

##### Part VIII

##### Numerical score on the general criteria for the appraisal of judge, prosecutor, magistrate, administrative head and deputy administrative head

№

Критерии на атестацията

##### Appraisal criteria

Оценка:

##### Score

Коментари и забележки

##### Comments

1 Правни познания и умения за прилагането им

##### Legal knowledge and skills for their application

2 Умение за анализ на правнорелевантните факти

##### Skills for analysis of relevant facts

3 Умение за оптимална организация на работата

##### Ability to optimal organization of work

4 Експедитивност и дисциплинираност

##### Efficiency and discipline

#### Част IX

Цифрови оценки по специфичните критерии за атестиране

##### Part IX

### Numeric score on specific appraisal criteria

А. Съдии

#### Judges

№

Критерии на атестацията

#### Appraisal criteria

Оценка:

#### Score

Коментари и забележки

#### Comments

1 Спазване на графика за провеждане на съдебни заседания

#### Compliance with the schedule of the hearings

2 Умение за водене на съдебно заседание и съставяне на протокол

#### Skills for conducting court hearings and drawing up records of proceedings

Б. Прокурори

#### Prosecutors

№

Критерии на атестацията

Оценка:

Коментари и забележки

1 Умения за планиране и структуриране на действията в досъдебното и съдебното производство

2 Изпълнение на писмените указания и разпореждания на по-горестоящия прокурор

3 Способност за организиране на работата и ръководство на разследващите органи и екипите, които участват в досъдебното производство

В. Следователи

#### Investigators

№

Критерии на атестацията

Оценка:

Коментари и забележки

1 Умения за планиране и структуриране на действията в досъдебното и съдебното производство

2 Изпълнение на писмените указания и разпореждания на прокурора

Част X

Цифрови оценки по допълнителните критерии за заемане на ръководна длъжност

#### Part X

#### Numeric score on additional criteria for occupying administrative positions

Критерии на атестацията

Оценка:

Коментари и забележки

1.Способност за работа в екип и разпределение на задачи в него

2.Способност за вземане на решения

3. Поведение, което издига авторитета на съдебната власт

4. Умение за комуникация с други държавни органи, граждани и юридически лица

Част XI

Предложение за комплексна оценка от помощната атестационна комисия

Part XI

Auxiliary assessment commission's proposal for aggregate evaluation

Положителна:

Positive

Точки

Points

Изпълнение на работата

Performance of duties

1. Задоволителна

Satisfactory

Задоволително изпълнение на работата

Satisfactory performance of duties

2. Добра

Good

Съответно на длъжността изпълнение на работата

Adequate to the position performance of duties

3. Много добра

Very good

Изключително изпълнение на работата

exceptional performance of work

Отрицателна:

Negative

Неприемливо изпълнение на работата

Unacceptable performance of work

Обобщен доклад от помощната атестационна комисия:

Summarised report of the auxiliary assessment commission

Помощна атестационна комисия в състав:

Auxiliary assessment commission composed of

1.....

(име и фамилия) (подпис)

name surname signature

2.....

(име и фамилия) (подпис)

name surname signature

3.....

(име и фамилия) (подпис)

name surname signature

Част XII

Окончателно предложение за комплексна оценка на комисията по предложенията и атестирането на съдии, прокурори и следователи към ВСС

Part XII

Final proposal for aggregate evaluation of the Proposals and Attestation Commission

Положителна:

Positive

Точки

Points

Изпълнение на работата

Performance of duties

1. Задоволителна

Satisfactory

Задоволително изпълнение на работата

Satisfactory performance of duties

2. Добра

Good

Съответно на длъжността изпълнение на работата

Adequate to the position performance of duties

3. Много добра

Very good

Изключително изпълнение на работата

Exceptional performance of work

Отрицателна:

Negative

Неприемливо изпълнение на работата

Unacceptable performance of work

Коментар от комисията по предложенията и атестирането на съдии, прокурори и следователи към ВСС относно комплексната оценка и препоръки към атестираните:

Comments of the Proposals and attestation Commission regarding the aggregate evaluation and recommendations to the evaluated

Единният формуляр е изготвен на.....

(дата)

The Unified form is composed on

/date/

Единният формуляр ми бе връчен на:

(дата)

.....

The unified form was served on

/date/

.....

(име и фамилия) (подпис)

(name surname) (signature)

.....

(имам/нямвам възражения) (подпис)

(I have / I don' have objections) (signature)



